



J. Kneller pinxit.

St. James's Palace.

Impressit H. & C. Crispin, Londini. J. Stobraden sculp. Anst. 1744.

THE
CONTINUATION
OF
Mr Rapin de Thoyras's
HISTORY
OF
ENGLAND,
FROM THE
Revolution to the Accession of King GEORGE II.
BY
N. TINDAL, M. A. Rector of Alverstoke in Hampshire,
and Chaplain to the Royal Hospital at Greenwich.
ILLUSTRATED
With Thirty-six HEADS of the KINGS, QUEENS, and several Eminent
Persons; also with Twenty MAPS and SEA-CHARTS.
THE SECOND EDITION.
VOL. I.



LONDON:
Printed for JOHN and PAUL KNAPTON, at the Crown in Ludgate-Street.
MDCCLII.

THE
CONTINUATION
OF
MR RAPIN DE THOYRAS
HISTORY
OF
ENGLAND

Revised and corrected Edition of King George II.
By WILLIAM ROBERTS, Esq. of the Middle Temple.
LONDON:
Printed by J. B. G. & Co. 1785.
THE SECOND VOLUME.
VOL. II.



TO HIS

ROYAL HIGHNESS

W I L L I A M

DUKE of CUMBERLAND.

S I R,



HE following History, collected from Authentic Memoirs, and most humbly Dedicated to YOUR ROYAL HIGHNESS, presents to View the memorable and most important Scenes in the British Annals; the ABDICATION and REVOLUTION, the UNION of the two Kingdoms, and the PROTESTANT SUCCESSION; Events hardly to be equalled in the Records of Time!

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DEDICATION.

A MONARCH invested with more Power and a larger Revenue than by any of his Predecessors had been ever enjoyed, chuses to Abdicate his Throne rather than be obliged to govern by Law, and restrained from introducing Popery and Arbitrary Power.

ON the other Hand, a Prince, the Business of whose Life had been to defend the Liberties of Europe against the overgrown Power of France, being called in by the Nation for the Preservation of their Religion and Laws, is unexpectedly advanced to the Throne, and, instead of the Anarchy and Confusion intended by the Abdication, the Government is settled on more solid and lasting Foundations.

THE secret Springs of Action, in these and other remarkable Events, are clearly discovered in Historical Dissertations on the Rise and Progress of our Civil and Religious Differences, by which so many Persons are swayed, so many things influenced.

HENCE may be seen the Reason of the various Conduct and seemingly inconsistent Behaviour at the Time of the REVOLUTION: Why some, though they had heartily joined to invite over the Prince of ORANGE, yet afterwards became his Opposers, and refused him for their Sovereign, though they had been amongst the most forward to have him for their Deliverer: And why many others, though they had taken the Oaths to King WILLIAM, yet behaved in such a manner, as if they believed their Allegiance due to another.

THESE and the like Proceedings are shown to flow from the absurd Principles and Notions of Government, which after the Restoration had been espoused and industriously propagated, and which, in the following Reigns, were made use of by Discontent, Faction, and Disappointment, to heighten the Divisions.

NOTWITHSTANDING all This and the constant Opposition to his Measures, King WILLIAM surmounted all Difficulties,

DEDICATION.

ties, and fixed our Civil and Religious Liberties on their true Basis.

BUT how great soever was our Deliverance, the REVOLUTION would have been very imperfect and precarious, if by the care and pains of our DELIVERER the Succession to the Crown had not been limited to the PROTESTANT LINE, and settled on the ILLUSTRIOUS HOUSE OF HANOVER, the great Security of our Religion, Laws, and Properties.

BY virtue of this Parliamentary Right, the strongest and best Title to Empire, YOUR ROYAL GRANDFATHER, descended from a Daughter of Great-Britain, became possessed of the Throne, and made a steady Adherence to the Laws of our Constitution and a strict Union with his Parliaments, the grand Characteristicks of his Reign, whose Example without any Deviation has been constantly followed by his PRESENT MAJESTY Your Royal Father.

THE PROTESTANT SUCCESSION had no sooner taken place but the Seeds of Rebellion, which by the revival of the old Notions of Government had been sown in the Nation, sprung up in the North. The UNION of the two Kingdoms, one of the distinguishing Glories of Queen ANNE's Reign, could not prevent the Highlanders of Scotland, in Conjunction with some English Malecontents, from rising in Arms, and attempting without the least Provocation to dethrone their lawful Sovereign: But they were quickly reduced, though the Spirit of Rebellion was far from being quelled.

OF this we have had a late and flagrant Instance, when the Highlanders, encouraged from Abroad openly by France, and at Home secretly by the Enemies of our Constitution, once more rose in Arms, and with a Popish Pretender at their Head penetrated, like a Torrent, into the Heart of the Kingdom.

THEN it was that the Eyes of all were turned towards YOUR ROYAL HIGHNESS for Deliverance from the present Danger, and not in vain! The Expectations of the
Publick

DEDICATION.

Publick were answer'd. Terrified at your Presence, the Rebels, with a Rapidity exceeding that wherewith they had advanced, fled back to their Country. Thither, animated by Your Example our Troops pursued them with incredible Toil, and totally routed their Army in the ever Memorable Battle of Culloden: A Victory by the Voice of the Publick wholly ascribed to your Conduct and Valour.

AND NOW that YOUR ROYAL HIGHNESS, with the unanimous Consent of the Allies, is going to Command the Confederate Armies against the common Disturber of Europe, may Your Efforts be attended with greater Success than even the Duke of MARLBOROUGH's glorious Campaigns, and may your Victories be crowned with a General Peace that may repair the Defects of the Treaty of Utrecht, and establish a lasting Tranquillity in Europe.

THIS is the hearty Prayer and sincere Wish of every true Briton, and particularly of him, who with the most profound Respect subscribes himself,

March 25, 1747.

S I R,

Your ROYAL HIGHNESS's

Most humble, most Dutiful,

And most Obedient Servant,

N. TINDAL.

T O T H E

R E A D E R.

M^R *Rapin* dying before he had brought down his History to the Period he intended, the Translator has endeavoured to supply the defect, by the addition of the Reigns of King *WILLIAM* and Queen *MARY*, Queen *ANN*, and King *GEORGE I*, which are carefully collected from the Histories and Treatises, that from time to time have been published since the Revolution, and also from the Manuscripts which have been communicated to the Continuator; and in all affairs of importance, as well where the Authors agree as where they differ, those accounts that appear the best and most impartial are inserted in the History, and the others thrown into the Notes; by which means the Reader will see the different turns given to the same Fact, according to the Principles or Party of the several Writers. Nor is it scrupled to copy or imitate any part of the several Authors when conducive to the usefulness of the Work, or where there is no occasion to alter or abridge.

THAT the springs and motives of action may be the more clearly discerned, an Introduction is prefixed, showing the Rise and Progress of the several Parties at the time of the Revolution, in a short Review of the Reigns of *JAMES I*, *CHARLES I*, *CHARLES II*, and *JAMES II*, with a true state of our Religious Differences, by which so many Persons and Proceedings have been influenc'd (1). Moreover the situation of Foreign Affairs which very often casts great light on Domestic Transactions, is on proper occasions largely described.

IN a word, nothing is omitted to render the Work as comprehensive and useful as possible, and the Continuator hopes, he has shewn himself unbiaſſed by Party, by a steady adherence to truth, which he has endeavoured to follow without disguise or misrepresentation. Whether he has succeeded in his endeavours, and really acted with the Impartiality he intended, is left to the Publick to judge.

(1) This Dissertation, which, in the first Edition, was printed among the Notes, is now inserted in the Context at the End of the Reign of King William.



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A MAP OF
ENGLAND
and WALES,
*from the latest and best
Observations;*
For M^r Tindal's *Continuation*

GERMAN

CODE AN

THE IRISH SEA

ST. GEORGE'S CHANNEL

Ireland

B. R. 1 S. T. 2

THE ENGLISH CHANNEL

EXPLANATION	
▲ CITIES	▲ Battles
▲ County Towns	▲ Archdioceses
▲ Market Towns	▲ Bishops
▲ Ports	▲ Universities

Kingsluth measured Miles, 65 to a Thousand

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THE HISTORY of ENGLAND.

INTRODUCTION.

The Rise and Progress of the several Parties at the Time of the
REVOLUTION, in a short Review of the Reigns of JAMES I,
CHARLES I, CHARLES II, and JAMES II.



AS an Introduction to the following reign, it will be requisite to premise a short account of the Parties in *England* at the time of the *Revolution*, and of the principles on which they were severally formed. Without this it will be difficult to discover the true springs of action, and why the progress of a *Revolution*, in which at first all parties had readily joined, came on a sudden to be so clogged, that the true ends could not be fully attained, namely, the redress of present, and prevention of future grievances, by settling the *Constitution* on firm and lasting foundations.

In the reign of King *James I*, very different

notions of the origin and nature of Government, and the extent of the Regal Power, began to be entertained in the nation. It was by some asserted, "Monarchy and lineal succession are of Divine Institution, and consequently sacred and inviolable. The persons as well as the authority of Kings are ordained by God (1). The King is the sole fountain of power. All the liberties and privileges of the people are but so many concessions or extortions from the crown (2). The King is not bound to his people by the coronation-oath, but only before God, to whom alone he is accountable (3). The King's violations of the laws are not to be restrained by force, but subjects ought either actively to obey his commands, or passively submit to his will (4)."

(1) In his speech to his first Parliament, King *James I*, speaking of the *English* Throne, says, "Which God by my birth-right and lineal descent had in fulness of time provided for me." He often talked of his *undoubted, hereditary, independent Right, inherent in himself*.

(2) King *James I*, in one of his speeches asserts, that the privileges of Parliament are derived from the *Grace and Permission* of his Ancestors, and liable to be retrenched at the will of the Prince. Upon which the Commons drew up a protestation, declaring, that the liberties, privileges, and jurisdiction of Parliament, are the *undoubted Birth-right and Inheritance* of the subjects of *England*. This protestation the King, in full council, the Judges also being present, declared to be

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invalid and of no effect, and with his own hand took it out of the Journal-book. *Rapin*, Vol. II. p. 211, 212.

(3) A book was published, with the royal Licence, by *Dr. Cowel* in 1609, wherein, among other things, it is said, the King is not bound by the laws, or by his coronation-oath.

(4) It was often declared from the pulpit, especially by the Court-preachers, "The people have no other refuge left under the most cruel tyranny, but *Prayers and Tears*." This doctrine was endeavoured to be proved by Texts of *Scripture*, passages out of the *Homilies*, and the practice of the *Primitive Christians*.

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On the other hand, it was more generally maintained, " Though all power may be said to be from God, as government is agreeable to his will, made known as well by nature as revelation, yet no particular form of government is of divine appointment, but every nation is left to settle that form which appears most suitable to their genius, and most conducive to the sole end of all government, the happiness of the society. Monarchy, very probably, was first chosen; but as the living, by one man's will was seen to become the cause of all men's misery, other forms of government were introduced; and laws founded on reason, and tending to the publick welfare, were framed by communities, as rules of conduct to the governors, and as measures of obedience to the people (1). Thus in *England*, coreval with the monarchy, there has always been a *Constitution*, that is, a system of laws, institutions, and customs, according to which the King is obliged to govern, and the subject to obey (2). The King, in his coronation-oath, as much swears to the people, as the people swear to the King. When the King acts in conformity to the laws, he ought not to be refitted on any pretense; but if he violates the fundamental laws of the

" realm, and endeavours to subvert the *Constitution*, he may be not only refitted, but even deposed. *Lineal Succession* and *Hereditary Right* have no foundation in nature, nor were ever appointed by God, but were first introduced by communities, where kingly government prevailed, to prevent confusion and strife. And therefore the succession may be altered and transferred from one branch of a family to another, or to a new family, when the supreme law, the safety of the people, calls for it (3)."

At the same time there were also some, who, far from thinking Regal Power and Hereditary Right of divine appointment, preferred in their minds a republican form of government, even to a limited monarchy. But these sentiments were concealed in this reign under an external zeal for the *Constitution* and privileges of the people (4).

The first set of principles was espoused by the King, the Court, and great part of the Clergy, and by degrees found reception in the *Universities*, *Hous of Court*, and even among the Judges. The King, agreeably to his principles, in his proclamations and speeches, used the language of an absolute monarch (5), and in his conduct, carried the prerogative to a very great height, while his proceedings were supported by the opinions of the Judges,

(1) It is certain, the *European* kingdoms founded by the *Goths*, *Vandals*, &c. as *Lombardy*, *Burgundy*, *Sweden*, *Denmark*, *Hungary*, *Aragon*, *France*, &c. were originally all limited Monarchies, and had their several constitutions or fundamental laws, by which the regal power was limited. Amongst these limitations were generally the two great articles, That no laws, could be made, nor any money levied, without consent of the States.

(2) To have a clear notion of the *English Constitution* in general, a man need only consider how the sovereign power is divided, and in what persons the several branches are vested. The sovereign power is compounded of these six parts. I. Legislative power, or authority to make laws. II. Executive power, which consists in creating officers to execute the laws and discharge all the functions of the government, according to law. III. A power of making war and peace. IV. A power of raising money for support of the government. V. The last appeal in all cases of law. VI. The coinage or power over the Mint. Now there are but three of these six parts lodged in the person of the King; namely, the executive power, the power of making war and peace, and the coinage. And of these branches of royal power, the executive (which is the largest) is so limited, that the King cannot employ in civil or military office, any man but what is qualified by laws of the people's making. And though the power of war be veiled in the King, yet the Commons have reserved to themselves the power of raising money, without which no war can be waged. As for the coinage, it is rather an honourable trust than a real power. But as to the Legislature, the greatest branch of sovereign power, it is certain no law can be enacted without the authority of the Commons, who have also the sole power of levying money. The last appeal, in cases of law, is usually made to the House of Lords. The sovereign power being thus divided in *England*, it is easy to see the extent of the regal power, and the nature of the allegiance due to the King. Hence also may be perceived the happiness of the *English* in preserving their *Antient Constitution*, whilst the greatest part of *Europe* groans under arbitrary power.

(3) By a statute of the 13th year of Queen Elizabeth, it was made high-treason for any person to affirm, that the reigning Prince, with the authority of the Parliament, is not able to limit and bind the Crown, and the descent and inheritance thereof. This plainly shows, the Legislature's opinion of hereditary right in those days. The opposers of the divine right of lineal succession thought it strange, that King James I. should so fre-

quently assert that doctrine, since the race of the *Stewarts*, after Robert II, had no other title to the crown of Scotland, but what they derived from an act of Parliament, in preclusion of those of the legitimate and right line. For Robert having had three sons and a daughter by Elizabeth Mure his concubine, marries her afterward to one Gifford, himself at the same time espousing Eufimia, daughter of the Earl of Rejs, by whom he had William and David Earls of Athol and Strathern, and a daughter, wife of James Douglas, son to the Earl of Douglas. Robert, upon the death of his wife Eufimia and of Gifford, not only marries his former concubine, but obtains an act of Parliament to settle the crown upon the children begotten upon her in concubinate, and to exclude his legitimate children by his wife Eufimia. *State-Tracts*, Vol. I. p. 142, 143. *Buchanan*, B. IX. *Murray's Acts of Parli.*

(4) It must be observed, that in the reign of Queen Mary, great numbers, on account of religion, fled beyond sea, and were well received by the reformed states of Germany, Switzerland, and Geneva, and allowed churches for their public worship. When these exiles, upon Queen Elizabeth's accession, returned to *England*, many brought with them not only a dislike to the worship and discipline of the established Church, and the desire of a purer religion, as they termed it, (whence the name Puritan) but also favourable sentiments of the governments they had lived under so peaceably, which, in the end, were turned by the arbitrary proceedings of the following reigns, into republican principles, and proved, under Charles I, the occasion of the downfall of the monarchy, by preventing the breach between the King and Commons from being healed.

(5) In the proclamation for calling his first Parliament, he arbitrarily prescribed as well to the *electors* as *elected*, and subjected both to severe penalties, in case any return should be made contrary to his Proclamation. See the Proclamation, *Rapin*, Vol. II. p. 163. And in a speech to the Parliament expressly tells them, " As it is blasphemy to dispute what God may do, so is it, sedition in subjects to dispute what a King may do in the height of his power." So possessed was the King (says Burnet) of a divine right in all Kings, that he could not bear that even an elective and limited King should be called in question by his subjects, and therefore would never give Prince Frederick, his son-in-law, the title of King, nor lend him any assistance for the support of his new dignity. It was also usual with him, from the same principle, to call the Dutch rebels, for endeavouring to shake off the tyrannical yoke of Spain,

Judges, and passive obedience inculcated on the people from the pulpit and press. Whoever disbelieved the *divine, unalienable, hereditary, independent Right of Kings*, or offered to bound the royal prerogative, were branded with the name of *Puritan* (1). By which means the *Puritans*, who before were inconsiderable, became a strong party, as including all the friends to the *Constitution*, and the opposers of arbitrary power. In a word, by these means two parties were formed in the kingdom, one of which embracing the principles of the *divine Right of Kings*, exalted the prerogative above measure, whilst the other espousing the opposite principles, adhered to the *Constitution*, and zealously asserted the national privileges. Thus were laid in King *James the First's* reign, the foundation, not only of the civil wars, but of all the party-divisions, which have since existed in the nation.

Under Charles I. King *Charles I.* mounted the throne, possessed with the same principles of government which his

father had so industriously propagated, and under the influence of the same counsels and ministry. Accordingly, in the first fifteen years of his reign, continual breaches were made in the *constitution*, and the nation's liberties invaded, whilst perhaps the King imagined he was only defending his prerogative (2). Within the space of a year two Parliaments are summoned and dissolved in displeasure, for presuming to meddle with *grievances*, and call the King's ministers to account (3). In the 4th year of this reign another Parliament is also, for the same reason, dismissed, with a reproachful and threatening speech (4), and such members as had given offence are imprisoned and fined. After this, the King governs without a Parliament twelve years. In which interval the bulwark of the national liberties, the power of raising money, is not only assumed and rigorously exercised by the crown (5), but the methods used to that end are pronounced legal by the Judges (6), and preached as obligatory to the subject's conscience

(1) Hence the distinction of *State* and *Church* puritans. The former were the same with those since called *Whigs*, and the latter came to be included in the general name of *Dissenters*, whilst the asserters of the *Divine Right of Kings*, acquired the denomination of *Tories*.

(2) This opinion that King *Charles I.* in the invasion of the people's rights, imagined, he was only concerned in the defence of his own, seems not very improbable; for as a modern writer observes, This Prince had sucked in with his milk his father's absurd principles of government, to his own and the Kingdom's misfortune. He found them espoused as true principles both of religion and policy, by a whole party in the nation, whom he esteemed friends to *Church and State*. He found them opposed by a party, whom he looked upon as enemies to the *Church and Monarchy*. Can it be wondered that he grew zealous in a cause which he understood to concern him so nearly, and in which he saw so many men who had not the same interest, and might therefore be supposed to act on a principle of conscience, equally zealous? Let any man, who has been deeply and long engaged in the contests of party, ask himself, on cool reflection, whether prejudices concerning men and things, have not grown up and strengthened with him, and obtained an uncontrollable influence over his conduct. With such an habitual bias upon him King *Charles* came to the Throne. By this opinion, many difficulties in that Prince's conduct may be accounted for, and his public and private character rendered less inconsistent.

(3) The Lord *Clarendon* observes upon this occasion, that for the King to interpose and shelter an accused servant from answering, does not only seem an obstruction of justice, and lay an imputation upon the Prince, of being privy to the offence, but leaves to great scandal upon the party himself, that he is generally concluded guilty of whatsoever he is charged with — He farther observes, that these unreasonable, unkind, and precipitate (as he calls them) dissolutions of Parliaments, were the most probable source from whence the civil wars flowed. B. I. p. 4, 5.

(4) In this speech the King declares, "that it was merely the *undutiful and seditious carriage* of the *Lower-House* that hath made the dissolution of the *Parliament*." And concludes, "these *Vipers* (speaking of some of the Members) must look for their reward of punishment." See the speech, *Rapin*, Vol. II. p. 279. Such *asperity of language* (says Lord *Clarendon*) had never before been used from the Throne to the Parliament. And he laments the unhappy effects it had upon the nation. In this Parliament the King (though with reluctance) gave the royal assent to the *Petition of Right*, whereby he bound himself among other things, not to raise any money by way of loan, gift, benevolence, or tax, without consent of Parliament, nor to imprison any person without certifying the cause; both which articles he violated immediately

after the dissolution of this Parliament, and continued to do so for twelve years together. This breach of his Parliamentary word, the most solemn a King can give, was afterwards used as a strong argument that he would break through all his concessions to the Parliament of 1645, as soon as it should be in his power, and thereby proved one occasion of the civil wars. The most natural way to account for this proceeding of King *Charles I.* must be on the supposition before mentioned, that he imagined he was only pursuing his own rights. Accordingly he said to the Parliament, when he passed the *Petition of Right*, "You neither mean nor can hurt my prerogative." And as his extraordinary methods received the sanction of the Judges opinion, he probably believed them to belong to the prerogative royal.

(5) Five Subsidies, only mentioned as intended to be granted in the second Parliament, were exacted with the same rigour throughout the Kingdom, as if an Act had passed to that purpose; and divers Gentlemen of prime quality were, for refusing to pay the same, committed to prison. Projects for money of all kinds, many ridiculous, many scandalous, all very grievous, were set on foot. Supplemental Acts of State were made to supply defects of laws, and so Tunnage and Poundage, and other duties were collected by order of Council, which had been positively refused to be settled by act of Parliament, and new and greater impositions laid upon trade. For the better support of these extraordinary ways, and to protect the agents and instruments, and to discountenance and suppress all bold inquiries and opposers, the Council-Table and Star-Chamber enlarge their jurisdictions to a vast extent, "holding (as *Thucydides* said to the *Athenians*) for honourable, that which pleased, and for just, that which profited": and being the same persons in several rooms, grew both Courts of Law to determine Right, and Courts of Revenue to bring money into the Treasury; the Council-table by proclamations enjoining the people what was not enjoined by the law, and prohibiting that which was not prohibited; and the Star-Chamber censuring the breach and disobedience to those proclamations by very great fines and imprisonment, so that any disrespect to any Acts of State, or to the persons of State-men, was in no time more penal, and these foundations of right by which men valued their security, to the apprehension and understanding of wise men, were never more in danger of being destroyed. This paragraph is entirely taken from the Lord *Clarendon's* History, (B. I. p. 67, 68.) who cannot be suspected of aggravating any thing to the disadvantage of King *Charles I.* and is with some other passages a probable argument against the charge of omissions and interpolations cast upon the edition of that History. For notwithstanding some softening expressions with regard to the King, the illegal proceeding in the first fifteen years of his reign, are in a few pages as strongly represented, as in volumes of the republican writers.

(6) The Lord *Clarendon* observes, that the damage and

science by some of the Clergy (1). During these incroachments on the rights of the People, and the King's tacit renunciation of the Constitution by the disuse of Parliaments, jealousy and discontent spread themselves in the nation, the *Puritan* party daily increases, and all true lovers of their country earnestly long for an opportunity to rescue the Constitution from entire destruction. Perhaps this opportunity would have been expected in vain, had it not been accidentally given by the King himself. For in the height of his power, he resolves to accomplish the project, begun by his father, of introducing the *English* Church-discipline into *Scotland*. By this attempt such a flame is kindled in the nation, that a war at last breaks out between the King and his *Scottish* subjects, wherein *England* is no way concerned. The King tho' the occasions of the Government were, by his extraordinary methods of raising money, amply supplied, could not long maintain an army with-

out being forced to come to a treaty of pacification, and to apply to the Parliament, the very mention of which had by a former Proclamation been strictly forbid (2). Accordingly a Parliament, after a twelve years intermission, is summoned to meet on the 13th of *April* 1640. The King opens the session with desiring a speedy supply; but the Commons are resolved that the *Grievances* shall first be redressed. Whereupon the King, to the surprize and concern of the whole nation, hastily dissolves the Parliament (3), but at the same time, the Convocation, by his special warrant, is continued, and canons are passed, wherein the *divine Right* of Kings, and *unlimited Obedience*, are expressly asserted (4). Immediately after, the war with *Scotland* is renewed, and by the advice of a *Junto* of select Counsellors, all expedients for raising men and money are employed (5). Mean while the *Scots*, by private encouragement from *England*, advance to their borders,

and mischief cannot be expressed that the Crown and State sustained, by the deserved reproach and infamy that attended the Judges, by being made use of in *Ship-money* and other acts of power. For (says he) men submitted to the prebusses as assuring themselves that they might, when they pleaded, resort to the law for relief. But when they heard *Ship-money* demanded in a Court of law as a right, and found it, by sworn Judges of the law adjudged so, upon such grounds and reasons as every stander-by was able to swear was not law, and were required to pay it by a logic that left no man any thing which he might call his own, they thought themselves bound, in confidence to the publick justice, not to submit to the imposition. Sir *John Finch*, Lord Chief-Justice of the Common-Pleas, and a strenuous asserter of *Ship-money*, being made Lord-Keeper, upon a demurrer put in to a Bill before him, which had no other equity in it than an order of the Lords of the Council, declared, "Whilst he was Keeper, no man should be so fawcy as to dispute those orders, but the wisdom of that Board should be always ground enough for him to make a decree in Chancery." Which, adds the Lord *Clarendon*, was so great an aggravation of the excess of that Table, that it received more prejudice from that Act of unreasonable respect, than from all the contempt could possibly have been offered to it. *Clar. B. I. p. 69, 74.*

(1) "It cannot (says Lord *Clarendon*) be denied, "but there was sometimes preached at *Whitehall* matter very unfit for the place, and very scandalous for the persons, who presumed often to determine things out of the verge of their own profession". *Sibthorp*, in a Sermon said, "The Prince is the head, and makes his Court and Council, it is his duty to direct and make laws." Dr. *Mauwaring* spoke more plainly in one of his Sermons: "The King (says he) is not bound to observe the laws of the Realm concerning the subjects rights and liberties, but his royal will and command in imposing taxes and loans, without common consent in Parliament, doth oblige the subjects' conscience upon pain of eternal damnation." This man, after having been fined and imprisoned by the Lords, was pardoned by the King and made a Bishop. And Archbishop *Abbot* was suspended, for refusing to license *Sibthorp's* Sermon. See *Rapin*, Vol. II. p. 259.

(2) The dissolution of the third Parliament was followed with a declaration, that "since for several ill ends the calling again of a Parliament was divulged; however, his Majesty had showed, by his frequent meeting his people, his love to the use of Parliaments, yet the late abuse having, for the present, driven his Majesty unwillingly out of that course, he shall account it presumption for any to prescribe any time to his Majesty for Parliaments." Which words (says Lord *Clarendon*) were generally interpreted, as if no more assemblies of that nature were to be expected, and that all men were prohibited, upon the penalty of censure, so much as to speak of a Parliament. *Clar. B. I. p. 4*

(3) After a Session of three weeks. In all probability, if the King had suffered this Parliament to sit, the Grievances of the nation had been redressed in a regular manner, and the civil wars entirely prevented. For it is universally agreed, that the House of Commons consisted in general of sober and dispassionate men, whose sole aim was to restrain the prerogative within due bounds, and secure the just liberties of the people. Accordingly, the Lord *Clarendon* observes, that "there could not a greater damp have seized upon the spirits of the whole nation than this dissolution caused, and men had much of the misery in view which shortly after fell out." He was himself a member of this Parliament. The King was quickly sensible of his error, and very desirous to repair it, and the same, or the next day, consulted whether he might by proclamation recall the Commons, to meet together again. *Clar. B. I. p. 139, 140.*

(4) By the first canon all Parish-Priests were ordered to read in the church one Sunday in every quarter the following explanation of regal power. "That the most high and sacred order of Kings is of divine Right, being the ordinance of God himself, founded in the prime laws of Nature and Revelation, by which the supreme power over all persons, civil and ecclesiastical is given to them.—And for subjects to bear arms against their King, either offensive or defensive, upon any pretence whatsoever, is at least to resist the powers ordained of God; and though they do not invade but only resist, St. Paul says, they shall receive damnation." See *Nelson*, p. 545. This, and the other canons were by the next Parliament condemned as contrary to the fundamental laws of the Realm, the King's prerogative, property of the Subject, and the rights of Parliament." *Whit. Mem. p. 37.* The proceedings of this convocation (says Lord *Clarendon*) drew the same prejudice upon the whole body of the Clergy, to which before only some few Clergymen were exposed. B. II. p. 148. It is observable, that the Judges, *Finch*, *Littlaton*, &c. gave their opinion, that "The Convocation called by the King's writ was not to dissolve but by the King's writ, notwithstanding the dissolution of the Parliament." *Whit. Mem. p. 32.*

(5) The King's most intimate counsellors at this time were, *Laurel*, *Stratford*, and *Cottingham*, by whom, it seems, he was told, that being refused by the Commons, he might use any methods to raise money. Accordingly, (says *Whitlock*) all the wheels of the Prerogative were set in motion to provide money, as *Leases*, *Knighthoods*, *Monopolies*, &c. *Whit. Mem. p. 35, &c.* It is remarkable that, the first footsteps we have of a Cabinet-Council in any European Government were in the time of *Charles IX.* King of *France*, when refusing to massacre the *Protestants* he durst not trust his Council with it, but chose a few men whom he called his Cabinet-Council. Formerly, it seems, all matters where debated and resolved in the Privy-Council, where every man

INTRODUCTION.

ders (1), and routing a party of *English*, become masters of *Newcastle*. The King is quickly reduced to great straits, and petitioned to call a Parliament and treat with the *Scots*. Want of money, and a manifest aversion in the *English*, and particularly in the army to fight against the *Scots*, oblige the King to comply. Commissioners are appointed on both sides to treat, first at *Rippon* and afterwards at *London*, and a Parliament summoned to sit the 3d of *November 1640*. So universal was the dislike of the principles and proceedings of the Court, that notwithstanding all their endeavours, few of that party could obtain a seat in this Parliament (2). The Counties, Cities, and Burroughs, were almost unanimous in chusing *State-Puritans*, or (in the modern phrase) *Whigs*, that is, men, who without believing the divine right of Kings, were attached to the Constitution as well in Church as State, and enemies only to the abuse of power in both. Of such men the

majority of the Commons consisted, whose sole intention was to redress the civil and ecclesiastical Grievances, and severely punish the authors (3). Had the House been entirely filled with these and the small number of the Court-party, the wounds in the Constitution would doubtless have been closed, and the liberties of the people secured from future invasion, without the extirpation of the Monarchy, or even Episcopacy. But unhappily there were also elected some, whose views were carried much farther, and who, not content with reforming abuses, were for removing foundations (4). These men, more considerable for their abilities than number, concealed their intentions at first, by pretending to confine their desires, with the friends of the Constitution, to the redress of Grievances.

To the Parliament, thus composed, the King in his first speech declares his resolution to put himself freely upon the affection of his subjects, and heartily

subscribed his opinion, and was answerable for it. This part of the Constitution was broken by King *Charles I*, but more notoriously by King *Charles II*, who settled a Cabal or Cabinet-Council, where all matters of consequence were resolved, and then brought to the Privy-Council to be confirmed. See *Pref. to the Hist. of Standing Armies*.

(1) As the King (says *Whitlock*) had his private Junta, so the Agents of the *Seals-Covenanters* and their friends in *London* had their private meeting and counsels, with those who were discontented at the present management of affairs at Court, and who had suffered by the late proceedings; and from hence no small encouragement and promise of assistance was given to the *Covenanters*. *Whit. Mem.* p. 33.

(2) The Court (says *Whitlock*) laboured to bring in their friends; but those who were most favoured at Court, had least respect in the Country, and it was not a little strange to see what a spirit of opposition to the Court-proceedings, was in the hearts and actions of most of the people, so that very few of that party had the favour to be chosen members of this Parliament. *Whit. Mem.* p. 35.

(3) If the assertions of the Lord *Clarendon* and other writers on the King's side be impartially considered, it can hardly be doubted that the intention of much the greatest part of the Commons, at the time of their assembling, was not to alter the Constitution but reform abuses. And that even the views of those who were for alterations in Church and State, did not extend beyond abridging the temporal power of the Bishops and ecclesiastical courts, and bounding the prerogative so, as to prevent any future invasions of the rights of the subject. For though there were some who privately desired the abolition of Episcopacy, and others who secretly wished both that and the extirpation of the Monarchy, yet it is not possible they (especially the *Republicans*) should entertain the least hopes of seeing their desires accomplished, contrary to the principles and intentions of both Houses, and the general bent and genius of the nation. The subversion therefore of the civil and ecclesiastical constitution, which afterwards happened, was not owing to any settled design at the first, but to certain accidents and conjunctures not to be foreseen by the most acute understanding. The Lord *Clarendon*, speaking of the temper and constitution of both Houses, expressly says, "In the House of Commons were many persons of wisdom and gravity, who being possessed of great and plentiful fortunes, though they were undevoted enough to the Court, had all imaginable duty to the King, and affection to the Government established by law or ancient custom; and without doubt, the major part of that body consisted of men who had no mind to break the peace of the kingdom, or to make any considerable alteration in the government of Church or State."

B. I. p. 184. Agreeably to this representation was the order of the Commons of *Novemb. 20. 1640*, seventeen days after their first meeting, That none should sit in their House but such as would receive the Communion according to the usage of the Church of England. As for the Peers, the Lord *Clarendon* observes, that when the bill for taking away the votes of the Bishops in Parliament was brought into the House, there were only two Lords (*Say and Brook*) that appeared as enemies to the whole fabric of the Church, and to desire a dissolution of the episcopal Government. He likewise describes the principal members of the House of Commons to be well-affected, or at least not averse to the government of the Church, as *Pym, Hollis, Whitlock, Selden*, &c.; and of *Hamden* himself he says, "Most people believed, his dislike was rather to some Churchmen, than to the ecclesiastical government of the Church." It seems therefore unjust to charge in general the members of this Parliament with having from the beginning, designs of subverting the Constitution, or to blame their opposition to the proceedings of the Court, since frequency of Parliaments, redress of Grievances, and calling the King's arbitrary ministers to account, were the ends proposed by the major part of both Houses, to accomplish which, it was by some judged necessary to set bounds to the Prerogative Royal, and diminish the power of the Bishops, without the least thought of destroying the Civil or Ecclesiastical Government. It was not (says *Welwood*) a few of either House, but all the great patriots that concurred at first to make inquiry into the grievances of this reign. Sir *Edward Hyde* (afterwards Lord *Clarendon*) the Lord *Digby*, the Lord *Falkland*, the Lord *Capel*, Mr. *Grimstone*, (Speaker of that House of Commons, that brought in King *Charles II*), Mr. *Holles*, (since Lord *Holles*) all which suffered afterwards on the King's side; and in general most of those that took the King's part in the war, were the men that appeared with the greatest zeal for the redress of grievances, and their intentions were certainly noble and just, and tended to the equal advantage of King and People. *Welw. Mem.* p. 43.

(4) It must be observed, the Puritans had sometime been distinguished by the names of *Doctrinal-Puritans*, and *Discipline-Puritans*. The *Doctrinal-Puritans* were conformists to the Church of England, and well pleased with Episcopacy, but understood the articles of *Justification, Free-will, Predestination*, &c. in the literal or Calvinistical sense, and therefore were very averse to the persons of such Bishops, as espoused and propagated the opposite or *Arminian* interpretation of the same points. Most of the members of the House of Commons were, as to religion, *Doctrinal-Puritans*. The *Discipline-Puritans*, equally possessed with the divine Institution of *Presbytery*, as the rigid Churchmen with the divine right of Episcopacy, were enemies to the whole Hierarchy, and wished for the establishment of the Presbyterian Government. Of these there were but few at first in the Parliament, and still fewer *Republicans*, who afterwards, under the name of *Independents*, opposed as well the Presbyterian as Episcopacy, and by that means proved one occasion of the Restoration of King *Charles II*.

heartily to concur in the redress of their just Grievances. According to this declaration, the King consents to the abolition of *Ship-Money* (1), *Knighthood-money*, *Monopolies*, the Courts of *Star-Chamber* (2), and *High-Commission* (3), those great fountains of Grievances, and for a future security of his governing by law, passes a Bill for *Triennial Parliaments* (4). He also, though with reluctance, sacrifices one of his most intimate counsellors the Lord *Strafford*, to the repentment of the Commons; and as a demonstration of the sincerity of his intentions, gives the Commons power to sit till they should dissolve themselves.

After receiving the thanks of both Houses for these Acts, the King takes a journey to *Scotland*, and the pacification being concluded, the two armies are ordered to be disbanded. In *Scotland* the King, who had not long since attempted to introduce there the *English Church-worship* and discipline, resolves now, if possible, to regain the affection of his countrymen, or at least to keep them quiet, and to this end ratifies in Parliament all their late proceedings, and gives his consent to the Acts of the *Glasgow Assembly*; by one of

which "the government of the Church by Archbishops and Bishops is declared to be against the word of God and propagation of religion, and Episcopacy utterly abolished" (5).

The Grievances of both nations being thus redressed, and the causes in great measure removed, the King was in hopes he should be no farther pressed. But he soon found he was mistaken. For during his absence in *Scotland*, the Leaders in the House of Commons had found means to infuse into many members a belief, that the King's concessions were no sufficient security against future encroachments of the Crown, and therefore it was necessary to obtain a farther limitation of the Prerogative, as well as a retrenchment of the Episcopal power. When they thought they had gained a majority to their opinion, upon news that the King was coming from *Scotland*, the famous *Remonstrance* of the state of the Kingdom was brought into the House and put to the vote. Hitherto the Commons had been unanimous in the reformation of abuses, but in this affair, after a long and violent debate, the House was divided, and the *Remonstrance* carried but by nine voices (6).

Eight

(1) By this Act, all the proceedings in the business of Ship-money were adjudged void, and the judgments, enrolments, and entries thereupon, vacated and cancelled. Besides, some clauses in the statute assert the subject's liberty and property beyond what was done by the *Petition of Right*, which (says the Lord *Clarendon*) needed an additional establishment.

(2) The exorbitances (says Lord *Clarendon*) of this Court had been such, that there were very few persons of quality who had not suffered or been perplexed by the weight or fear of those censures and judgments. For having extended their jurisdiction from riots, perjury, and the most notorious misdemeanors, to an asserting all Proclamations and orders of State; to the vindicating illegal Commissions and grants of Monopolies, (all which were the chief ground-works of their late proceedings) no man could hope to be longer free from the inquisition of that Court, than he resolved to submit to those and the like extraordinary courses. B. III. p. 284.

(3) The *High-Commission* Court was erected by a statute in the first year of Queen *Elizabeth*, instead of a jurisdiction which had been exercised under the Pope's authority, then abolished. Of late (says the Lord *Clarendon*) it cannot be denied, that by the great power of some Bishops at court, it had much over-bowed the banks which should have contained it. Then, it was grown from an ecclesiastical Court, for reformation of manners, to a Court of Revenue; and imposed great fines upon those who were culpable before them; sometimes above the degree of the offence, had the jurisdiction of fining been unquestionable: which it was not. The Act for abolishing the *High-Commission* repeals that branch of the statute of the first of Queen *Elizabeth*, upon which this Court was founded, and then enacts, "That no Archbishops, Bishops, Vicars General, Chancellor, or Official, nor their Commissaries, or any other ecclesiastical officer, shall, by any grant, &c. from the King, after the first of August 1641, award, impose, or inflict any pain, penalty, fine, amercement, imprisonment, or other corporal punishment, upon any of the King's subjects, for any contempt, misdemeanor, crime, matter, or thing, whatsoever, belonging to ecclesiastical jurisdiction; or shall, *ex officio*, administer to any person, any corporal oath, to make any presentment of any crime, or to confess or accuse himself of any crime or misdemeanor, whereby he or she may be liable to any punishment, under the penalty of treble charges, and a hundred pound to him who shall demand the same. Nor shall any new Court be erected with like power, as the *High-Commission* had or pretended to have, but all such Commissions from the King and his successors, and all Acts made by virtue thereof shall be

"utterly void." By this Act (as the Lord *Clarendon* observes) all coercive power, and in a manner, all ecclesiastical jurisdiction, were taken from the spiritual Courts. B. III. p. 284.

(4) *Whitelock* observes, that the Committee for this Bill took a great deal of pains in framing it, p. 39. There are in it many strong clauses in favour of the subjects, in case the crown should omit the sending out the writs; particularly, "the giving the people authority to assemble together, if the King failed to call them." However, (says the Lord *Clarendon*) since it was evident that great inconveniences had befallen the Kingdom by the long intermission of Parliaments, and this intermission could not have happened, if there had not been some neglect of what had been settled by former laws; therefore there was some colour of reason for these clauses, by which the crown could in no case suffer, but by its own default. B. III. p. 282. This and the two foregoing notes plainly show, the *Commons* in these, as well as in other Acts passed about the same time, against Monopolies, Knighthood-money, encroachments in the *Stannery* Courts, and for the certainty of bounds of Forests, (all which had been occasions of great oppressions) had just reasons for their proceedings, by the confession even of the Lord *Clarendon* himself, who says also concerning *Forest*, That the people had been so vexed by the Justice in *Eyre's* seat, that few men could assure themselves their estates and houses might not be brought within the jurisdiction of some Forest, which if they were, it cost them great fines. B. III. p. 286. These Acts have been the more fully explained, as they are but just mentioned by *Rapin*, at the time of their being passed. Vol. II. p. 355.

(5) This concession to the *Scots* (says Lord *Clarendon*) gave unspeakable encouragement to the enemies of the Church of *England*, whose number from thenceforth wonderfully increased. They presumed their work was more than half done, when the King himself declared, (as they said, by his assent to that Act) that Episcopal Government was against the word of God, and many concluding the King would at last yield to any thing, put themselves in company of the boldest and most positive actors. B. IV. p. 310. The true reason, doubtless, of these concessions to the *Scots*, was the King's knowledge how subservient they had been to the designs of the *English* Parliament, and to prevent their interfering for the future. But in this he was disappointed; for when, in the course of the war, the Parliament was obliged to apply to them for their assistance, it was readily granted.

(6) When the leading men in the House of Commons (who suspected the King's sincerity) saw, that many members, and great part of the nation appeared

satisfied

Eight days after his return, this *Remonstrance*, with a petition for removing evil counsellors, and for his concurrence in the farther abridging the temporal power of the Clergy, was presented to the King, after which it was printed and published to the people.

From thenceforward two parties arose, as well in the nation as in the Houses of Parliament. The one, satisfied with the redress of the Grievances, thought the *Remonstrance* needless, and the people's rights amply secured by the King's sincerity, and the Act for *Triennial* Parliaments. The other believed these fences too weak, and insisted upon stronger securities in the abridgment of the royal power.

Agreeably to their petition, and pursuant to their design of a farther reformation, the Commons brought in a bill to take away the Bishops' votes in Parliament, and to disable Clergymen from having any temporal jurisdiction. As the Bishops had all along promoted the principles and proceedings of the Court, and with great severity to the opposers introduced innovations into the Church, the bill was passed in the Lower-House,

even by those who were no enemies to the episcopal order (1). But it would have found greater opposition in the House of Lords, had not the Bishops unadvisedly given the Commons an opportunity of causing twelve of their bench to be confined (2). By this means the Bill at length was also passed by the Peers. The royal assent would have been still more difficult to obtain, had not the King, while the Bill was depending, committed the fatal error of accusing of high-treason the Lord *Kimbolton*, with five Commoners, and going in person to the House with a numerous retinue to demand them (3). This proceeding alarmed not only the Parliament but the whole Nation. The party which had lately begun to appear in the King's favour were now filled with distrust, and inclined to believe the necessity of abridging the prerogative (4). In the midst of the tumults, fears, and jealousies raised on this occasion, the King, to his farther disadvantage, retired from the Parliament, first to *Hampton-court*, and from thence to *Windsor*.

Mean while the leaders in the House of Commons, convinced by the King's late conduct, that

satisfied with the redress of Grievances and the *Triennial Act*, and that the King, now in *Scotland*, in order to pacify the *Covenanters*, readily assented to whatever was desired by the parliament of that Kingdom, they renewed their endeavours to make it believed that the King would break through all his concessions, as in the case of the *Petition of Right*, whenever it should be in his power. To this end it was insinuated, the King still retained his old principles; was under the absolute influence of the Queen; had redressed the chief Grievances with reluctance, and therefore the *Triennial Act* would be but a weak barrier against future oppressions; if stronger bounds were not set to the Prerogative. Perhaps these insinuations might not so easily have had the desired effect, had they not been strengthened by several accidents during the King's stay in *Scotland*, as the design at *Edinburgh* to murder *Hamilton* and *Argyle*, which some were persuaded to believe was intended to reach farther than to those Lords; but more especially the *Irish* rebellion and massacre, which happened in this interval, served to increase the King's enemies in the Parliament and Nation. "For (says Lord *Clarendon*) all occasions being taken to insinuate that this rebellion was contrived and fomented by the King, or at least by the Queen; and that the rebels declared, they had the King's authority for all they did: this calumny made more impression upon the minds of sober and moderate men (who till that time had much disliked the passionate proceedings of the Parliament) than could be then imagined, or can be yet believed. So great a prejudice was universally contracted against the Court, especially the Queen, whose power and activity was thought too great." (B. IV. p. 301.) At this juncture the *Remonstrance* of the state of the Kingdom was ordered to be prepared, wherein are described all the illegalities and faults in Government since the King's accession to the crown, with an intimation of the necessity of a farther reformation. This *Remonstrance* not being directed to the King but the Publick, was a sort of appeal to the people for bounding the Prerogative, and may justly be considered as the first step towards the breach between King and Parliament. See the *Remonstrance* and the King's Answer. *Rapin*, Vol. II. p. 388.

(1) The Lord *Clarendon* says, one great cause of this bill was the contempt the Bishops had shewn of the common law, in a wrong notion, that the straitening and confining that profession, would naturally extend the jurisdiction of the Church. Thence arose (says he) their bold and unwarrantable opposing and protesting against *Prohibitions* and other proceedings at law, on the behalf of Ecclesiastical Courts, and procuring some privileges from the King on behalf of the

Civil, even with an exclusion of the common Lawyers: as "that half the masters of Chancery should be always civil Lawyers." And "that no others, of what condition soever, should serve as masters of Request." By these and many other provocations, the professors of the common law were excited entirely to root up and demolish the jurisdiction of the Church. *Clar. B. III. p. 283. IV. p. 305.* This might be one reason why the common Lawyers joined in this Bill; but the true ground of it was, because the Commons plainly saw the Bishops' votes in the House of Lords would greatly retard, if not wholly prevent, their design of a farther reformation. For twenty-six votes, when there were not above a hundred members, could almost at any time turn the scale which way they pleased.

(2) The Bishops, on account of some insults from the populace, having absented themselves from the House, a Protestation is rashly signed by twelve of them, against all Acts and Votes in their absence as null and void. This protestation the Lord-Keeper *Littleton*, by the King's command, read next morning in the House of Lords. It was immediately communicated to the Commons, who, within half an hour, accuse the twelve Bishops of high-treason, for endeavouring to subvert the being of Parliaments. Whereupon ten are committed to the *Towers*, and two, by reason of their age, to the *Black-Rod*.

(3) This sudden action (says *Whitlock*) was the first visible and apparent ground of the following miseries; p. 51. And therefore (says *Walswood*) the advisers of it are justly chargeable with all the blood that was afterwards spilt, p. 58. It was believed, if the King had found the members in the House, and called in his guards to seize them, the House would have endeavoured their defence, which might have proved a very unhappy business. *Whit. p. 51.* The Lord *Clarendon* ascribes it to Lord *Digby*; others to the Queen. However this be, so notorious a breach could not but be of infinite disadvantage to the King in the present juncture, being looked upon as equal to a dissolution of the Parliament, since he might, (they said) upon the same grounds, as well seize five hundred as five members. Wherefore it not only produced an union in both Houses, but was a plain indication that the King would assuredly be revenged of such members as had given him offence, whenever it should be in his power; which consideration determined the leading men to tie up his hands for the future, by abridging the prerogative.

(4) The minds of men (says Lord *Clarendon*) throughout the Kingdom, were now prepared to receive all the dictates of the Commons with reverence, to obey all their orders, and to believe all their safety depended upon their authority; and there were few in the House

who

that there was no safety for them without retrenching his power, fail not in this time of universal distrust to push their design. For their own, therefore, as well as the nation's security against all future attempts of the crown, petitions are sent to the King, first by the Commons alone, and then by both Houses, to put the power of the *Militia*, and command of the *Tower*, and other fortresses into the hands of the Parliament, as the only means to remove their jealousies and fears (1). The King being determined to divest himself of no power he could legally claim (2), rejects these petitions, but by the Queen's persuasions, passes the Bill for depriving the Bishops of their votes, and Clergymen of all temporal jurisdiction, in hopes of softening the Houses (3).

Not satisfied with this, the Parliament finding their petitions ineffectual, settle the *Militia* by an *Ordinance*, which is offered to the King for the royal assent. The King refuses it, and by degrees retires to *York*. Here a Bill, after passing both Houses, is presented to him for settling the *Militia* in the Parliament for a limited time, which

is also rejected (4). Whereupon the Parliament nominate Lieutenants for the several counties, and require them to put the Ordinance of the *Militia* in execution. To this the King forbids obedience, summons the gentry of the northern counties to *York*, and raises a guard of horse and foot. About the same time several members of both Houses withdraw, and particularly nine Peers resort to the King. Mean time, the Parliament, according to a former desire of the King, send him all their demands, digested into nineteen Propositions, which are rejected by the King, as inconsistent with his rights (5). Soon July 10. after, the King sends forth his commissions of array, the Parliament vote the raising an army, July 12. and the King, at last, erects his standard at Aug. 22. *Nottingham*. Thus, the civil war was kindled; and now arose the distinctions of *Royalists* and *Parliamentarians*, *Cavaliers* and *Roundheads*.

It must not be thought that the members of each of these parties were united in principles and opinions. The *Royalists*, or those that declared for the King, lifted in his service upon different motives. *State of Parties at the breaking out of the Civil Wars.*

who had courage to oppose and contradict them. B. IV. p. 385.

(1) When this Bill (according to the Lord *Clarendon*) was first brought into the House, few imagined it would ever be countenanced beyond the first reading: but now (adds he) "there were few who did not believe it to be a very necessary provision for the peace and safety of the Kingdom. So great an impression had the late proceedings made upon them." B. IV. p. 388.

(2) The truth is, I speak it knowingly (says Lord *Clarendon*) at that time the King's resolution was to shelter himself wholly under the law: to grant any thing that by the law he was obliged to grant: and to deny what by the law was in his own power; and which he found inconvenient to assent to. B. V. p. 466. This resolution was doubtless the cause of his ruin, for by a too-long continuance in it, he gave the enemies of the Constitution an opportunity of subverting it, by preventing an accommodation between him and the Parliament.

(3) The King was persuaded to pass this Bill even by some cordial friends to the church of *England*, who told him, that the passing this Bill was the only way to preserve the Church; for by it many persons in both Houses would be fully satisfied, and not join in any further alteration, who otherwise would violently endeavour an extirpation of Bishops; and besides, by granting this, perhaps he would not be misled in the *Militia* Bill. However, these arguments did not prevail with him: so much as the Queen's persuasions, who was afraid her voyage to *Holland* would be crossed by the Parliament. It had been, it seems, concerted at *Wind-sor*, that the Queen should go with the Princess her daughter (betrothed to the Prince of *Orange*) into *Holland*, and carry with her the Crown-Jewels to be pawned for the King's use, if there should be occasion. The Lord *Clarendon* insinuates here, that in this and some other acts of no less moment, an opinion that the violence and force used in procuring them, rendered them absolutely void, influenced the King to confirm them. *Clar.* B. IV. p. 427, 439. *Whit.* p. 52. This insinuation seems to give strength to the suspicions of the leading men in the House of Commons, that the King, if not prevented, would revoke his concessions, whenever it should be in his power.

(4) The King had desired that the *Ordinance* might be digested into an Act of Parliament, and the powers to be granted not left to an indefinite time. Whereupon the Commons prepared a Bill, and limited the time to less than two years. The affair of the *Militia* was the immediate cause of the rupture between the King and Parliament. This point had never before been maturely considered, and therefore it is no wonder the Lawyers were divided in opinion about it. *Pal-*

mer, Hyde, Bridgeman, with some other eminent Lawyers and Gentlemen, affirmed, the power of the *Militia* to be wholly in the King, and on the passing of the Ordinance withdrew from the House. Solicitor *St. John, Maynard, Glyn, Selden*, with divers Gentlemen of great parts and interest, believed it to be in the Parliament, and if the King refused to order the same according to the advice of both Houses, they by law might do it without him: And pursuant to this opinion, accepted commissions of Deputy-Lieutenancy. *Whit.* p. 56.

In a debate, it was said by a member (*Whitlock*) to this effect: "This great power which commands all men and all things, is by some affirmed to be in the King, by others, in the Parliament: I differ from these opinions, and apprehend, it is neither in the King only, nor in the Parliament. This power is not in the King only, because the power of money, without which the other will be of little force, is not in the King but in the Commons. The King indeed may require forty days service in war of his military tenants, but beyond that they will not stay without pay. The King can compel no man to go out of the Kingdom, and therefore foreign wars are not to be undertaken without the advice of the Parliament; otherwise the King must pay his army himself, for no man can be pressed by law to serve in war but by Act of Parliament. The power of the *Militia* is exercised against insurrections at home, or invasions from abroad. Against insurrections, the Sheriff has this power in him; against invasions, every man will be ready to give his assistance. It is my opinion, therefore, that this power, which the law has not expressly settled any where, is in the King and Parliament both consenting together, and I think it best it should be there still; and the King petitioned that the *Militia* may be settled in such hands as you may trust." *Whit.* p. 53.

The many debates and papers published on this occasion, seem to have been designed for the satisfaction of those who were for laying only legal restraints on the King. For the main point was, not where this power was placed by the law, but whether it was necessary for the publick welfare in the present juncture, to settle it for a time in such hands as the Parliament should approve. This was absolutely refused by the King. For when the Earl of *Pembroke* asked him, whether he would grant the *Militia*, as desired by the Parliament, for a time? No, replies the King, by God, not for an hour. These hasty words did the King great injury, they being spoken just after he had in a manner promised to comply, when he should know how long it was to be thus settled. *Rush.* IV. p. 533.

(5) The King by message to the Parliament, Jan. 20. 1641, advised them "to digest into one body all the Grievances of the Kingdom and send them to him, "promi-

motives. Whilst the Parliament confined themselves to the redress of Grievances, their proceedings were opposed by very few members, and approved by the bulk of the nation. At that time therefore, the King could not be said to have any party, either in the two Houses, or in the nation, except the Bishops, good part of the Clergy, the *Universities*; in a word, such as had embraced the principle of the *divine Right of Kings*, and the consequent doctrine of *Passive Obedience*, whose number was not very great. The rest of the nation, however disagreeing in other respects, were unanimous in their approbation of reforming what was amiss, as well in the Church as the State. But when the Acts to this end, passed by the King, were not deemed a sufficient security for the future, and farther limitations were designed, then it was that the King began to have a considerable party both in the Parliament and Nation, by the union of all who being satisfied with the King's concessions, opposed the abridging of the prerogative. Many members of Parliament, who had approved themselves *Patriots* in zealously promoting the legal redress of abuses, when they saw a farther reformation not only intended but begun in the *Militia* bill, withdrew to the King, and by these he was chiefly enabled to carry on the war. (1)

The Royalists.

The *Royalists* therefore partly consisted of such as professed to believe all resistance unlawful, but principally of those who thought the prerogative ought to be restrained within the bounds prescribed

by the law; but relying on the King's sincerity and the *Triennial Act*, were utterly against any farther alterations in the civil or ecclesiastical State. To these may be added the *Catholics*, who, in return for the indulgence they enjoyed, assisted the King with their persons and purses.

The *Parliamentarians*, in like manner, were far from being all in the same sentiments. The chief branch consisted of those who really believed, from the King's late proceedings, that he had not altered his principles, but would, if left in possession of his full power, revoke his concessions, and be revenged of his opposers. To limit the prerogative, therefore, was the professed design of the *Parliamentarians*, and what properly at this time distinguished them from the *Royalists* (2). With this branch were mixed all the enemies of Episcopacy, and friends of *Presbytery*; all the *Republicans* and *Independents*, whose several wishes and views outwardly seemed at present to extend only to a farther limitation of the prerogative. In a word,

The *Royalists*, on a supposition of the King's sincerity, drew their swords for the *Church*, the *Laws*, and the *legal rights* of the Crown; and the *Parliamentarians* took arms in defence of the fountain of all social happiness the liberties of the People, in a belief, that as they had, contrary to the most solemn declarations from the throne, been trampled upon many years, they would again be invaded, unless secured by a temporary limitation of the Prerogative. These were the real grounds of the civil

"promising his favourable assent to those means which should be found most effectual for redress." *Whit. p. 52.* Accordingly, the following *June*, the nineteen propositions were presented to him, wherein it was desired, (I.) That the *Privy-Counsellors*, *foreign Ministers*, (III.) *Great Officers of State*, and (XV.) commanders of Forts and Castles, may be appointed with the approbation of the Parliament. (II.) That affairs of publick concern may be transacted only in Parliament, and other matters of State by the *Privy-Council*, (whose number shall not exceed twenty-five, nor be less than fifteen) and all their publick Acts attested under their hands. (XI.) That the *Privy-Counsellors* and Judges swear to maintain the *Petition of Right*, and certain statutes made by this Parliament. (XII.) That the Judges and other Officers appointed with the approbation of both Houses, hold their places *quam diu bene se gesserint*. (IV.) That the Governours of the King's children may be approved by both Houses, and, in the intervals of Parliament, by the major part of the Council; and (V.) no marriage concluded for them without consent of Parliament. (VI.) That the laws against Jesuits, Priests, and *Papists* Recusants, may be strictly executed. (VII.) That the votes of *Papish* Lords may be taken away, and an act passed for educating their children in the *Protestant Religion*. (VIII.) That such a reformation may be made of the *Church Government* and *Liturgy*, as both Houses assisted by an assembly of Divines, shall advise. (IX.) That the ordinance for the *Militia* may remain, till the same be settled by a Bill. (X.) That the members of this Parliament may be restored to the places they have been removed from. (XIII.) That the justice of Parliament may pass upon Delinquents. (XIV.) That the general pardon may be granted, with such exceptions as shall be advised by the Parliament. (XV.) That all forces about his Majesty may be dismissed. (XVI.) and a more strict alliance made with the *Protestant States*. (XVII.) That the accused members may be cleared by Act of Parliament. (XIX.) That Peers made hereafter may be restrained from sitting in Parliament, unless admitted with the consent of both Houses. These restrictions, though they seemed to intrench upon the royal prerogative, were, however, agreeable to the nature of the *English*

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Constitution, and such as a King, who sincerely intends the welfare and happiness of his people, would chuse to make the rule of his conduct. But however this be, they were infinitely preferable to the calamities of a civil war, which the refusal of them was sure to produce. Nevertheless, these propositions were rejected by the King, pursuant to his resolution of not divesting himself of any power which he thought legal, and, in a belief, that greater limitations would not be offered him, though he should happen to be vanquished in the war. This resolution, and this belief, proved fatal not only to himself, but also to the State, in the utter subversion of the Constitution.

(1) It is a mistaken notion that King *Charles's* party were mostly induced to espouse his quarrel, from a belief of the *divine Right of Kings*, and the doctrine of *unlimited Obedience*. Most of the great men who engaged and suffered on his side, had been zealous assertors of the national liberties, and had strenuously resisted the incroachments of the Crown, as far as was warrantable by law. Besides, it was not till after the restoration that these notions spread much beyond the *Court*, the *Clergy*, the *Universities*, and such as were under their influence. The alterations in the Constitution beyond what was thought legal, was properly what first raised King *Charles* an army.

(2) It has been warmly disputed, on which side the war was first begun? Whether the King or the Parliament was the aggressor? But this seems not to be the point that ought chiefly to be considered. All but those who profess the doctrine of *Passive Obedience*, must, at this day, be determined for, or against the King, in the same manner as the several parties were formed at the time of the rupture. He that believes, the King's concessions were a sufficient guard against any invasions of the national liberties, and that his Majesty really intended for the future to govern by law, must condemn the Parliament for requiring a farther security, and deem the two Houses authors of the war. On the other hand, he that thinks, the King had unwillingly consented to these Acts, and would have revoked them, if ever it had been in his power, must throw the blame of the war on the King, for not agreeing to a farther limitation of his prerogative, at least for a time.

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(1) The

civil war; for if either the Parliament had seen cause to rely on the royal word, or the King been willing to part with the *Militia* but for a few years, it would have been out of the power of *faction, private views and resentments*, to introduce the confusion which followed, or to hinder, in case the King had first relaxed, the settling of the Constitution on lasting foundations. But,

Both sides appealing to the sword, the war is, in the beginning, waged with equal success, but afterwards with disadvantage to the Parliament. Wherefore, as the King had resolved to call in the *Irish* to his assistance, the Parliament treat with the *Scots* for their aid. The *Scots*, believing their Religion and Liberties depended on the success of the *Parliamentarians*, readily arm in their defence, on condition that uniformity in worship and discipline be endeavoured in the three Kingdoms of *England, Scotland, and Ireland*. To this end a *Covenant* (1) is subscribed by both Houses, with the assembly of *Divines* (2), and afterwards enjoined to be taken by the people, though it is far from appearing that

the *Presbyterians* were the majority in the Parliament (3). By the assistance of the *Scots* and change of the General (4) the scale is so turned to the Parliament's side, that the King daily loses ground.

Mean time, a great and sudden change is wrought by the *Republicans*, who still lay concealed. It is so managed by *Cromwel* and some others, that the army is entirely new-modelled, and by an Ordinance of both Houses, all members of Parliament are rendered incapable of civil or military office. *Fairfax* is made General; and *Cromwel*, who had a great influence over him, is, notwithstanding the Ordinance, continued Lieutenant-General of the horse. Thus the *Independents*, without discovering themselves, or their designs, become at once almost masters of the army. Three months after this Ordinance, the King, by the loss of the battle of *Naseby*, is unable to keep the field, and shifting some time from place to place, throws himself at last into the *Scottish* army before *Newark*.

The *Scots* upon this retire to *Newcastle*, and by

(1) The *Covenant* consisted of six articles; the chief of which were, I. To endeavour to bring the Churches of the three Kingdoms to the nearest uniformity in worship and discipline; and II. To endeavour the extirpation of the Hierarchy. See *Rapin*, Vol. II. p. 483.

(2) The Ordinance for convening this assembly was to this effect: "Whereas it has been declared by both Houses, that the present Church-Government by Archbishops, Bishops, &c. is prejudicial to the State, they are resolved it shall be taken away, and such a Government settled in the Church, as may be most agreeable to God's holy word, and of near agreement with the Church of *Scotland*, and other reformed Churches abroad. For the better effecting whereof, and for vindicating and clearing the doctrine of the Church of *England* from all false calumnies, it is thought fit to call an assembly of learned Divines to consult about the premises, and give their advice to both or either of the Houses when they shall be required". This Assembly was to meet in *Henry VII's* Chapel, and consisted of three sorts of Clergy, *Episcopal, Independent*, but mostly *Presbyterian*, to the number of a hundred and twenty. With these were joined many members of both Houses, with power of debating and voting, the chief were, the Earls of *Northumberland, Bedford, Pembroke, Salisbury, Holland, Manchester*; the Lord *Sey, Conway, Wharton, Howard of Esherick*; with *Selden, Rous, Prideaux*, both the *Vanes*, *Pym, Mognard, Whitlock*, and several other Commons.

(3) It must be observed, that not only above a hundred members had deserted or been excluded the House, but also some of the most eminent were dead since the beginning of the war, particularly *Hamden* and *Pym*, which caused a great alteration in the Parliament. By the first, the votes against the Hierarchy, and for the taking of the *Covenant*, met with the less opposition; and by the latter, the designs of *Cromwel* and the Army were the more easily executed. It is indeed the general opinion of the Historians, and amongst the rest, of *Rapin* himself, that at this time the majority of the Commons was *Presbyterian*, but there seem to be very strong arguments to the contrary. It is true, *Presbytery* had gained ground in the nation, because the *Parochial* Clergy (who will always have a great influence over the people's religion) were mostly *Presbyterians*. But it was far from being the same in the House of Commons, for the following reasons. When they voted the abolition of *Episcopacy*, (which was done to please the *Scots*) the Bill was not to take place till above a year after, in which time it was hoped the breach with the King would be made up. Again, had they really intended it, what hindered them from establishing the *Presbyterian* Government and Discipline, when they were supported by a *Scottish* army which was come for that very end? In almost every page of *Whitlock's Memorials* we find

petitions from the assembly of *Divines*, from the *Scots*, from the City of *London*, for the establishment of *Presbytery*, and yet the thing was continually deferred. And even at last, when both Houses passed an Ordinance for settling the *Presbyterian* Government, the settlement was to last but three years, with a reserve of all *Ecclesiastical jurisdiction* to themselves, which they would never part with. Wherefore the King, in his letter to the *Scots*, said very rightly: "We are confident (says his Majesty) the most considerable persons (in the Parliament) and those who make the fairest pretensions to you of uniformity, will not sooner embrace a *Presbyterian*, than you an *Episcopal* Government." *Mem. of Ham. B. IV. p. 107.* Of the same opinion was the Lord *Gloucester*: "Very much the major part of the members that continued in the Parliament House, were (says he) cordially affected to the established Government, at least not affected to any other." Vol. II. p. 117. The case seems to be this. The Commons shewed, upon all occasions, that they did not believe any Church-Government in particular to be *jure divino*, but that either the *Episcopal* or *Presbyterian* might be established, according as the peace and welfare of the publick required it. And as they had a lively sense of what the nation had suffered from the abuses of ecclesiastical power, and had before their eyes an instance of the intolerable yoke of the *Presbyterian* Discipline in *Scotland*, they were resolved never to lodge any coercive power in the hands of the Clergy. Hence their early bill, passed by the King, to take away the temporal jurisdiction of all Clergymen. Hence their express prohibition to the assembly of *Divines*, to exercise any authority. In vain did the assembly offer frequent petitions to have the power of the *Keys*, of *Excommunication*, &c. the Commons declare they can never consent to be subject to near ten thousand *Judicatures*. Nor did the same assembly succeed any better in their assertion of the divine right of *Presbytery*; the House would not come into their notion: On the contrary, being informed of an intended petition for establishing *Presbytery* as the discipline of *Jesus Christ*, they voted it scandalous. *Whit. p. 159.* In short, the opinion of the House, in these respects, seems to be expressed in three speeches made by Mr. *Selden*, and two other members, to the assembly of *Divines*, which the reader will find in *Whitlock's Memorials*, p. 94, 163. From hence also appears the reason why the Army and *Independents* came to have so strong a party in the House. For *Toleration*, and a renouncing of all coercive power, were two professed principles of the *Independents*, to which the Commons had all along been inclined, and to which the *Presbyterians* were utterly averse.

(4) The Earl of *Essex's* scruples to fight against the King's person were of great service to the Parliament, and occasioned his removal.

(1) The

1645.
June 14
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INTRODUCTION.

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by their sollicitation, the Parliament sends propositions to the King. Confirmation of the *Covenant*, abolition of Episcopacy, and settlement of the *Militia* in both Houses for twenty years, are the principal articles. The King absolutely rejecting the two first, the *Scots* deliver him up to the Parliament, and march into their own country.

At this time contests arise between the Army and Parliament. The Army refuse to disband, and resolve to have a share in settling the Government. They begin with seizing the King's person whom they conduct to *Hampton-Court*. Here the King privately treats with the *Scottish* Commissioners, and afterwards signs an agreement with them, by which, on certain conditions, they engage speedily to bring an army into the field, and in conjunction with the *English Presbyterians* and *Royalists*, free him from the *Independents*, and restore him to his just rights (1). The King's reliance on this army and the insurrections of his party, prevents his closing with the Parliament's terms (2), and finishes his ruin. For the *Scots* are routed, and the *Royalists* dispersed; after which the army suddenly resolve to bring the King to a public trial as the author of the war. The members that oppose this resolution are by violence kept from the House; and the rest, either agreeing in sentiments with the army, or for other private ends, erect a *High-Court of Justice*, by which the King is condemned and beheaded. Presently after, the same Commons vote the House of Peers useless, abolish the Monarchy, and, though in perfect subjection to the army, declare themselves the supreme authority.

Thus instead of pursuing the ends proposed at first by the majority of both Houses, instead of reforming the excesses of the civil and ecclesiastical powers, and preventing the like *Crimes* for the future, the Constitution both in Church and State was by a small part of the House of

Commons, in conjunction with a standing army, entirely destroyed. During the course of the war, both King and Parliament had continually expressed an inclination to peace; but as the one would not make the least concession with regard to the *Militia*, and the other would not be satisfied without having it in their hands, at least for a time, it is too plain, the negotiations were intended only for the amusement of the people, and the case still remained the same as in the beginning of the war; namely, the blame was thrown on the King or the Parliament, according as a farther security was, or was not, thought necessary. But when the King, by the chance of war, was fallen into the hands of the Parliament, and offered not only to settle the *Militia* in both Houses for seven, ten, nay twenty years, but also to appoint the Privy-Counsellors and great officers of State with their approbation, the fear of future invasions of the people's rights, or the apprehensions of danger to particular persons from the crown, could no longer be pleaded as lawful obstacles to a peace, and consequently the King, from that time, stood clear of all blame that the Government was not settled in a regular manner, on the foot of the antient Constitution. The *Presbyterians*, grown numerous in the nation, and encouraged by the *Scots*, would not be content with the security of their civil and religious rights, but possessed with their *jus divinum*, insisted on the total abolition of Episcopacy, and absurdly claimed a more tyrannical power over conscience, than what had ever been complained of in the Bishops. This, and this alone proved the occasion (though contrary to their intention) of the King's death, in giving the *Independent* Army time to purge the House (as they called it) of such members as refused to come into their measures (3).

By this means not only the Constitution is entirely subverted, but the *Presbyterians* themselves are

(1) The King promised to confirm the *Covenant* by Act of Parliament, for the security of those by whom it had been or should be taken, with this proviso, that none should be constrained to take it. He also engaged to confirm, in the same manner, *Presbyterian* Government, &c. for three years, with an exception of himself and household. And that course should be taken for the suppression of all *Sectaries*, as *Anabaptists*, *Independents*, &c. See *Rapin*, Vol. II. p. 543. As the King, by this treaty, was to be restored to the power of the *Militia*, choice of Officers and Privy-Counsellors, which the Parliament refused him, he was doubtless the more easily induced to consent to it. It is observable, on this occasion, that the *Scottish* as well as *English Presbyterians* were irreconcilable enemies to *Toleration*, the suppression of all other persuasions being a point they constantly insisted upon, though they had loudly complained of the *Episcopal Clergy* for persecution, during the first fifteen years of this reign. The pretended, though not real, ground of this aversion to *Toleration*, wherever it prevails, is the same; namely, the claim of *divine Institution*. Thus the rigid *Presbyterian* looks with the same eye upon other *Sects*, as the rigid *Episcopalian* looks upon *Dissenters*, and as the *Papist* upon *Hereticks*, because all Three equally claim an authority *jure divino*.

(2) Both Houses, notwithstanding the dissent of the *Scottish* Commissioners, had agreed upon a personal treaty with the King, provided he would pass four bills, for settling the *Militia*; for recalling Declarations, &c. for disabling the Lords, made after the Great Seal was carried to *Oxford*, to sit in the House of Peers; and for empowering both Houses to adjourn as they should think fit. Probably the King would have passed these bills,

had it not been for his treaty with the *Scottish* Commissioners, who coming the next day, after the bills were presented to the King, prevailed with him privately to sign their agreement, and refuse the four bills. The bills were brought to him, Nov. 24. 1647. The *Scottish* Commissioners came the 25th, with the agreement ready drawn, which the King signed the 26th, and sent the same day an unsatisfactory answer to the four bills, with design to have made his escape presently after from the *Ile of White*, where, by *Cromwell's* secret management (as it is said) he had withdrawn himself, but was prevented by a closer confinement. *Ludlow* and others intimate, the King whilst at *Hampton-Court*, and in treaty with the *Scots*, received some private overtures from the army, but that *Cromwell* discovering the King's secret negotiations with the *Scots*, and intercepting a letter to the Queen of the King's intention to destroy him, when it should be in his power, instantly resolved to bring the King to the scaffold. He found the army very ready to second him, since they would have been cashiered without fail, had the King and Parliament agreed upon any terms.

(3) The King, in the last treaty at *Newport*, not only offered to settle the *Militia* in both Houses, but also that *Presbytery* should be confirmed by Act of Parliament for three years, and a free consultation be had with the assembly of Divines (increased with twenty of the King's nomination) how Church-Government after that time might be settled by his Majesty and both Houses. It is true, the Parliament soon after voted the King's concessions sufficient grounds for settling the peace of the kingdom. But in condescension to the *Presbyterians*, by whom *London* was then governed, they had so long insisted on the abolition of Episcopacy, that two days

are also disappointed of their aim. *Cromwel* having gained the battle of *Worcester*, reduced *Scotland* and restored the *Irish* affairs, puts an end at once to the Commonwealth and the remains of the Parliament, by turning the Commons out of their House. Then under the title of *Protector* he assumes the Government; and though *Presbyter* is continued in the Church, he allows, to the great mortification of the *Presbyterians*, Toleration in matters of Religion. After *Cromwel*'s death, and his son's resignation, the Republican members (called in derision *the Kump*) are restored by the army, and again prevented from sitting. Upon which there arises a division in the army; *Monk*, with his forces in *Scotland*, declares against these proceedings, and for the Parliament, which is not only re-assembled, but the *secluded members* restored to their seats. After which, passing an order for summoning a new Parliament of Lords and Commons to meet the 25th of April 1660, they at last dissolve themselves. The new Parliament, without other terms than the promise of a general pardon and liberty of conscience, unanimously call King *Charles II.* to the throne.

Thus were lost two signal opportunities of settling the Constitution on lasting foundations; namely, at the end of the civil wars, when the King was ready to comply with any methods for securing the national liberties; and at the *Restoration*, when King *Charles II.* would have gladly submitted to such limitations, as should have been thought necessary for the prevention of future abuses of power. But the *Presbyterians*, out of hatred to the *Independents*, by whom they had

been kept in subjection almost twelve years, so hastily joined with the *Royalists*, in the restoration of the King, that the siber and confederate persons of the several parties could not be heard amidst the general transport.

Instead therefore of improving the juncture, ^{71 State} and settling the Government on the foundations of liberty; instead of fixing the bounds of the Prerogative, and securing the rights of the People agreeable to the *ancient Constitution*, the same principles of civil and ecclesiastical power which had been maintained by King *James*, and pursued by King *Charles I.* and which had thrown the nation into wars and confusion, not only revived with more strength than ever, but received the sanction of a legal establishment. The very Parliament or *Convention* by which the Monarchy was restored led the way, and even before the King's arrival, asserted that the Crown, on his father's decease, did immediately descend to him by *inherent Birth-right* (1). And in their Act for an attainder of the Regicides, they declare, that neither the Parliament nor the whole nation together have any *coercive power* over the King (2). These foundations being laid, a superstructure was raised to a great height by the next Parliament, which met *May 8, 1660.* and continued almost eighteen years. Not content with declaring, that the King ought in no case to be resisted, both Houses enjoined all orders of men to swear to a belief of the unlawfulness of taking arms, not only against the King, but even against those that are commissioned by him (3). In ⁷² *1660* it was moved by a member of each House, that the word *Law-*
fully

days after this vote, above a hundred members were seized by the army, and the King suddenly brought to a trial. It may here be observed, that the King's concessions were never in season but generally too late. He that declared he would not, to please the Parliament, diminish the meanness of his servants, passed afterwards the *Earl of Strafford's* attainder, and offered to chuse his Counsellors, Ministers, and Officers of State, with the approbation of both Houses. He that declared he would not part with the *Militia* for an hour, offered to settle it in the Parliament for twenty years; whereas his consent for two years, at first, would have prevented the civil wars. The same may be said of his other concessions. So that *Burnet* had reason to say, "The truth was, the King did not come into his concessions seasonably, nor with a good grace: All appeared to be extorted from him." Vol. I. p. 31.

(1) In the form of proclaiming the King, *May 8, 1660.* are these words: "We the Lords and Commons assembled in Parliament, together with the Lord Mayor, &c. unanimously acknowledge and proclaim that immediately upon the decease of our late Sovereign King *Charles I.* the imperial Crown of the Realm of England, &c. did by *inherent Birth-right*, and lawful and undoubted Succession, descend to his most excellent Majesty King *Charles II.* as being lineally the next heir, &c." See the Proclamation in *Compl. Hist.* Vol. III. p. 241. By the words *Imperial Crown*, used here and in Acts of Parliaments, is meant an independent Crown not held of any other, as the Princes of *Germany* are said to hold of the Empire.

(2) The words of the Act are as follows: "Be it hereby declared, that by the undoubted and fundamental laws of this Kingdom, neither the Peers, nor the Commons, nor both together, in Parliament or out of Parliament, nor the people collectively or representatively, nor any other persons whatsoever, ever had, hath, or ought to have any coercive power over the persons of the Kings of this Realm." The Parliaments that deposed *Edward II.* and *Richard II.* seem to have been of a contrary opinion.

(3) The oath is thus worded: "I A. B. do declare and believe, that it is not lawful, upon any

pretence whatsoever, to take up arms against the King. And I do abhor that traitorous position of taking arms by his authority against his person, or against those who are commissioned by him." This oath was imposed; first, on all officers in Corporations, by the Act called the *Corporation Act*, the intent of which was declared to be, "That the succession in Corporation may be most probably perpetuated in the hands of persons well-affecting to his Majesty and the established Government, &c." The same oath was, in the next place, imposed on Lord-Lieutenants, Deputy-Lieutenants, Officers and Soldiers, by the *Militia Act*, which begins with asserting, "that the sole and supreme power, government, command, and disposition of the *Militia*, and of all forces by sea and land, &c. is, and by the laws of England ever was, the undoubted right of his Majesty and his predecessors, and that the Parliament cannot pretend to the same, nor can lawfully raise or levy war, offensive or defensive, against his Majesty, his heirs, or lawful successors, &c." Lastly, the whole body of the Clergy enjoying any benefice or salary, were enjoined to take the same oath by the *Uniformity-Act*, chiefly levelled against the *Presbyterian* Clergy, two thousand of whom were ejected out of their livings, for refusing to declare their assent to every thing contained in the book of *Common Prayer*. The author of the *Detestation of the Court and State of England*, observes, This is one of the first laws that ever was made to swear to opinions and belief, and seems to doubt whether there can be any such thing as a negative assertory oath as this is. However that be, such an oath, says he, can never extend farther than to him who swears he does not know what he is required to swear: but he can never swear that another does not know it. This sort of swearing destroys the religion and end of an assertory oath, which is only to what a man knows certainly to be true, but no man knows that an opinion or belief is certainly true.—In justice therefore an assertory oath, that I believe or am of opinion, is not admitted, unless the testifier swears the ground or cause of his belief to be true of his own knowledge. Now what were the grounds

fully might be added to *Commissioned*; the oath was enacted without any limitation and left in general terms, though the word *Lawfully* was owned to be implied (1). The command and disposition of the *Militia*, one of the immediate causes of the civil wars, was also declared to be solely in the King, and his undoubted Prerogative. In fine, to remove all restraints upon the Crown, the Act for Triennial Parliaments, which had been deemed the nation's security, was repealed, and another of much less force substituted in its room (2).

Thus the King, according to the tenor of these Acts, was invested with absolute power, accountable to none but God alone, and exalted above all resistance. These proceedings so destructive of the public liberties, so repugnant to the old *English Constitution*, flowed chiefly from the present temper of the *Royal Party*, of which the Parliament mostly consisted, and which now prevailed in the nation. The remembrance of their late misfortunes, and the dread of falling again into

the like situation, so fully possessed them, that they wholly imputed the civil wars to the principles on which King *Charles I.* had been opposed, and zealously espoused the contrary maxims, without perceiving the impossibility of reducing them to practice, and without imagining they should themselves, in a few years, be forced to retract them (3). For

The King, with his brother the Duke of *York*, encouraged by the establishment of the Monarchy, on principles so subversive of liberty, form the project of introducing arbitrary power, and by that means the *popish* religion. To this end, the administration of affairs is lodged in the hands of a *Cabal* of five persons, who were thought fit instruments for such purposes (4). A private treaty is made with *France* for the destruction of the *Dutch*, in order to pave the way for the extirpation of the *Protestant* Religion, and the ruin of the *English* privileges (5). Pursuant to this secret agreement, the *Triple Alliance* is dissolved (6), war proclaimed against *Holland* in conjunction

"grounds or reason of the *Corporation-Oath*, which every one ought to swear to be true of his own certain knowledge, before he believe it not to be lawful, on any pretence, to take up arms against the King? Or, admit there might be reason for this belief, yet if the causes of this belief were not known to the taker of this oath, so as he knows them to be true of his certain knowledge, this oath, if any, is perjury." See *Coke's Detection*, Vol. II. p. 116.

(1) Sir *John Vaughan*, in the debate on the words *commissioned by him*, produced many instances to show, "That the people of *England* not only might, but in some cases were bound to take arms against persons commissioned by the King; and that the Sheriffs were bound, if it could be no otherwise done, to raise the *Posse Comitatus*, to oppose and suppress all such as should put any such illegal Commissions in execution." He therefore pressed that the word *lawfully* might be added. But Attorney-General *Finch*, a promoter of the bill, replied, "That it was not necessary, since the very word *Commission* did import it: for if it was not *lawfully* issued out to *lawful persons*, and for *lawful reasons*, it was no Commission." And to this interpretation the whole House assented. The Earl of *Southampton* moved also, in the House of Peers, for the addition of the same word, but was answered in the like manner by the Earl of *Anglesey*. Upon *Southampton's* urging it farther, "Because it would clear all difficulties with many, who not having heard the particular sense of both Houses, might imagine, that if any sort of Commission was granted, it would be unlawful to resist it." As a satisfactory answer it was alledged, "That this explanation being the very sense of both Houses, it would soon spread and be known, so as to become the sense of the nation." But unfortunately this was not the case, for the doctrine of *absolute non-resistance* was every where inculcated by the Clergy and others, without the least intimation of the sense of both Houses. By which means, many persons were induced to believe, that they were bound to an unlimited obedience, and that it was unlawful to relieve themselves in the most threatening danger. Whereas if *Lawfully* had been inserted in the Act, no man could have been misled, and the proposition would have been strictly true, namely, that the King's *legal Commissions* are no more to be resisted than the King himself, in the due execution of the laws. But by the omission of the word *Lawfully*, the Act literally ascribed greater power to the King than ever was, or ever can be exercised by the most absolute tyrant. Well therefore might Mr. *Locke* say, that the Corporations were made to swear to a declaration and belief of such propositions as the Parliament themselves afterwards, upon debate, were forced to alter, and could not justify. Letter to a Person of Quality, p. 60.

(2) By the new Act the King was left at liberty to No. 2. Vol. III.

continue the present Parliament as long as he pleased, which was accordingly continued near eighteen years.

(3) The anonymous author of the *Dissertations on Parties* conjectures on this occasion, That in such a temper of mind and situation of circumstances, even those, who saw how groundless and dangerous were such extravagant notions about the *Right, Power, and Prerogative of Kings*, might imagine, however, it was a part of prudence to give way to them, and to countenance them in the present conjuncture; to suffer the opinions of the nation to be bent too far on one side, as they had been bent too far on the other; not that they might remain crooked, but that they might become straight. p. 17, 18.

(4) *Clifford, Arlington, Buckingham, Ashley, Lauderdale*, the Initial letters of which names form the word CABAL.

(5) The account of this private treaty was published in *Italian* at *Paris* in 1682, by Abbot *Primi*, who was employed by *Colbert de Croissy* the French Ambassador in *England*, but soon after suppressed, and almost all the copies seized and destroyed, at the instance of the Lord *Protestant* the English Ambassador. It was published under the name of Count *Maiale*, with the royal privilege. In this treatise are the following passages: "These things engaged the King of *England* to sign a secret treaty with *France*; and to make it more firm, *Henrietta* Dutches of *Orleans*, sister to the King of *England*, went over into *England* in 1670, and proposed a treaty to her brother in the name of the most Christian King, wherein she offered to secure to him an absolute authority over his Parliament, and the re-establishment of the *Roman Catholic Religion* in his three Kingdoms of *England, Scotland, and Ireland*. But she said, that before this could be effected, there was an absolute necessity of abating the haughtiness and power of the *Hollanders*, who only studied to foment divisions amongst their neighbours; and to reduce them to the single Province of *Holland*, of which the Prince of *Orange* should be Sovereign, or at least perpetual Governor, which would not be difficult for these two mighty Kings, when once well united, to accomplish: so that by this means the King of *England* might have *Zealand* to retire to, if there should be occasion; and that the rest of the Low Countries should remain to the King of *France*, whenever he shall be able to conquer them." *State-Tracts*, Vol. I. p. 34.

(6) The triple alliance was made in 1668, between the Kings of *England*, and *Sweden*, and the *Dutch*, to prevent the progress of the French King's arms: so was entirely destroyed by the private treaty with *France*. Moreover *Coventry* was sent to the Court of *Sweden* to dissolve it, which was so effectually done, that the King of *Sweden* first stood neuter, and afterwards joined with the *French*. For this, which put all *Christendom* in a flame,

conjunction with *France*; and as this was done during a long recess of the Parliament, money is raised by shutting up the *Exchequer* and by a supply from *France* (1). At the same time the *penal laws* against Dissenters are suspended, and a *Toleration* published by the King, with the sole view of including the Papists (2).

Hitherto, it may be said, there had been but one party in the Parliament; the majority of both Houses, full of zeal for the prerogative, and of repentment against the maxims, which, in their opinion, had caused the late civil wars, seemed to have made it their whole care to exalt the Crown above any future attempts, by fencing it with *unlimited obedience*, and by excluding from offices of trust, all persons of contrary principles, by subscriptions and oaths. No other party dared to appear in the nation, and all opposition to the Court vanished. But when the King's designs began to be suspected, when the *Constitution* was thought to be in danger, the scene was immediately changed, and the old *English* spirit of liberty roused itself. The very Parliament by which the doctrine of *Non-resistance* had been in appearance so firmly established, resisted to the utmost in a Parliamentary way, and, very probably, would have proceeded to a resistance of another kind, had not the King given up his *Ministers*, departed from his claims, and in great measure

complied with their demands. At their meeting, Feb. 4. after a long interval, they resolve, in the first place, to crush the design for Popery. They begin with the King's declaration for liberty of conscience, as knowing it was intended in favour of the *Catholics*, and after some struggles oblige the King to recal it, as *illegal*, though he told them in his speech, *he had resolved to stick to it*. Then, as an effectual means to remove all Papists from places and posts, the *Test-Act* is passed, in consequence of which the Duke of *Tork* himself, High-Admiral of *England*, with the Lord-Treasurer *Clifford*, resign their Commissions (3). Whereupon the *Cabal* is broke, and three of the members called to account (4). Moreover, the Parliament force the King, notwithstanding his reluctance and private engagements with *France*, to put an end to the *Dutch* war, and conclude a league with the *States*. The zeal against Popery is inflamed, as well in the Nation as the Parliament, upon the discovery of the *Papish Plot*. A Bill is immediately passed for disabling Papists to sit in Parliament, or come near the King, with an exception, however, for the Duke of *Tork*. Another Bill is prepared for raising part of the *Militia* for a time, to which indeed the King denied his assent. It was also voted, that no more money should be granted, till satisfaction was given in matters of religion. Not satisfied with

same, *Coventry* was made (says *Coke*) Secretary of State, and it may be, presented with the Ranger's place of *Enfield-Chase*; whereas Sir *William Temple*, principal instrument in the peace of *Nimwegen*, lost 2200 *l.* by it; and his only recompence was to be Secretary of State in *Coventry's* place, if Sir *William* would give him 10,000 *l.* for it. *Dietl.* Vol. II. p. 167.

(1) In Abbot *Primi's* account of the secret treaty, it is said: "As for the King of *England* he was exceedingly perplexed, there was need of money to carry on the design, and that secretly too: He could raise none at home without assembling his Parliament, and that could not be done without acquainting all *Europe* with his designs: there was also great fear of opposition, both from the misunderstandings which in that tumultuous assembly do for the most part arise between the two Houses; and from the intrigues of the *Hollanders*. For which reasons the King of *France* furnished him with such sums of money as were sufficient to send out a considerable fleet; and he advised the King of *England* (the better to conceal their agreements) to keep a fair correspondence outwardly with the *Dutch*; to appear firm to the *Triple League*; and to declare that he set out a fleet for no other reasons, but because his neighbours, and especially the *French*, who made great preparations in all their ports upon the ocean, strengthened themselves so very considerably by sea." *State-Treaties*, Vol. I. p. 35. Accordingly King *Charles* received between six and seven hundred thousand pounds, which, for fear of suspicion, were not returned into the *Exchequer*, but into the hands of Mr. *Chaffinich*, (Page of the back-stairs) who, for his pains, was to have two-pence in the pound. *Coke's Delect.* Vol. II. p. 166.

(2) It must be observed, that the opportunity at the *Restoration*, of closing the division in the Church, was lost, and instead of a *comprehension*, the terms of Communion were made harder, and severe laws against all Non-conformists were enacted, which will be remembered hereafter in the account of our religious differences. The Court's design in thus widening the breach, and excluding great numbers from the Communion of the Church, was, to have room for granting a liberty of conscience in matters of religion, in order to procure some indulgence for the *Catholics*. Accordingly the King, in defiance of several Acts of Parliament, published a Declaration for Toleration, in which the Pa-

pists were so far included, as to be exempted from the *penal laws*, and permitted the exercise of their religion in their houses. See the Declaration, *Rapin*, Vol. II. p. 66.

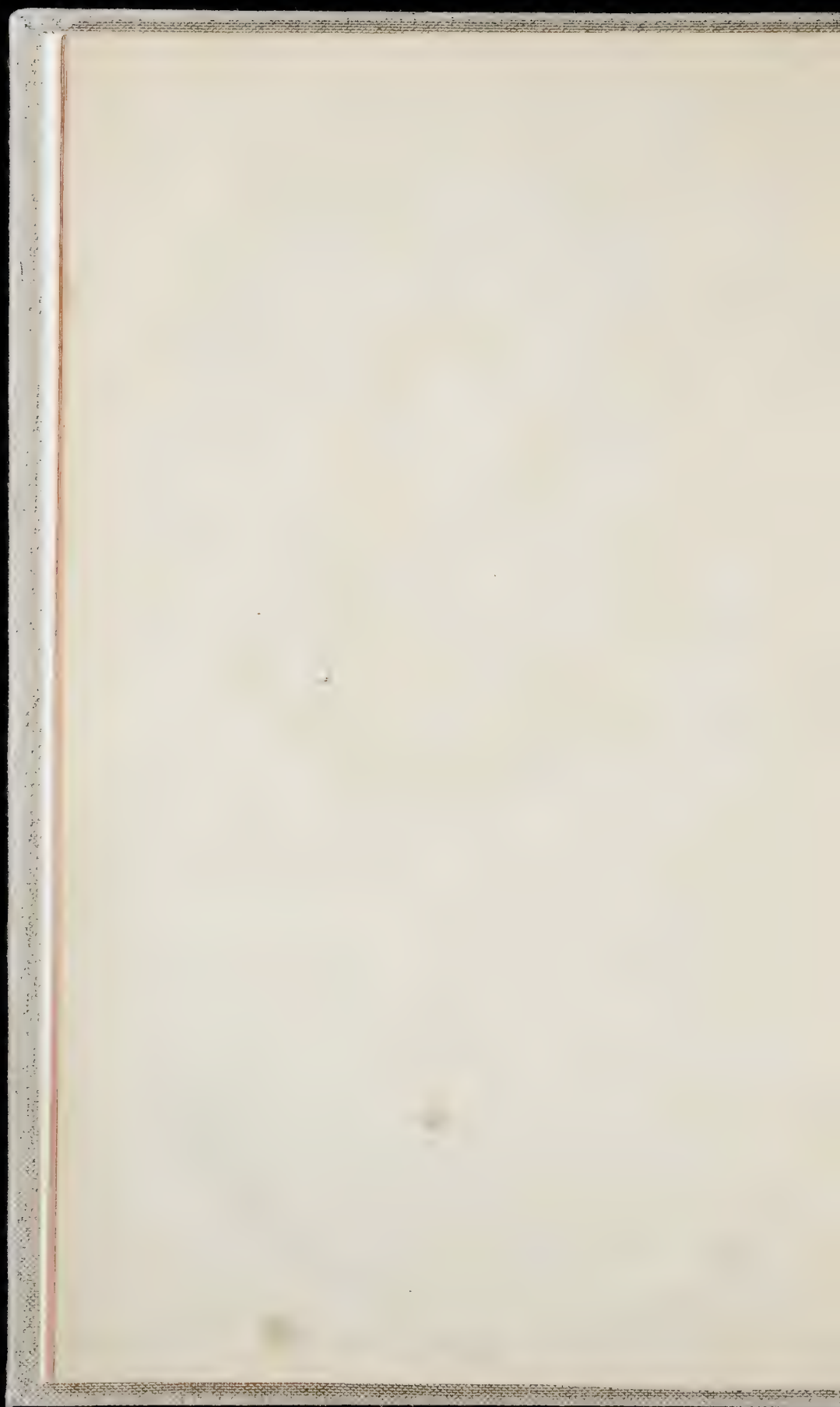
(3) The *Test-Act* runs: "For preventing dangers which may happen from *Papish Recusants*, and quieting the minds of his Majesty's good subjects, all and every person or persons, that shall bear office civil or military, or shall receive any pay, salary, fee or wages, by reason of any patent or grant from his Majesty, or shall have command, or place of trust under his Majesty, or by authority derived from him, shall receive the Sacrament of the Lord's Supper, according to the usage of the Church of *England*, within three months after his or their admittance in or receiving their said authority or employment; and every of the said persons, in the respective Court where he takes the oaths, shall deliver a certificate of such his receiving the said Sacrament, under the hands of the respective Minister and Church-Warden, and shall make proof of the truth thereof, by two credible witnesses upon oath: all which shall be required of, and put upon record in the respective Courts." With the oaths of *Allegiance* and *Supremacy*, the following declaration was also enjoined: "I, A. B. do declare, that I do believe, that there is not any Transubstantiation in the Sacrament of the Lord's Supper, or in the Elements of the Bread and Wine, at or after the consecration thereof by any person whatsoever." This *Test*, though designed against the *Papists*, as appears from the tenor of it, and the disposition of the Parliament at the time of enacting, affected the *Protestant* Dissenters, and therefore a vote passed to bring in a bill in their favour, which was prevented from being finished by a prorogation. By which it was evident, the King in his declaration for liberty of conscience, did not intend the ease of the *Protestant Non-Conformists*. Of this the Dissenters were so well satisfied, that *Levee*, a City-Member, and a Dissenter, spoke against the King's declaration. See *Rapin*, Vol. II. p. 66. It is farther observable, that notwithstanding the severe laws against the Dissenters, they remained unmolested, during the continuance of this and the three following Parliaments. The reason was, because the designs of the Court were now fully discovered.

(4) *Abley*, made Earl of *Shaftsbury*, turned against the Court, and *Clifford* was lately dead.



In the collection of John Temple Esq! Imp. and P. Knapp London 1758

J. Knapp Pinx.



INTRODUCTION.

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with all this, the Commons, after having endeavoured, but in vain, to prevent the Duke of York's marriage with a Papist, project his exclusion from the Crown, in defiance of the doctrine of the *divine right of lineal Succession*. In a word, their resistance reaches even the King himself, in the impeachment of the Earl of Danby. Neither his Majesty's declaration that the Earl had done nothing but by his order, nor a pardon under the Great-Seal could screen him from their prosecution (1). To put a stop to these proceedings, the Parliament, after a continuance of above seventeen years, is at last dissolved.

Jan. 4.
1678-9.

Beginning
of the
Whig and
Tory
Parties.

From the latter years of this Parliament may be dated the beginnings of the *Tory* and *Whig* parties, though they were not yet distinguished by these names. That party which in the Parliament and Nation had appeared on the side of the Court, acquired the appellation of *Tories*, and was formed upon principles grounded on a literal interpretation of the *Acts* established soon after the *Restoration*, in favour of the Crown. They professed to believe all *resistance* unlawful, and *lineal Succession* unalterable; and therefore considered those who differed from them in these points, as enemies of the *Monarchy* and *Church*. The other party which had opposed the designs of the Court, received the name of *Whigs*, and was formed upon a limited interpretation of the *non-resistance Acts*, which they understood with such restrictions, as rendered them, in their opinion, consistent with the *ancient Constitution* (2). These parties were now chiefly distinguished by their adherence or opposition to the exclusion of a *Papish Successor*. The *Tories*, pursuant to their notion of *Hereditary Right*, espoused the Duke of York's cause; whilst the *Whigs*, in consequence of their principles, were for altering the Succession. The *Tories*, in this respect, were the majority in the House of Peers, and the *Whigs*, in the House of Commons.

The nation having been alarmed with apprehensions of Popery, the elections for a new Parliament ran in favour of the *Country-party* or *Whigs*. Accordingly the impeachment of the Lord Danby is immediately resumed, and a bill for the exclusion of the Duke of York brought in by the Commons. In vain did the King offer limitations on a *Papish Successor*, they were not received, and therefore this Parliament was also dissolved.

Mar. 6.
1678-9.

July 10.
1679.

But such was the temper of the people in the present state of jealousies and fears, that the next Parliament was not more favourable to the Court. The King, in a dread of their treading in the steps of the former Parliament, deferred their first Session above a year after their summons. In this interval petitions were presented to him for the sitting of the new Parliament, the promoters of which were termed *Petitioners*. These were followed by counter-petitions, wherein the Subscribers, expressed an *abhorrence* of dictating to the King the time of a Parliament's meeting, and from thence were called *Abhorers*. But these party-names were soon lost, in the more general distinctions of *Tory* and *Whig* (3).

The Parliament was no sooner assembled, but the Commons warmly resumed the affair of *Exclusion*, and a bill to disabie the Duke of York to inherit the crown passed by a great majority, though, during the debate, the King sent and offered them any other security. Upon the bill's being thrown out by the Peers, the Commons voted all other means not only insufficient but dangerous. As nothing less than a *total exclusion* would satisfy the Commons, and as the King was determined not to consent to it, this Parliament was likewise dissolved.

Octob. 17.
1679.

Jan. 18.
1680-1.

The next Parliament summoned to meet at Oxford, was opened by the King with declaring his resolution not to alter the Succession, and his readiness to agree that the administration of the Govern-

March 17.
1680-1.

Govern-

(1) Though it appeared to the Commons, by the letters produced by *Montague*, that in the private negotiations with *France*, particularly concerning the pension of six millions of livres for three years to the King, the Earl of Danby had acted entirely by his Majesty's direction, they would not desist, but were resolved to lay open, if possible, the whole proceedings, and therefore may be said to attack the King himself, tho' indirectly, in their impeachment of the Earl. So far did even this Prerogative-Parliament carry their resistance, when they thought their liberties in danger.

(2) Though this long Parliament seemed at first to be entirely *Tory*, and to be wholly engrossed with the thoughts of guarding the *Crown* and the *Church* with *Non-resistance Acts* and *penal Laws*, yet a *Whig* or *Country Party* may be traced from the moment the ill effects of these things began to be perceived. Hence the Commons, upon any remarkable occasion, took care to explain their own Acts, by asserting, "That they never designed to make any real alteration in the *English Constitution*, or any direct incroachment upon the ancient liberties of the people, secured to them by *Magna Charta*, and many subsequent Acts." But the first noted instance of the *Whig* or *Country Party* in the House of Peers, was in the seventeen days debate in the year 1675, when the *Oath* and *Declaration* of *Non-resistance* on any pretence was attempted to be imposed on Privy-Counsellors and members of Parliament. In the debate on the words, *against those commissioned by him*, it was said, "That such words, without distinctions and limitations, would effectually change a *civil* and *regulated* Government into one *military* and *arbitrary*, so that there could be no difference between the *English* and the *Turkish* govern-

ment." *Echard's Review*, p. 19. To the former oath it was now added: "And I swear that I will not at any time endeavour the alteration of the Government in Church or State." See *Rapin*, Vol. II. p. 677. The Court Lords, (says *Coke*) with all the Bishops to a man, were for it: yet (continues he) the Country Lords, when they debated it in paragraphs, made it inconsistent with the present constitution of the nation. *Detest.* p. 194.

(3) *Burnet* observes, there were not such numbers that joined in the petitions for the Parliament as had been expected: So this showed rather the weakness than the strength of the party: and many well-meaning men began to dislike those practices, and to apprehend that a change of government was designed, p. 487. As this, very probably, with the *Factions* which now arose in the Council and Parliament, concerning the manner of the *Exclusion*, confirmed the King in his resolution to adhere to his brother and *lineal Succession*, in the prospect of dividing the nation: so it should have warned the *Country Party* or *Whigs* of the danger of pushing things too far, and induced them, when they saw the King utterly averse to the *Exclusion*, to content themselves with the most proper *Expedients*. And doubtless they would have taken this method, had not *faction* and *private views* mixed with the *national interests*. That this was the case, too plainly appears from the history of those times. Hence an eminent person of the *Country Party* (who lost his life afterwards for the cause) says, in a letter still extant: "I must confess, I do not know three men of a mind, and that a spirit of giddiness reigns among us, far beyond any I have ever observed in my life. Some look who is fittest to succeed—They are for the most part divided between

INTRODUCTION.

Government, in case of a *Papish* Successor, should be lodged in *Protestant* hands. Accordingly it was proposed to the Commons, that the Duke of *York* should be banished during life, five hundred miles from *England*, *Scotland*, and *Ireland*, and the whole Government, ecclesiastical and civil, vested, upon the King's death, in the Princess of *Orange* as Regent. But so averse were the Commons to all *Expedients*, that these proposals were rejected, and the *Exclusion* pursued with as much warmth as ever. For which reason the King, after a seven days session, suddenly dissolved this his last Parliament, to the great joy of the Duke of *York*, who dreaded *limitations* even more than a *total exclusion* (1).

Thus by the King's resolution to maintain *Hereditary Right*, and by the Commons' adherence to an *absolute Exclusion*, in a confidence of the King's yielding at last, the design not only proved abortive, but occasioned such a change in affairs, as brought both religion and liberty to the brink of destruction (2). The proceedings of the three last Parliaments gave the Court an opportunity to revive the fears and resentments which had prevailed just after the *Restoration*, and by that means to divide the nation into *Tory* and *Whig*, which were now become the general names of distinction. As by the indulgence shewn to *Protestant* Dissenters by the late Parliament, and their consequent behaviour, the Court artfully

rouzed the jealousy of the Church and alarmed the Clergy (3); so by the indifereet zeal of others, a suspicion was infused of a design to alter the Government, and matter furnished for the *Protestant Plot*, by which some of the best blood in the nation was spilt.

The King, upon the abrupt dissolution of the last Parliament, published a declaration by way of apology, which being read in all the Churches of *England*, produced, by the management of the Court, addresses of thanks to the King, with assurances of adhering to the *unalterable* right of lineal succession. The Clergy were extremely zealous on this occasion. *Divine hereditary Right*, *Passive obedience* and *Non-resistance*, were every where preached in the highest terms, and without any restrictions. The two Universities, the Judges, with many professors of the law, promoted the same doctrines in the strictest sense, and gave the Crown an unlimited power (4). The King, however, in the midst of his triumphs, did not yet think himself entirely secure. Notwithstanding the flattering addresses from all parts, he was still afraid of a Parliament, and durst not venture to meet the Representative of the Nation, before he was absolute master of the Elections. Effectual methods were taken to that end. Not only such Sheriffs, Justices of the Peace, Officers of the Militia, were appointed as favoured the Court, but the King resolves to new model the Corpo-

"between the Prince of *Orange* and the Duke of *Monmouth*—Others are only upon negatives, &c."

(1) The Duke of *York* (says *Burnet*) declared openly against the limitations. He was very sensible the limitations would be almost universally agreed to, but knew that many in the nation thought the *Exclusion* unlawful. By whose means he might possibly recover the throne, but to break through the limitations he was afraid would not be so practicable. Hence it was, that the next day after the Lord *Finch* had proposed the limitations to the Parliament, the Dutchess of *York* said in a letter, "That as for all the *High Things* which were said by their enemies they looked for them; but the speech of the Lord Chancellor was a surprise and a great mortification to them." *Burnet*, Vol. I.

(2) The author of the *Dissertations on Parties* observes: Men were made to believe that the King, who had yielded on so many other occasions, would yield on this; that he, who had given up so many *Ministers*, would give up his brother at last; and that if the Parliament would accept nothing less than the *Exclusion*, in their own way, it would be extorted from him. Now in this they were fatally deceived.—The King, who had not used to show firmness, on other occasions, was firm on this; and the consequence of pushing the *Exclusion*, in this manner, was giving him an opportunity of breaking the *Country Party*; of dividing the nation into *Whig* and *Tory*; of governing without Parliaments; and of leaving the throne open to his brother, not only without limitations or conditions, but with a more absolute power established, than any Prince of his family had enjoyed, p. 42.

(3) The *Country* or *Whig Party* no sooner prevailed in the House of Commons, but they espoused the cause of the *Protestant Dissenters* so far, as to endeavour to free them from the *penal laws*, particularly such as were primarily intended against the *Papists*. Hence it is that they had been unmolested, from the time that the design for *Papery* had begun to be discovered. In the fourth Parliament a bill passed both Houses to repeal the severe Act made in the 35th year of Queen *Elizabeth*, by which those who did not conform to the Church were required to abjure the Kingdom on pain of death; and for some degrees of *Non-conformity*, they were adjudged to die without the favour of banishment. *Bur-*

net observes, this bill went heavily in the House of Lords; for many of the Bishops, though they were not for putting it in execution, thought the terror of it of some use. But this bill, on the day of prorogation, when it should have been offered to the King, was, by his Majesty's particular order, withdrawn by the Clerk of the Crown. The House of Commons of the same Parliament, the last day of their sitting, voted, "That the Acts of Parliament made in the reign of Queen *Elizabeth* and King *James*, against *Papish Recusants*, ought not to be extended against *Protestant Dissenters*." And, "That the prosecution of *Protestant Dissenters* upon the penal laws, is at this time grievous to the subject, a weakening the *Protestant* interest, an incouragement to *Papery*, and dangerous to the state of the Kingdom." It was also given to the members of the last Parliament of this reign, as an instruction from their electors, to repeal the 35th of *Elizabeth* and the *Corporation Act*. By the favour thus shewn them, the *Non-conformists* (says *Burnet*) behaved themselves very indecently, and fell very severely upon the body of the Clergy, which made the Bishops and Clergy apprehend, that a rebellion, and with it the pulling the Church to pieces, was designed. It was easy therefore for the Court to inflame the Clergy, and cause them to turn their apprehensions of *Papery* into a dread of falling again under a *Presbyterian* Government.

(4) Dr. *Gower*, Vice-Chancellor of *Cambridge*, told the King in the name of the University, "We will still believe and maintain, that our Kings derive not their titles from the people but from God; that to him only they are accountable; that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be so by a fundamental *Hereditary Right* of Succession, which no religion, no law, no fault or forfeiture can alter or diminish."—The University of *Oxford* passed a decree, wherein regal Power, hereditary Right, *passive Obedience* and *Non-resistance*, are carried to the utmost height, and a copy of the decree was ordered to be hung up in every college. Little did the University think that within five years they should conform their practice to *Propositions*, which they now declared, *false, seditious, and impious*!

Corporations by annulling their Charters, and granting others under such limitations and conditions, as he should think fit. Almost five parts in six of the House of Commons would by that means be in his disposal. He begins with the City of London, and pursuant to a sentence in the *King's Bench*, seizes the liberties of the Metropolis into his hands. Upon this, many Corporations unable to contend with the Crown, are prevailed with to surrender their Charters. The Court was vigorously pursuing this project when the King was suddenly and unexpectedly snatched out of the world.

Feb. 6.
1684-5.

State of -
Partisun-
der James
II.

At the accession of King James II. to the Throne, the *Tories* and *Whigs* were the principal Parties in the nation, and at open defiance with one another. Among the *Tories* were all the *High-church Men*, and the *Clergy*, by whom the *divine Right of Kings*, *unalterableness of lineal Succession*, *Passive Obedience* and *Non-resistance* had been zealously preached above twenty years to the people. It is no wonder therefore, these doctrines had spread themselves in the Kingdom and been embraced by many very learned Professors of the Law, and Members of the Universities, especially as they seemed to be a part of the legal establishment. As the *Tories* by their principles thought themselves bound to adhere to a *Popish* successor, and happened to be under the influence of *Popish* Counsels, they were reproached by their adversaries as favourers of *Papery* as well as *arbitrary Power*. But this imputation appeared afterwards entirely groundless. The *Whigs*, chiefly consisting of moderate Churchmen with some few of the *Clergy*, avow'd the Principles of *resistance* in some cases, and asserted the power of the Parliament to limit the Succession to the Crown. As the *Whigs* were declared enemies to every degree of persecution, and consequently promoters of toleration in matters of religion, they were supported by the *Protestant Dissenters* of all denominations. Hence they were represented as *Presbyterians*, enemies of

the Church, men of *Anti-monarchical principles*. But this was with as little reason as the *Tories* were charged with a *Popish* inclination. The *Whigs* as to religion, were no more *Presbyterians* than the *Tories* were *Popists*; and though the small remains of the *Republicans* took shelter in their party, the *Whigs* were far from being *Anti-monarchical*, as their conduct afterwards fully demonstrated.

King James begins his reign with a strong declaration in council, that as he would never depart from his prerogative, so he would preserve the establishment in Church and State, and maintain the Rights of the people without invading any man's property. The *Tories* who were now predominant in the Nation, whilst the *Whigs* with their adherents were oppressed, too readily believed the King's promises. The *Clergy* every where extolled the royal word, and it was magnified as a security beyond any law (1). Addresses were presented from all parts full of the highest expressions of fidelity, trust and obedience (2). Though the King in a few days after his declaration in council, ordered the Customs to be levied contrary to law, so far were the prevailing Party from being alarmed, that he was publicly thank'd by a learned Society, for this first violation of his word (3).

The Corporations for the most part being modelled according to the project begun in the late reign, a Parliament was called, and the Elections by that and other irregular methods, were almost universally carried in favour of the *Tories* (4). The King opens the first Session with repeating his former declaration of supporting the Church of England, preserving the established Government, and never departing from his just prerogatives, assuring them, *they might firmly rely upon a promise so solemnly made*. Accordingly the Commons, so great is their confidence in the King, grant him for life an annual revenue of two millions and a half, without any conditions or appropriations; voting withal that they entirely rely and

(1) The pulpits (says Burnet) were full of it, and of thanksgivings for it. — The common phrase was, we have now the word of a King, and a word never yet broken. p. 620.

(2) The University of Oxford in their address promised to obey the King without limitations or restrictions. The King's promise passed for a thing so sacred, that they were looked upon as ill bred that put in their address, *our religion established by law*, which looked like a tie on the King to maintain it: whereas the title of the more courtly was to put all our security upon the King's promise. The *Clergy of London* added a word to this in their address, *our religion established by law, dearer to us than our lives*. This had such an insinuation in it, as made it very unacceptable. Some followed that pattern. But this was marked to be remembered against those that used so menacing a form. Burnet, p. 620.

(3) The society of the *Middle-Temple* in their address said, "That with the deepest sense of gratitude they acknowledged his Majesty's great goodness, in extending his royal care of the government, to the preservation of the customs which had been continually received in his royal predecessors for some hundreds of years, and never questioned by any Parliament, unless in that wherein were sown the seeds of rebellion against the King his father. — May there never want millions as loyal as we are, to sacrifice their lives and fortunes in defense of your sacred person and prerogative in its full extent." Thus

a manifest breach of the law was vindicated and applauded by a body of Lawyers themselves. The legal method (says Burnet, p. 622.) was to have made entries, and to have taken bonds for those duties to be paid, when the Parliament should meet and renew the grant which expired with the late King. As this seizing of the customs (says Wetwood, p. 138.) was contrary to law, so was it altogether needless at that time, since a Parliament was to meet within a few days, which nobody doubted would in a Parliamentary way continue them for life. So that he openly violated the Constitution, to obtain what he was certain would be granted him in a legal manner, and with the goodwill of his people.

(4) The methods for securing the elections were so successful, that the King said, there were not above forty members but such as he himself wished for. They were neither men of parts nor estates, so there was no hope left, either of working on their understandings, or of making them see their interest in not giving the King all at once. Most of them were furious and violent, and seemed resolved to recommend themselves to the King, by putting every thing in his power, and by ruining all those who had been for the exclusion. Some few had designed to give the King the revenue only from three years to three years. But there was no prospect of any strength in opposing any thing that the King should ask of them. This gave all thinking men a melancholy prospect. Burnet, p. 626.

and rest satisfied on his Majesty's word to support the Religion of the Church of *England*, *dearer to them than their lives* (1).

June 11. In this disposition was the Parliament when the Duke of *Monmouth's* invasion put an end to the first Session, after an Act of Attainder against the Duke, and a farther grant of four hundred thousand pounds to the King on this extraordinary occasion.

July 2. The ill-concerted expeditions of *Argyle* into *Scotland*, and of *Monmouth* in *England*, being defeated and the leaders put to death, the King thought himself so firmly established in his throne, that he was easily induced to pull off the mask and more openly avow his designs (2). These invasions furnished him with the pretence of raising and keeping up an army which he took care to fill with *Popish* officers though unqualified by law. Supported thus by a strong force and a large revenue, he resolves to hasten the introduction of Popery and arbitrary Power. He begins with plainly telling the Parliament at the opening of the second Session, "that a standing army was necessary, and therefore he had increased the number of forces, and demanded a supply for their maintenance. He owned some Officers had not taken the *Tests*, and declared he would not dismiss them (3)."

Vol. II. P. 752. The Parliament, and more especially the Commons, though chiefly consisting of men who professed to believe the doctrines of *Passive Obedience* and *Non-Resistance*, were alarmed at this speech, as manifestly intimating a power in the King to dispense with the laws. However to act as consistently with their principles as possible, they offered not only to pass a bill for indemnifying the *Popish* officers from the penalties they had incurred, but also to capacitate such others as

should be named by the King, and which voted a supply of seven hundred thousand pounds, though they would not expressly declare that it was for the support of the additional forces. Notwithstanding these complaisant offers, as they insisted on the King's removal of all jealousies from his people by maintaining the laws, and especially the *Tests*, he chose rather to lose the seven hundred thousand pounds, than suffer them to sit any longer, and accordingly put an end to the Session by a sudden prorogation, Nov. 20. which after many but fruitless attempts to gain the majority, was at last followed by a dissolution.

From this time may be dated the first deviation from the principles which had for many years been professed by the *Prerogative-Party*. The King had been often declared to be above law, accountable only to God, and his commands to be received with an active or passive obedience. And yet the King's first attempt to dispense with the Laws is strenuously opposed by the very men who had espoused the highest notions of Regal Power and been elected as it were with the King's approbation. This naturally should have deterred him from pursuing (at least so openly) his designs, and taught him how little he could rely on the professors of *Passive Obedience*, who, as it plainly appeared, when their Religion and liberty were in danger, would interpret the doctrine of *Non-resistance* in a limited sense. But,

Instead of being discouraged, the King since he could not prevail with the Parliament to come into his measures, resolves to fill *Westminster-Hall* with Judges that should answer his purposes. Accordingly at a sham trial, the new Judges declare it to be, "an inseparable prerogative of the Crown to dispense with all penal laws (4)." P. 754.

This important point being gained, the King contrary

(1) This reliance on a *Popish* King for the support of a *Protestant Church*, appears so extravagant to the author of the *Dissertations on Parties*, that he says "It is impossible to believe that their confidence in the King's word was such as they affected. But like drowning men who saw nothing else to catch at, they caught at a straw." p. 76. And indeed the conclusion of this complaisant vote, viz. *dearer to us than our lives*, seems to intimate to the King the danger of breaking his word, and is also an evidence that the *Tories* even when most triumphant were far from being *Popishly* inclined.

(2) It is observable, that these invasions were so far from affording the Nation any opportunity of mending their condition, that *Monmouth's* declaration might draw some of the *Dissenters* to his standard, as it did; but was calculated to drive the *Tory-Party*, most of the *Whigs*, and in short the bulk of the people from him. *Argyle's* Declaration was founded in the *Jehem League and Covenant*, and gave so much reason to apprehend that a revival of the same principles, and a renewal of the same tyranny was intended, that we cannot wonder it had no better effect, though we lament the fate of a worthy and gallant man, whose crime was refusing a *Test*, that should never have been imposed on *Protestants* and *Freemen*, and who had been driven into these extreme resolutions by a series of unjust and tyrannical usage. Thus were these invasions, favourable in some respects to the designs of King *James*.—But, in the event, they forwarded our deliverance from all the dangers to which we were exposed, under his government, by precipitating his attempts against our religion and liberty. *Dissert. on Parties*, p. 77.

(3) *Welwood* remarks, that as King *James's* former speeches to his Council and Parliament had put the *French* Court to a stand what to think of him, this last speech put them out of pain, and convinced them he was entirely theirs.—Accordingly the revo-

cation of the *Edict of Nantes*, which probably had been some time under consideration before, was now put in execution, to the astonishment of all *Europe*. *Wel. Mem.* p. 156. *Burnet* makes the same observation. As far as I could judge, (says he) the affairs of *England* gave the last stroke to the recalling the edict of *Nantes*, and then adds, this year (1685) must ever be remembered, as the most fatal to the Protestant Religion. In *February*, a King of *England* declared himself a *Popist*. In *June*, *Charles*, the Elector Palatine, dying without issue, the electoral dignity went to the house of *Newburgh*, a most bigotted *popish* family. In *October*, the King of *France* recalled the edict of *Nantes*. And in *December*, the Duke of *Savoy*, by the persuasions and even threatnings of the Court of *France*, recalled the edict that his father had granted to the *Vaudais*. So it must be confessed, that this was a very critical year. p. 656.

(4) A sham information was brought against Sir *Edward Hales*, a *Popist*, for acting in a military office without qualifying himself according to laws, which produced the declared opinion of the new Judges in favour of the dispensing power. *Edward's Review*, p. 71. When King *James* (says *Welwood*) came to assume to himself this power, as his prerogative and right, he unbind'd the *Constitution* all at once; for to dispense with laws already made, is as much a part of the *Legislature*, as the making of new ones. And therefore in arrogating to himself such a dispensing power, he invaded the very essence of the *English Constitution*, by which "the *Legislature* is lodged in King, Lords, and Commons, and every one of them has a negative upon the other two." *Welwood's Memoirs*, p. 169. It was not enough (continues the same author) for King *James* to assume a dispensing power and to act by it, but such was the misery and hard fate of *England*, that the party about the King would have had us believe, that a power in the King to dispense

p. 755. contrary to an express act of Parliament erects a court of *Inquisition* under the name of a *Commission for Ecclesiastical Causes*. The Clergy are forbid to preach on controverted points, that is, to defend their Religion against the open attacks of the *Romish* Priests; and the Bishop of London, for not obeying an illegal command of the King, is summoned before the new court and arbitrarily suspended from his office (1). Mean time a solemn Embassy is sent to Rome to reconcile the *British* dominions to the *Holy See*, whilst the Catholic Religion is publicly propagated in Jesuit schools and seminaries in London, and other considerable Towns, and such Ministers at Court as would not consent to the repeal of the *Tests*, are, notwithstanding past services, dismissed, and their Posts filled with others of greater compliance.

1688.
p. 758.
Apr. 4. Things being thus prepared, a proclamation for *liberty of Conscience* is published, the dispensing power is claimed, and all subjects allowed to hold places without the usual Oaths or *Tests*. The Dissenters dazzled with this indulgence, as freeing them from the oppressions they endured, present addresses of thanks, full of high strains of gratitude and loyalty, not considering that by approving an illegal toleration they became incouragers of the *dispensing power* assumed by the King (2).

As the Jesuits were very impatient to get footing in the *Universities*, in a belief it would greatly advance the propagation of their religion, the King's next step was to order, by a Royal Mandate, the Fellows of *Magdalen College* in Oxford, to elect a President contrary to their statutes and oaths. Upon their refusal, they are summoned before the *Ecclesiastical Commissioners*, deprived

(except two that complied) of their Fellowships, and with their new-elected President declared incapable of any Ecclesiastical preferment.

During the contest with the College, all methods were practised to procure a new Parliament that should ratify the King's measures, repeal the *Tests* and give a Parliamentary sanction to his *dispensing Power*. To this end he took a progress into several counties, pursued the affair of new-modelling the Corporations, dismissed from posts and employments all such as showed the least dislike of his proceedings. With these, and many other artifices, the King could not however so far carry his point as to be sure of a Parliament to his mind; and therefore would not venture to call one, but chose rather to rely on his army, which he resolved to fill with *Irish Papists*. To convince the nation still more plainly of his designs, he not only made *Father Petre*, a Privy-Counsellor, but solemnly received a *Nuncio* from the Pope, who made his publick entry at *Wind-
sor* (3).

In this situation were affairs in the beginning of the famous year 1688; the King invested by the Judges with the *dispensing Power*; the Privy-Council under the direction of a Jesuit; the Counties and Militia in the hands of Papists or other unqualified persons; an army of fifteen thousand men incamped ten miles from London; and to crown all, the King's proceedings approved by addresses not only from the Dissenters but from Corporations and other Societies (4), with promises of electing such members of Parliament as should confirm his measures. In these favourable circumstances, it is not strange the King should push his designs with openness and vigour. Accordingly after a proclamation of the Queen's Jan. 2; preg-

dispense with laws, was law. To maintain this monstrous position, there were not only mercenary pens set a-work, but a set of Judges found out, that, to their eternal reproach, did all that was possible for them to compliment the King with the liberties of their country.—Thus were we fallen under the greatest misfortune that could possibly happen to a nation, to have our laws and constitutions trampled upon, under colour of law: And those very men, whose office it was to support them, became now the betrayers of them to the will of the Prince. *Ibid.* p. 171.

(1) The King sent an order to the Bishop of London to suspend Dr. Sharp (afterwards Archbishop of York) for a pretended contempt of the order against preaching on controverted points: and the Bishop refusing to execute it, as being illegal, was himself suspended by the new Court. *Wetwood* observes on this occasion, that notwithstanding the King's insinuating letter to the Clergy about preaching, they were not wanting in their duty; for to their immortal honour, they did more to vindicate the doctrine of their own Church, and expose the errors of the Church of Rome, both in their sermons and writings, than ever had been done either at home or abroad since the Reformation; and in such a stile, and with such inimitable force of reasoning, as will be a standard of writing to succeeding ages. *Wet. Mem.* p. 174. The chief of these writers were, Tillotson, Sharp, Patrick, Stillingfleet, Williams, Tennison, Sherlock, Clogget, Gee, Whitby, and Dr. Wake late Archbishop of Canterbury.

(2) The observations of the anonymous Author on Parties, concerning the proceedings of the Dissenters, seem but too justly grounded. The King's designs (says he) were openly avowed, and desperately pushed. The Church of England opposed them with the utmost vigour. The Dissenters were cajoled by the Court, and they, who had been ready to take arms against King Charles, because he was unwilling to exclude his Brother, and who had taken arms against this Prince, since he was on the throne, became abettors of his un-

surpations. It were easy to prove this, even by Bishop Burnet's account, as much as that is softened; and if the excuses which have been made for their silence against Popery in this critical moment, or for their approving and encouraging the exercise of a *dispensing power* are to be received, one may undertake to excuse, on the same principles of reasoning, all those instances of misconduct in the *Church-Party*, which I have presumed to censure so freely. But the truth is, these excuses are frivolous. I could quote some, that are even burlesque. Let us reverence truth therefore, and condemn the Dissenters as frankly on this occasion, as we have condemned the members of the Church of England on others. *Dissert. on Parties*, p. 78.

(3) This was Seigneur Dadda. The Duke of Somerset, then Lord of the Bedchamber in waiting, was expected to assist in the ceremony; but he told the King, "He could not serve him upon this occasion, being assured it was contrary to law." The King asked him, "If he did not know that he was above the law?" The other replied, "If the King was, he himself was not above the law"; for which he was dismissed from all employments. *Edwards's Review*, p. 84.

(4) In the address from the Middle-Temple, it is said,— "As thanks (for the Toleration) ought to be paid your Majesty by all your subjects, so we especially, of the profession of the law, have most reason to be thankful for the honour you have done us, by asserting your own royal prerogatives, which is the very life of the law and our profession. Which prerogatives, as they were given by God himself, so we declare, That no power upon earth can diminish them, but they must always remain entire and inseparable to your royal person. Which prerogatives, as we have studied to know them, so we are resolved to defend them, by asserting with our lives that divine maxim, *A Deo Rex, a Rege Lex, &c.*" *Hist. of Addresses*, p. 113.

pregnancy, and some fruitless attempts to persuade the Prince and Princess of Orange to approve the repeal of the *penal Laws and Tests*, comes forth (what quickly brought things to a crisis) a second declaration for *Liberty of Conscience*, more full and explicit in favour of the *Catholics*, which was soon followed with an order of Council to the Bishops, to cause the declaration to be read by the Clergy in all the Churches of their several Dioceses.

This order immediately produced a petition from the Archbishops of *Canterbury* and six other Bishops (1) against reading the declaration, as "being founded upon a *dispensing power* often declared illegal in Parliament." Whereupon they were all sent to the *Tower*, and not long after, brought to a trial for framing and publishing a seditious libel; for so was termed their petition, though delivered in the humblest and most private manner to the King alone. After a long trial, wherein the dispensing power was not only boldly argued against, but demonstrated to be a violation of the constitution, the Bishops were acquitted with loud acclamations, not only of the people, but even of the army itself, to the King's great mortification, who was then in the camp (2).

During the confinement of the Bishops it was that the Queen's delivery of a son was published, to the great joy of the *Catholics*, (who were now less anxious about the uncertainty of the King's life) but to the grief and astonishment of the confederate part of the nation, who had placed all their hopes on a *Protestant Successor*, which now seemed entirely defeated. Their comfort was the Queen's delivery by many circumstances was rendered suspicious, and the people in general inclined to believe it an imposture of the *Papists* to finish their ruin (3).

Notwithstanding the public rejoicings in the city, country and army, for the acquittal of the Bishops, which sufficiently discovered the general dislike of the King's measures, he resolved to pursue his designs. Two of the Judges were dismissed for not vindicating his pretended prerogative in the late trial, and the *Ecclesiastical Commissioners* were ordered to proceed against the Clergy for not reading the declaration. The inclinations of the land and sea forces were founded, and though several discouraging circumstances

occurred, the King was not deterred from his purposes, nor would he be persuaded to use gentler methods, according to the advice of some of his friends, and particularly one of his ministers who had suddenly changed his religion. (4). It was thought that all opposition would vanish before the army, when strengthened with *Irish* supplies.

During the Transactions of the foregoing *State* alterations. The *Tories* and *Churchmen* who had *that time* so zealously espoused and asserted the doctrine of *Non-resistance* in all cases, whilst the King exerted his prerogative in their favour, and suffered them to trample upon their opposers the *Whigs* and *Dissenters*, when they discovered that *this doctrine* was going to be turned upon them, and made an instrument of destroying the established religion and introducing Popery and arbitrary power, their zeal began to abate, and neither pulpit nor press any longer so strenuously inculcated the doctrine of *Passive Obedience*. It was now generally thought that the King, as well as those commissioned by him, were not to be obeyed without limitation, and that their power was circumscribed by the law. In a word, the *Tories* were so far become *Whigs* that they believed when a Prince visibly endeavours the subversion of the religion and liberties, he may be lawfully restrained and kept within bounds. In this situation were the *Tories*, when the *Whigs* were suddenly deprived of a great support. The *Dissenters*, who had all along adhered to that party, fell for some time into a snare laid for them by the Court. Liberty of conscience, and exemption from penal laws, were so grateful, that overlooking the destructive and illegal means by which they were obtained, they exalted the prerogative in their addresses of thanks to as great a height as ever the *Tories* had done, and so became indirectly abettors of the *dispensing power*, which at once unhinged the *Constitution*. But quickly perceiving their error, they returned to their former friends, and joined with the *Whigs* in opposing arbitrary power. At length, the *Tories* being convinced that their religion and liberties were in manifest danger, and popery and slavery advancing with large steps, believed it time to provide for the safety of the Church and State (5). Thus persuaded, they also co-operate

(1) The six Bishops were St. Asaph, Ely, Bath and Wells, Peterborough, Chichester and Bristol, five of whom were afterwards *Non-jurors*.

(2) It was also observable upon their trial, that the tables were so far turned, that some that had largely contributed to the enslaving their country with false notions of law, were now of another opinion; while at the same time, others, that had stood up for the liberties of their country in two successive Parliaments, and had suffered upon that account, did now as much endeavour to stretch the prerogative beyond its just limits, as they had opposed it before. So hard it is (says *Helwood*, p. 186.) for mankind to be in all times, and upon all turns, constant to themselves. The proceedings against the Bishops were chiefly managed by Solicitor *Williams*, a zealous promoter of the *Exclusion* in the reign of King *Charles*, Speaker in his two last Parliaments, and a bold pleader in all causes against the crown. On the Bishops side appeared, amongst others, *Finch* and *Sawyer*, who had been, whilst in power, great sticklers for the prerogative.

(3) It must be owned, that in case the Queen was really delivered of a son, both she and the King acted as if it had not been so, and by their proceedings not

only rendered it suspected, but put it out of the King's power to prove the birth in a satisfactory manner when he thought proper to endeavour it.

(4) This was the Lord *Sunderland*, who in several long audiences with the Queen, represented, "That since she had got a son, the state of her affairs was quite changed, and that there was no occasion for making such haste now the succession was sure. He told her, time would bring all about, if soft methods were used; and advised her to appear the author of gentle counsels, which by another administration might lay the flame so lately kindled, and gain the hearts of the nation both to herself and her son, so that the might be declared *Regent* if the King should die during the minority of the Prince." *Echard's Review*, 103. *Burnet*, Vol. I. 755. In order (says *Burnet*) to have the more credit in pressing these advices, he resolved to declare himself a *Papist*. *Ibid.* p. 756.

(5) *Echard*, in his *Review*, expresses this very fully. And now (says he) the breaches into the *English* constitution, which many were unwilling to see before, became apparent to almost all men's eyes. The King had plainly and openly assumed to himself a power to make laws

rate with the *Whigs*, and by this means the whole nation, as to the point of resistance in so desperate a case, seemed to be all of one party.

Accordingly, soon after the Queen's delivery, the Prince of *Orange* was earnestly invited, as well by *Tories* as *Whigs*, to come and save the nation from falling into the most deplorable of states, popery and slavery. As the safety, not only of the *United Provinces* but of the *Protestant Religion* in general, depended on the fate of *England*, the invitation was gladly accepted by the Prince of *Orange*, and heartily espoused by the *Dutch*, who readily furnished an army and fleet.

Whilst the warlike preparations were with great secrecy carried on in *Holland*, King *James* had intimation from *France* of an expedition intended against *England*, with the offer of a *French* army to assist him. This offer, to the great surprise of the King of *France*, was rejected as unnecessary, though a private treaty was said to be then made between the two monarchs (1).

Aug. 25.

Sep. 23.

But at length receiving certain advice of the Prince of *Orange's* design, King *James* was extremely alarmed. He instantly saw the necessity of requiring the confidence of the *Clergy*, still vainly imagining they would practice that *Passive Obedience* they had so long and so strenuously asserted. But to his great mortification the Bishops, to whom he applied for the assistance of their counsels, plainly advised him in ten articles, "to redress all his illegal proceedings, and speedily call a *FREE PARLIAMENT*, in which the Church of *England*, a due liberty of conscience, and the properties of the subject might be secured."

Whilst the Bishops were preparing this address, the King publishes a Proclamation, intimating, "that no less than an absolute conquest of his kingdoms were proposed by this inva-

sion; that, nevertheless, he declined all foreign aid, and wholly relied upon his own subjects." Concluding, "that though he intended to have met his Parliament the 17th of *November*, he found it necessary to recall the writs that had been issued for that purpose."

About the same time the King, as his fears increased, thought proper to redress some of the grievances complained of. He begins with taking off the Bishop of *London's* suspension, and publishing a general pardon of all criminals; a few only excepted. Soon after this, the commission for causes ecclesiastical was dissolved: the charter of *London* restored: the fellows of *Magdalen College* were ordered to be re-instituted: corporations were restored to their ancient charters: popish Lord-Lieutenants, Justices of the Peace, Mayors, and other magistrates were displaced, and Protestants put in their room. In a word, the whole popish fabric, the work of near four years, was in a few days almost entirely demolished. But with how little sincerity this was done, the King took care to show presently after.

Whilst these things were transacting in *England*, the Prince of *Orange*, to justify his undertaking, published a solemn declaration, that "the expedition was intended only for redress of the grievances, by a free and lawful Parliament, to which should be referred the inquiry into the birth of the pretended Prince of *Wales*, and of all things relating to the right of succession."

Upon news that the King, pursuant to the advice of the Bishops, had retracted some of his arbitrary proceedings, an addition was made to the declaration importing, "that these redresses were imperfect, and a plain confession of the violences complained of, that the root of oppression, the claim of a despotic power, was reserved entire, and consequently no remedy could be offered but in Parliament, by a declaration

Oct. 10.
N. S.

laws void and to qualify such for employments, who were so incapacitated by law, as to render all their actions void. All unqualified persons, Sheriffs, and even Judges, were now no legal Officers, inasmuch that the Government and the lawful Administration of it was quite broken and confounded. All this was brought about by the magic of dispensing power, which changed the whole frame of the Legislature, and reduced all laws to the pleasure of the crown. For by virtue of the same power, every disagreeable statute was made liable to be vacated, especially since no laws were fortified with stronger clauses to force their execution, than those which the late declaration had made useless. And when this was declared such a sacred point of Government, that a petition doubting of it and delivered in the most modest and private manner, was made a high crime, and inflexibly carried on against the most eminent of the Church. This convinced the most doubtful, that the breach into the constitution was general, destructive, and inconsistent with the nature of it. The matter was so open and avowed, and continued with such regular steps and repeated acts, that many of those that had taught the highest notions of Obedience, were sensible that there was such a total subversion, as might warrant the nation to guard its constitution, and to look out for its own preservation. *Echard's Review*, p. 104.

(1) All the Priests and Popish Lords were having the *French* forces; it was opposed by the Earl of *Sunderland* only, who said, that an army of forty thousand men might perhaps master *England*, but they would become the King's masters too, and render him only a Viceroy to the King of *France*. A less army would lose the King the affections of his people, and

drive his own to desertion, if not to mutiny. The King did not think matters were yet so near a crisis; so he neither entertained the proposition, nor let it fall to the ground. There was a treaty on foot, and the King was to have a hundred transport-ships ready for such forces as he should desire. It is certain, the *French* Ambassador then at *London* did believe, that the King would have been able to have made a greater division of the nation, than it proved afterwards he was able to do, and that then the King would have been forced to have taken assistance from *France* on any terms, and so he encouraged the King of *France* to go on with his design, in the winter, and he believed he might come in good time, next year, to the King's assistance. This advice proved fatal to the King. The first discovery of the alliance with *France* was by a memorial given to the States by the *French* Ambassador, wherein he told them, that there was such a strict alliance between his master and the King of *England*, that he would look upon every thing done against *England* as an invasion of his crown. This put the King and his Ministers out of countenance, for they had positively denied there was any such thing. But the memorial was a full proof of it. *Burnet*, Vol. I. 767. *Stelton*, the King's Envoy at *Paris*, had the blame cast on him of putting it in the memorial, and when he came over was sent to the Tower on that account; but this show of a disgrace was but short, for he was soon after made Lieutenant of the Tower. The *French* Ambassador about this time showed Sir *William Trumbull*, Ambassador at *Constantinople*, a letter from M. de *Cressy*, importing, that an alliance was concluded between the two Kings. *Ibid*.

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(1) The

"claration of the rights of the subject which had been invaded, and therefore all should be referred to "a free assembly of the nation in a lawful Parliament."

The King soon verified that part of the declaration concerning the defectiveness of the redresses of grievances; for hearing the *Dutch* fleet had so greatly suffered by a storm, that they were forced to put back, and would not be able to proceed till the spring, he returned to his former conduct, recalled several of his late acts of favour, particularly the restoration of *Magdalen* College, and thereby demonstrated, that all his redresses were owing entirely to necessity and not to inclination, which lost him many friends that might otherwise have been induced to stand by him.

Mention being made in the Prince's declaration of his being invited by divers of the Lords spiritual and temporal, the King in great haste sent for the Archbishop, and such Bishops as were in *London*, and required them to justify themselves to the world, by declaring under their hands their abhorrence of the Prince's intended invasion. But instead of complying with his request, they renewed their petition with great earnestness to call a free Parliament.

The damage sustained by the *Dutch* fleet having been purposely magnified to increase the King's security, it was soon repaired, and the Prince sailed again on the first of *November*, and on the fifth, landed his forces at *Torbay*. He marched directly to *Exeter*, where he was at first but coldly received by the Clergy and Magistrates. But soon after an association by the advice of Sir *Edward Seymour* was drawn up, to stand by the Prince of *Orange*, till religion, the laws and liberties were secured by a free Parliament. This association was signed and sent to other places, particularly to *Oxford*, where it was subscribed by almost all the heads and chief men of the University, and the Prince was earnestly invited thither, with a promise that their plate if wanted, should be at his service. From that time, as every day brought some persons of distinction to the Prince, so the King was daily forsaken, not only by those he had most trusted, but even by his own children, the Prince and Princess of *Denmark*.

The King was now under such a consternation that he neither knew what to resolve on, nor whom to trust. He sent for all the Lords in *London*, that were known to be firm Protestants, by some of whom he was privately advised to call a general meeting of all the Privy-Counsellors and Peers to ask their opinion. They unanimously agreed, that it was necessary to call a free Parliament, and send Commissioners to treat with the Prince. How much soever this went against the King's inclinations, he next day declared in council, that he resolved to have a free Parliament on the fifteenth of *January*, and ordered writs to be issued out accordingly. At the same time, the Marquis of *Hallifax*, the Earl of *Nottingham*, and the Lord *Gedolphin*, were ap-

pointed to go and ask the Prince what it was he demanded. The removal of Papists, and calling a free Parliament, were the chief articles proposed by the Prince, which with the rest of the Prince's demands, were deemed so reasonable that they were immediately sent away to the King, who owned he did not expect so good terms. During this treaty, strange councils were suggested to the King and Queen. The Priests and violent Papists knew that they must be the sacrifice, and the whole design of Popery given up without hope of revival. They told the Queen, she would be impeached and witnesses set up against herself and son. Whereupon the resolved to go to *France* with the child; and the midwife, with all that assisted at the birth, were also carried over, or so disposed of, that it was never known what became of them afterwards. The Queen prevailed with the King to promise to follow her very soon. Accordingly, having called an extraordinary council on account of the Prince's proposals, he acquainted them with the Queen's departure the night before, but still promised them that he would stay with them. He was unanimously advised to comply with the Prince's demands, and all things appeared as if he designed it, and the council was ordered to attend her next morning. But having privately sent for the Great Seal, on the eleventh of *December*, about three in the morning, he went away in disguise with Sir *Edward Hales*, whose servant he seemed to be. They past the *Thames*, and threw the Great Seal into the river; which was found some months after by a fisherman near *Vaux-Hall*. The King went down to a fisher-boat that *Hales* had provided for carrying him over.

Thus King *James* when there was no apparent cause to fear the safety of his person, chose rather to abandon all, than to stay and see the issue of a Free Parliament; which he had been so often petitioned and advised to call, and which he had so often promised to summon. With this his reign may be said to end. For if ever there *Echard* was a real desertion of a Kingdom, and ever a people left to take care of themselves, this was certainly the time. He exposed the nation to the pillage of an army which he had ordered to be disbanded without money, he destroyed the Parliament writs, threw the Broad Seal into the *Thames*, and left the people without a Governor.

Upon this desertion the Privy-counsellors and Peers with the Archbishop of *Canterbury*, met at *Guild-Hall*, and agreed to invite the Prince to come and take upon him the government of the nation, till matters were settled by a Parliament. This invitation was signed by all, and sent to the Prince, who upon receiving the surprising news of the King's sudden departure, thought it necessary to make all possible haste to *London*. When he was advanced as far as *Windsor*, two Gentlemen of *Kent* brought him notice, that the King was taken by some fishermen and carried to *Feverham* (1). The Prince instantly ordered *Zuy-
lstein*

(1) The following account is a manuscript letter from one of the Gentlemen that came to the King, when he was taken, to his friend in *London*.

"It was the fatal *Tuesday*, *Decemb.* 11. 1688, when the mob were all in arms; on which day were taken the Lord *Salisbury*, and Sir *Charles Hales* at *Alford*, the Lord *Peterborough*, &c. in the Isle of *Thanet*, and near us Baron *Jenner*, *Burter*, *Gra-*

ham, *Obadiab Walker*, *Gifford*, *Leybourn*, *Kingley*, and two supposed to be their titular Bishops, with several Papist Gentlemen, viz. the Lord *Arundel* of *Wardour's* son, *Hardwick*, a Merchant, *Sing*, Adjutant to Sir *Edward Hales*, &c. This was the great work of the day, besides rising of popish houses: but the night was attended with something more extraordinary; for the seamen, armed with a

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lestein to go and desire him to stay at *Rockester*, but *Zuykestein* missing his way, the King, at the

invitation of the same Peers and Privy-council, that had just before sent to the Prince to take upon

“fort of emulation at the success of the landmen, were resolved to have a frolick in their way; and about seven at night, under the conduct of *William Ames* and *John Hunt*, with about fifty more, chiefly seamen, put off in quest of a prize, and about eleven at night they took a Custom-house boat, in which proved to be the King, *Sir Edward Hales*, and *Ralph Sheldon*. The King was in a particular disguise, and so not known that night; but as if his destiny designed to be severe upon him, the seamen treated him very roughly above the rest, though incognito. One cried out, *'twas Father Petre; they knew it to be so by his lean jaws*: A second called him *old hatchet-faced Jesuit*: a third swore, *'twas a cunning old rogue, they would warrant him*. And all night long they welcomed him with these rough salutations, and perfuming the room with tobacco, the smell whereof the King hates. His Majesty was taken at the west point, not above a quarter of an hour before the flood would have carried him off; and it was his own fault, that they stooped there for balast, which the pilot was against: but the roughness of the seamen made his Majesty fear they were not safe in so small a boat without balast; whereby they lost six or eight hours, and so were providentially taken. He was detained at sea all night, and brought up from *Ouse*, where he landed, to *Feverham* about twelve, *Wednesday* the 12th. Then he was suspected, as he came up the town, and within a quarter of an hour after he was in the inn, fully discovered. He was willing by all arts at first to conceal himself; and at his first coming in he called for bacon and eggs, as if he were some ordinary man in his diet; whereas he tastes no meat that is in the least salted, as it afterwards appeared. He seemed cast down somewhat at the noise of the rabble; but after some recollection, called for some ink and paper to write to the *Earl of Winchester*; but was so discomposed, that he wrote, and tore, and begun again, as if he were overcome with disorder or fears. Inasmuch as I was with him before he was discovered, he entered into some discourse with me. He thanked me, and commended my prudence for not discovering him with the first, though I knew him, as soon as any one. He told me, that the rage of the people was up; and now that of the Psalmist was true; *I, who still the raging of the sea, must still the rage and madness of the people*; for he could not, therefore he——He complained heavily of fears and jealousies blown about by ill men; and too many of the black coats had done him that ill office they could never make him amends for. He insisted on his integrity; said, he had a good conscience, and could suffer and die. He told me, he read scripture much, and found great comfort in it. He declared, he never designed to oppress conscience, alter the government, or destroy the subjects liberties; and at last asked me plainly, *What have I done? What are the errors of my reign? Tell me freely*. To which, you may be sure, I made no answer. He insisted much upon going off, after he was taken; and I believe he put the question to every Layman and Churchman in the room, to get him a boat, and let him escape. He said, the Prince of *Orange* fought his crown and life; and if he were delivered up, his blood would lie at our doors, for he seemed persuaded they would murder him. Now, said he, the opportunity is in your hand; but if you miss this, it will not be in your power to help me. He argued much upon these words, *He that is not with me, is against me*; and sermonized half an hour, making reflections on men's coldness to serve him in that extremity. Whilst he insisted upon going off, and used all motives proper, as he thought, in begging, praying, tempting, arguing, persuading, reproving, &c. which was for above three hours, the rage of the seamen took fire, apprehending he would prevail with some to let him escape secretly;

“and thereupon arose some contemptuous words, and no small insolencies offered; which I almost think had not happened, if the fear of his escape had not run so much in their Minds, or if his Majesty would have waved discouraging so much thereof. For the seamen much valued themselves on their charge, and did apprehend their own lives in danger, if he went off; imagining, they had done a singular piece of service to the nation, and resolving there to keep him till order from the Prince, or the Lords at *Guildhall*. And the King himself undertook to discourse them, and asked the seamen, *By what authority do you stand here? Am not I your King? And sure you will not hurt my life. Will you stand by me? I'll reward you. If you be my good subjects, you must obey me. Come and serve me, and get me a boat, and I'll go off*. Afterward, he went so far as to regulate their way of keeping guards; bid them stand further off: *Go down, and keep your distance*: which so enraged them, that some of them forgot all decency and reverence to him; inasmuch that *Sir Edward Hales* was desired to take the King off from that discourse, which made him cheap, and proved so unpolitick and unsuccessful. But still the rage of the seamen increased, and they shook hands and cried out one and all, *We'll die rather than he shall go off*; got together in a full body, broke out into fo scornful huzzas, and for a while doubled their guard, suffered none to go to him, but whom they well knew, loaded their muskets, and made ready as if they resolved to fire upon any that opposed their measures. This indeed intimidated the King, and his spirits seemed much down; which made him keep his eye upon the door, and watch all their motions narrowly, and desire not to be much alone, but the Gentlemen to stay with him. Towards night, the *Earl of Winchester* came, and then it was resolved to remove the King to a private house; which the seamen still opposed for fear of escape. But my Lord pawning his honour for the King's stay, the better sort of them consented, but the mobile still refused; and as the King came down stairs, I believe more than twenty swords were drawn over his head, and some threats passed; and at the bottom of the stairs they stooped him near a quarter of an hour. At length, the matter was compounded, upon condition they only should be the King's guards, whilst he stayed. So at length the King was suffered to walk down the dirty street to his private apartments, with the irregular disorderly crew at his heels.

“When the King had been some while in the private house, his spirits revived, and he was full of discourse, which was chiefly in his own vindication; for he undertook to justify himself even to *Magdalen* college business. Only I must not forget that he pleasantly entertained us with a long discourse about *St. Wenefrid* and the virtue of her well, and the whole legend of it; as also having lost a wooden cross, he told us how much it was to be prized, for it was *St. Edward* the Confessor's, and had a piece of the true real cross in it, on which our Saviour suffered; which sort of discourse was to us, you must imagine, very agreeable. He then wished himself with the Queen; and blessed God, she and his son were safely arrived abroad. And he was farther heard more than once to thank God, that *Father Petre* was safely arrived also, and seemed to express a mighty esteem for him. As to *Sir Edward Hales*, he did confess, it was by his means he came this way; but seemed not much to blame him for his ill success. And when he was told, the country hated him, and none spake well of him, he said, that then he was the likelier to be an honest man. And being told, that *Mr. William Penn* was seized also, he pitied him much, and said, *he was a good man, and he was sure no ill could be charged on him*.

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upon him the government, came to *London*; where he was received with expressions of joy by great numbers (1).

When the Prince at *Windsor*, had notice of the King's return to *London*; he thought himself ill used by the Privy-council, who had invited the King without consulting him. The scene was now altered, and new counsels were to be taken. So it was resolved to stick to the point of the King's deserting his people, and not to give it up, by entering into any treaty with him. Pursuant to this resolution, the King was sent to and desired to remove out of *London*, and *Ham* being proposed to him, it was asked whether he might not go to *Rochester*. As this was visibly desired in order to a second escape, the Prince readily consented to it, and came to *St. James's*, the same day the King departed from *White-Hall*.

The King remained a week at *Rochester*, and both himself and every one else saw he was at full liberty, and under no sort of restraint. Many that were zealous for his interest, went to him and pressed him to stay and see the issue of a free Parliament. But a vehement letter from the Queen (which was intercepted and afterwards conveyed to the King) claiming his promise to come over to her, determined him contrary to the solicitations of his friends: So he left *Rochester* very secretly, on the last day of that memorable year, and in a vessel prepared for him, got safe into *France*.

The Prince at his coming to *London*, called together all the Peers and the Members of the three last Parliaments that were in town, with the Aldermen, and some other Citizens of *London*.

By these he was desired to take upon him the administration of affairs, and to write missive letters to the same effect, and for the same persons to whom writs were issued out for calling a Parliament, that so there might be an assembly of men in the form of a Parliament though without writs under the Great Seal; such as that was which had called home King *Charles* the second (2).

Pursuant to this advice, the Prince summoned a Convention in the manner desired, and the elections of the members were managed with all possible freedom. Every man voting for whom he pleased, without any interposition or recommendation from the Prince (3).

The Convention being met and the speakers chosen, the Marquis of *Hallifax*, for the Peers (in opposition to the Earl of *Darby*), and Mr. *Henry Powle* for the Commons, it was voted in the lower House, "that King *James* having endeavoured to subvert the Constitution, by breaking the original contract between King and people, and having violated the fundamental laws and withdrawn himself out of the Kingdom, has abdicated the Government; and the Throne is thereby become vacant." The next day it was farther resolved, "That it has been found by experience, to be inconsistent with this Protestant Kingdom to be governed by a Popish Prince." When these important votes were sent up to the Lords for their concurrence, a motion was made not to agree with the Commons, that the Throne was vacant but only to suppose it for the present, and determine first, whether the Throne being vacant, it ought to be filled by a Regent or a King: This question was debated

"Next day being *Thursday* the 13th, came in two hundred Gentlemen from *Canterbury* and *East-Kent*, and in the fight of him declared their concurrence with the Prince of *Orange*; which much afflicted him, for that he then said, he was not safe where he was. And towards night Captain *Crayford* and another Captain came from *Sheerness*, declaring the resolution to deliver up to the Prince the fort and the ships in the *Suade*, which is a road under the protection of the fort. Upon the hearing of which he said, he would consent to any thing to prevent bloodshed; but seemed extremely afflicted thereat. He was really very melancholy at times, and often shed tears. His guards were so severe upon him, and pursued him from one room to another; and pressed upon his privacies, so that he had scarce the civilities from the seamen, that was due to a Gentleman in restraint; scarce leisure to be devout or retire to the calls of nature; so over officiously did they guard him. Fresh rumours oft were raised of his going off, which fetched the scattered seamen together, and were the occasion of fresh heats and insolencies. In this tumultuous manner was the poor King guarded; neither would they suffer the Gentlemen to take their turns.

"When *Friday* night came, and the guards, that were sent from the Lords that were then at *Guild-hall*, were within two hours march of *Faversham*, the rage of the seamen increased, because the Earl of *Faversham* was with them, and some others they disliked; that they swore bloodily, no guards should come in there, and so run all to arms. Upon sight of which the Gentlemen were forced to dispatch express away to stop the guards, and pray them to lodge at *Sittingbourn*; for doubtless if the guards had come that night into town, there had been bloody work; for by what I heard and saw, I verily believe the seamen would have resisted them.

"At length, *Saturday* morning came, when the

"King was guarded out by the seamen and Gentle-men, and so received near *Sittingbourn*, by those that were sent for him." Thus you have a long account of this affair.

(1) It is observed, by *Burnet*, that though this accident of the King's return, seemed of no great consequence, yet all the strugglings afterward made by the *Jacobite* party, did flow from thence. For if he had got clear away, by all that could be judged, he would not have had a party left. All would have agreed, that here was a desertion, and therefore the nation was free and at liberty to secure itself. But what followed, gave them a colour to say that he was forced away. Till now he had scarce any party but among the papists; but from this incident a party grew up, that were long very active for his interests.

(2) The Lawyers were generally of opinion, that the Prince ought to declare himself King like *Henry VII*. This they said, would put an end to all disputes, which might otherwise grow very perplexing and tedious. And, they said, he might call a Parliament, which would be a legal assembly, if summoned by a King in fact, though his title was not yet recognized. This was plainly contrary to his Declaration, by which the settlement of the nation was referred to a Parliament; such a step would make all the Prince had hitherto done, pass for an aspiring ambition only to raise himself, disgust those who had been best affected to his designs, and make them less concerned in the quarrel, if instead of staying till the crown should be offered him, he would assume it as a conquest. These reasons determined the Prince against that Proposition, and to call the Peers, &c. together. *Burnet* l. 803.

(3) As there had been writs for a Parliament twice before this, in a few months, most places had fixed their members, so that the difference was not considerable, between the members that were, and those that would have been chosen, if King *James* had suffered the first or second parliament, he had called to meet, which in

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debated with great warmth. The Earls of Nottingham, Clarendon and Rochester, were the chief managers in favour of a Regent; in opposition to the Marquis of Halifax, and the Earl of Danby, who strenuously asserted the necessity of filling the Throne with a King. The debate being ended, fifty one voted for a King, and forty nine for a Regent. It was next debated, whether or no there was an *original Contract* between King and People? The House being divided upon the question, fifty three were for the original contract, and forty six against it. After this, it was soon carried in the affirmative, that King James had broke the *original Contract*. Then they took into consideration the word *abdicated*, and concluded, that the word *deserted* was more proper. They examined also the word *vacant*, and the question was put, whether King James, having broke the *original Contract*, and deserted the Government, *the Throne was thereby vacant*? Upon a division in the House, those who maintained *the King never dies*, and consequently, that the Throne is immediately full of the next Heir; carried it against the vacancy, by eleven voices. Whereupon a motion being made, that the Prince and Princess of Orange should be declared King and Queen; this was also carried in the negative by five voices, though protested against by forty Lords. Having thus gone through the grand vote of the Commons, the Peers acquainted them, that instead of *abdicated*, they would have *deserted* put in, and *that the Throne is thereby vacant* to be left out. But the Commons adhering to their vote, rejected these amendments, and after a very famous free conference, the Lords at last

agreed, that King James had *abdicated* the government, and that the Throne was thereby become *vacant* (1). This done, it was voted in both Houses, that the Prince and Princess of Orange, should be declared King and Queen, but that the administration should be singly in the Prince. There was drawn up and agreed to, a solemn declaration of rights, containing the several facts and reasons, for King James's forfeiture of the Crown; asserting the undoubted rights and liberties of the subject (2), settling the succession of the Crown and appointing the new oaths of allegiance. This declaration and the tender of the Crown being offered to their Royal Highnesses, they were proclaimed the same day, to the great joy of the nation. Feb. 13. 1688.

By all these Proceedings of the Convention, it plainly appears, that the state of parties was *State of Parties at the Revolution* very much altered. Till King James's abdication on the whole nation seemed to be of one mind. Tories and Whigs unanimously carried on the great work. But when King James rather than wait the issue of a free Parliament, and be bound to govern by law, (which was all that was required of him) chose to abdicate the government, and withdraw into France; several parties arose both in the nation, and in the Parliament; according to the different principles they had espoused. Though the Tories, when their religion and liberties were at stake, had laid aside *Passive Obedience* and *Non-resistance*, they still firmly adhered to the principle on which those doctrines were founded, namely, the divine, unalienable, inalienable, hereditary right of Kings. And therefore, though they had heartily concurred with the

a plain proof of the temper and disposition of the nation at this juncture. *Echard's Rev.* p. 222.

(1) The disputes about the words *abdicate*, or *desert*, and the *vacancy of the Throne*, were fitter for a school than a House of Parliament; and might have been expected in some assembly of pedants, where young students exercised themselves in disputation, but not in such an august assembly, as that of *Lords and Commons* met in solemn conference, upon the most important occasion. The truth is, that they who formed the opposition, were reduced to maintain strange paradoxes—Thus for instance, they were forced to admit, that an oppressed people might seek their remedy in resistance, for they had sought it there themselves, and yet they opposed making use of the only remedy, which could effectually secure them against returns of the same oppression, when resistance had put it in their power, as oppression had given them a right, to use this remedy. This must appear a very absurd paradox, if we consider that resistance, in all such cases, is the mean, and future security the end; and that the one is wicked in the highest degree, if it be not employed to obtain the other. Thus again, the same men declared themselves willing to secure the nation against the return of King James, to that Throne he had abdicated, or according to them, deserted; and yet they could not prevail on their scrupulous consciences to declare the Throne vacant. They had concurred in the vote, that it was inconsistent with the laws, liberties and religion of England, to have a Papist rule over the Kingdom; and yet they maintained, though they did not expressly name him, that if the Throne was then, or should be at any time, vacant of the father, it must be reputed instantaneously full of the son, upon the foundation of this silly axiom that *the King never dies*. According to this law, King James and his successors, to the twentieth generation, might have continued abroad a race of royal exiles, preserving their indefeasible right to govern, but debarred from the exercise of it, whilst the nation continued,

from century to century, under the dominion of Regents with regal authority, but without any regal right. Thus they who maintained the hereditary right of our Kings, reduced themselves, and would have reduced their country, to the absurd necessity of altering the Constitution, under pretence of preserving it. No King, except a *Stuart*, was to reign over us, but we might establish a *Doge* or *Regent*; and by this means these warm assertors of monarchy, refusing to be slaves, concluded to be republicans. Many more paradoxes of equal extravagance might be cited, which were advanced directly, or which resulted plainly, from the arguments employed on one side of the question in these disputes. But these instances may suffice to show, that although difficulties hard to solve in speculation, or to remove in practice, will arise in the pursuit of the most rational principles; yet such absurdities as these can never arise, except from the most irrational, and always must arise from such. *Differ. on Par.* p. 83.

(2) In stating the grievances and rights, the dispensing power came to be discussed. And then the power of the crown to grant a *Non-obstante* to some statutes was objected to. Upon opening this, the debate was found so intricate, that it was let fall at that time only for dispatch. But afterwards an act pass'd condemning it singly, and the power of a *Non-obstante* was taken away. Yet King James's party took great advantage from this; they said, though the main clamour of the nation was against the dispensing power, yet when the Convention brought things to a settlement, that did not appear to be so clear a point as had been pretended; and it was not so much as mentioned in this instrument of government. So that by the confession of his enemies, it appeared to be no unlawful power; nor was it declared contrary to the laws of England. Whereas its not being mentioned then, was only upon the opposition that was made, that so no more time might be lost, nor this instrument be clogged with disputable points. *Burnet*, p. 222.

the *Whigs* in inviting over the Prince of *Orange*, their only view was to oblige King *James* to alter his measures and make the laws the sole rule of his conduct. In a word, they wanted the Prince to be their deliverer, but not their Sovereign. In these sentiments were almost one half of the Lords, about one third of the Commons, and the Clergy in general. All these declared for a Regent; for according to their principles, the King never dies, nor can the Throne ever be vacant, being, upon death, cession, or abdication, instantly full of the next heir. If therefore a King, by his misconduct should show that he was as incapable as an infant or lunatic of governing his people, the remedy provided for infancy or lunacy might in their opinion be applied, but the right must remain and go on in a lineal succession (1).

The Non-juring Party.

Of those who were thus for continuing the right of sovereignty in King *James*, and vesting a Regent with the exercise of the power, there were visibly two different parties. Some adhering to the old principles (transmitted down from King *James I.*) in their literal sense and full extent, went into the expedient of a Regency, as the most probable way for laying the nation asleep, and for overcoming the present general aversion to King *James*. After which they imagined it would not be difficult in some time, to compass his restoration. This was their intention, and therefore, when the Prince of *Orange* was declared King, they could not comply with the settlement, nor swear Allegiance to the new King, but formed what was properly called the Non-juring party, whose number indeed was not very great, though headed however by Dr. *San-*

croft, Archbishop of *Canterbury*; and several other spiritual and temporal Lords.

The rest of those that were for hereditary right and a Regent, though they could not, consistently with their principles, promote the advancement of the Prince of *Orange* to the Throne, yet when he was declared King, they thought they might swear Allegiance to him, by means of the distinction of a King *de jure*, and a King *de facto*; a distinction authorized by the famous statute of *Henry VII.* (2). But though the whole *Tory* party came into the new settlement upon this distinction, they were however divided into two very different Branches, by the different consequences they drew from it. Some sincerely thought that a King *de facto*, had a right to their obedience, and that they were bound to adhere to him and defend him, even in opposition to him, with whom they believed the right did still remain. Hence it was, that though they could not resolve to vote or act themselves, against the principles they had professed as maxims of law, yet they could resolve to adhere to a new settlement, when it was made. This was the case of the Earl of *Nottingham*, and many others who were employed in eminent posts in the reign of King *William* (3).

But the other branch of the Tories, drew from the same distinction of a King *de jure* and a King *de facto* a very different conclusion. They acknowledged one King, and held their allegiance still due to another. They bound themselves by oath to preserve a settlement, which they pretended themselves in conscience obliged to subvert (4). According to them, the meaning of the oath of allegiance was, that they were only

(1) If the persons who maintained the divine hereditary indefeasible right of four Kings, had thought fit to drop their principles when they laid aside those of *Passive Obedience* and *Non-resistance*, and no tolerable reason can be given why they did not, their conduct would have been consistent and uniform on this great occasion, and this uniformity would have been productive of great good, by taking away at once, even the appearances of all political division in the bulk of the nation. But whilst they laboured to reconcile their present conduct to their ancient system, they were true to neither. They had gone much farther lengths than their ancient system would allow, and then they refused to go as far as the other required in order to be safe; and therefore in order to be justified, they lost every kind of merit, the chimerical merit of adhering to a set of silly principles; and the real merit of sacrificing their prejudice to the complete deliverance of their country, from the recent danger of *Papery* and *arbitrary Power*. *Dissert. on Part.* p. 85. It may be observed on this occasion, that there is a distinction which should be constantly made in cases of this nature, and which those who espouse the principle of hereditary right, never make in their discourses or writings, or never make exactly enough. They compare the proceedings, without comparing the situation. Necessity and self-preservation are great laws of nature, and may well dispense with the strict observance of the common forms of any particular constitution. Either the convention must have fallen into the absurdities mentioned in a former note, or have called back King *James*, the greatest absurdity of all, or have left their country in absolute anarchy, or have done what they did. What they did, was done as near as possible to the spirit of our constitution, the forms of our laws, and the examples of former times.

(2) This statute did ordain, that no person, that did assist in arms or otherwise, the King for the time being, should after be impeached therefore or attainted. For that it was agreeable to reason of states, that the subject

should not inquire of the justness of the King's title, or quarrel; and it was agreeable to good conscience (that whatsoever the fortune of war were) the subject should not suffer for his obedience. *Bacon's Hist. of Hen. VII.* p. 144. This statute was principally made (says a certain author) that the subjects might be safe which ever side prevailed, in an age, when the epidemical folly of fighting for different Pretenders, had spilt oceans of blood on the scaffold, as well as in the field. He observes, of this law, that it confounds in effect the very distinction it seems to make, since it secures alike, and, by securing alike, authorizes alike those who adhere to the King *de jure*, and those who adhere to the King in possession. *Dissert. on Part.* p. 91.

(3) The principle (says the anonymous author so often mentioned) of this branch of the Tories was wrong, but it could not be reputed dangerous, whilst it lasted; and it seems to have been built on so narrow and slippery a foundation, that it did not continue long in force.——Since we find among those who voted for a Regent, not a King, some illustrious persons, who served King *William* faithfully, adhered invariably to the new establishment, and have been distinguished friends to the succession that hath now taken place. *Dissert. on Parties*, p. 92.

(4) This was (says the formentioned author) to justify perjury, to sanctify perjury, to remove the boundaries of Right and Wrong, and as far as in them lay, to teach mankind to call good evil, and evil good.——That there have been persons who deserved to be ranked under this head, is too notorious to be denied; but I persuade myself, that this division hath always consisted of a flux body. On one hand, it is scarce possible to believe, that any number of men should be so hardened as to avow to themselves, and to one another, the acting, and persisting to act, on a principle so repugnant to every notion and sentiment, that harbour in the breasts of social creatures. On the other, we know how the fallies and transports of party on some occasions can hurry

INTRODUCTION.

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only to obey the new King as an usurper, during his usurpation; and therefore, as long as he continued in possession, they were bound to submit to him, but that it was still lawful for them to assist King James, if he should come to recover his crown; and that they might act all they could in his favour, as being still their King *de jure*. The proceedings of this branch of the Tory-party, in the course of King William's reign, make it but too visible, that they took the oaths in this sense, contrary to the plain meaning of the words *faith* and *true allegiance*, and contrary to the express declaration of the act that enjoined them. This branch of the Tory-party were styled the rigid Tories, or *High-fliers*.

On the other hand, as the Tories were divided into two branches, so the Whigs were not all of one mind. For though they had all, pursuant to their principles, declared themselves for the abdication of King James, and the vacancy of the throne, and unanimously concurred in making the new settlement, yet some few among them had very different views and ends from the rest. Those intended to take advantage from the present conjuncture to depress the crown, to render it as precarious and elective as they could, and to raise the power of the people upon the ruin of the monarchy. Hence it was dangerously asserted by some, that the whole government was dissolved, from which a dissolution of all men's properties, honours and rights, might have been inferred. And when it was proposed to examine into the birth of the pretended Prince (1), the same persons thought it policy to let it lie in the dark undecided, and believed it no ill precedent that they should so neglect the right of succession, as not so much as to enquire into the matter. They also thought, it would be a good security for the nation, to have a dormant title to the crown lie as it were neglected, to oblige the Kings to govern well, while they would apprehend the danger of a revolt to a Pretender still in their eye. From these and other proceedings they are called Republican Whigs. But the far greater part of the Whigs, without going into new schemes of government, thought it sufficient to say, that in extreme cases all obligations did cease; and that in the present circumstances, the extremity of affairs, by reason of the late ill government, and by King James's flying over to the enemy of England, rather than submit to reasonable terms, had put

the nation on the necessity of securing themselves upon a legal bottom. Extreme dangers would justify extreme remedies, though there was no special provision that directed to them, or allowed of them. Nor was there any need to fear ill consequences from this, since houses were pulled down or blown up in a fire, and yet a town in general was not thereby destroyed. So a nation's securing itself against a King, who was subverting the government, did not expose monarchy, nor raise a popular authority. In a word, they were for keeping, as near as they could with safety to the lineal succession, and not to destroy but rather improve the constitution, by marking out the bounds of the Prerogative, and declaring the rights and liberties of the People.

As for the Clergy, when they saw the Church ^{The state} in imminent danger, they had, with the rest of ^{of the clergy} the Tories, so far given up passive obedience and non-resistance, as to co-operate with the Laity in promoting the Revolution, till King James's abdication. Some of the Prelates had joined to invite over the Prince of Orange, and their brethren refused to sign an abhorrence of this invitation. Nay, the University of Oxford had associated for him against their King; and the Bishops and London Clergy had welcomed him to St. James's, even after the King had withdrawn himself into France. But as they still firmly adhered to the divine right of monarchy and lineal succession, (which they had so often and so publicly asserted) upon the King's abdication they were at a loss how to disengage themselves with honour or conscience. Consistently with their professed principles they could not vote nor act in favour of the new settlement, and therefore they had recourse to the distinction above-mentioned, of a King *de jure* and a King *de facto*; and too many of them drew the same consequence from that distinction, as the rigid Tories, that is, they acknowledged one King, and held their allegiance due to another. But others, and especially such as came in more sincerely to the new government, were influenced by a notion which seemed to agree with their principles, and which was thus expressed: "The Prince of Orange had just cause to make war on King James. In a just war, success is considered as the decision of heaven. Consequently, the Prince's success gave him a right of conquest over King James, and a title to all that was before vested in him." This is said to have had the most universal effect

hurry even reasonable men to act on the most absurd, and honest men to act on the most unjustifiable principles, or both one and the other on no principle at all, according as the object which the prevailing passion presents to them, directs. *Dissert. on Parties*, p. 92.

(1) When this debate was proposed in the House of Lords, it was rejected with indignation. James was now sent out of England to be bred up in France, an enemy both to the nation and the established religion. It was impossible for the people of England to know, whether he was the same person that had been carried over or not: If he should die, another might be put in his room, so as the nation could not be assured concerning him.—It was known that all the persons, who had been the confidants in that matter, were conveyed away: so it was impossible to come at them, by whose means only the truth of the birth could be found out.

This matter, it seems, had been privately debated before it was brought to the House; and it was by some observed, that as King James, by going about to prove the truth of the birth, and yet doing it imperfectly, had really made it more suspicious than it was before; so, if there was no clear or positive proof made of an imposture, the pretending to examine into it, and then the not being able to make it out beyond the possibility of contradiction, would really give more credit to the thing than it had, and instead of weakening it, would strengthen the pretension of the birth. Upon all these considerations, no farther inquiry was made into it. It is true, this put a plausible objection in the mouth of all King James's party. Here, said they, an infant was condemned, and denied his right, without either proof or enquiry. *Burnet*, p. 817.

effect on the greatest part of the Clergy. Some few who were more scrupulous, refused to submit to the new settlement, and remained among the Non-jurors.

Such was the state of parties at the time of the Revolution; and such the political divisions in the Nation and Parliament, when King *William* was advanced to the throne: which being remembered, will plainly account for the

early and strong opposition to the new settlement, even from those who had heartily espoused the Prince of *Orange's* cause till the flight of King *James*; and also for the many difficulties, obstructions, plots, and conspiracies, which King *William* encountered in the course of his reign; and which made him so uneasy, that he will be seen more than once resolving to quit his throne, and retire to *Holland*.







W. Smith, engraver



THE HISTORY of ENGLAND.

BOOK XXV.

SECT. I.

From the REVOLUTION, to the Death of Queen MARY, in 1694.

28. WILLIAM III. and MARY II.

AMONG the various revolutions in Kingdoms and States mentioned in History, that in *England* in the year 1688. is hardly to be paralleled. The manner in which it was accomplished, and the circumstances attending the course of it, were as extraordinary as the importance of it was great, not only to the *British* dominions, but also to the best part of *Europe*, and to the Protestant interest in general. The progress of the *French* in their design of an universal monarchy was such, that Catholick no less than Protestant States rejoiced, at a Revolution that seemed to be the only means to check the overgrown power of *France*, and free them from the approaching state of a slavish depen-

dency. But to *England* this Revolution was in a more particular manner the fountain of many invaluable blessings, not only as the nation was delivered by it from popery and arbitrary power, which were advancing very swiftly, but the like danger for the future was by the new establishment entirely removed. The authority of the Prince, which by such principles as composed an avowed system of tyranny, had been raised to a degree inconsistent with a free State, was reduced within the bounds of the laws. The prerogative of the crown, which by various arts had been stretched, and the many precedents, destructive of liberty, that had been set, were no longer to be feared; all hidden reserves of authority to be let out on occasion, and to overflow the privileges of the people, being removed, and the laws of the land made the sole springs of the

the Sovereign's pretensions and the Nation's rights. In a word, the constitution of England, which for almost a century had been seen in two very different lights, was by the Revolution and subsequent Settlement not only renewed and brought back to the first principles, and nearer

the primitive institution, but moreover was fixed upon surer and more lasting foundations.

William III. Prince of Orange, chief author of *Abrief* of this famous Revolution, was descended from the ^{ancient} *house of Nassau* (1). He was great-grandson of William I. Prince of Orange, who, ^{the} *Revolution* upon

GENEALOGY OF THE PRINCES OF ORANGE.

(1) The house of Nassau is very ancient, and divided into numerous branches, which have their titles from the several counties belonging to Nassau, as Nassau-Dittgenburg, Nassau-Dietz, Nassau-Seigen, Nassau-Hadamar, &c. Nassau was made a Principality by Ferdinand II. in 1653. This ^{house} *Nassau* is not only a King to Great-Britain in the person of William III. but also an Emperor to Germany in the person of Adolphus, Count of Nassau, in 1292, slain six years after in a battle with his rival Albert of Austria. From Otto Count of Nassau, General of the Imperial army against the Hungarians under Henry I. in 926, to John III. in 1494, are fourteen descents. In which time the Counts of Nassau by marriages acquired large possessions in the Netherlands, Burgundy, &c. as Fian-

den, Brabant, Loek, &c. John III. Count of Nassau-Dittgenburg, had (by Elizabeth daughter of the Landgrave of Hesse-Cassel, and in right of her mother Countess of Katzenelbogen) two sons Henry and William, between whom his territories were divided; Henry had the possessions in the Netherlands, and William those in Germany. Henry (to whom Charles V. owed in great measure his advancement to the Imperial throne) being sent by the Emperor as Sovereign of the Netherlands into France, to do homage for Flanders and Artois, was, (1515) with the consent of Francis I. married to Claude de Chabot, only sister of Philibert de Chabot Prince of Orange, by whom he had a son called René or Renaus. Philibert dying without issue, left, by will, the principality of Orange to his sister's son Renaus, who died dying without heirs (1544), bequeathed it to his cousin, son of his uncle William; namely,

WILLIAM, surnamed the GREAT,

Count of Nassau, and by his cousin Renaus's will, Prince of Orange, born 1533. He was son of William the Elder, who having embraced the reformed religion, and introduced it into his territories, the Emperor Charles V. took from him this his son William, and educated him in the *Papist* religion, which he professed till the revolt of the Netherlands. He was many years about the Emperor's person, and by him made, at the age of twenty-two, Generalissimo of his armies. When Philip II. would have subverted the constitution of the Netherlands, he being then Governor of Holland, Zealand, &c. espoused the cause of liberty, and became the founder of the Republic of the United Provinces. In this he was greatly assisted by his brothers Lodowick, Adolphus, Henry, (all three slain in battle without heirs) but especially by John his second brother, (b. 1535.) to whom he gave part of his German dominions, with the title of Count of Nassau-Dietz. [This John Count of Nassau, and Stadtholder of Friesland, was ancestor of several branches of Nassau, viz. by his son John, of the line of Seigen; by his son George, of the line of Dittgenburg; by his son Lewis, of the line of Hadamar; and by his third son Ernst-Casimir, of the line of Dietz, Stadtholders of Friesland. This Ernst-Casimir (b. 1573.) Count of Nassau-Dietz, was father of William-Frederick (b. 1613.), father of Henry-Casimir (b. 1657.), father of John-William-Frizzo (b. 1687, who being appointed heir of the house of Orange by King William III. assumed that title, and was drowned 1711.), father of William-Charles-Henry-Frizzo, the present Prince of Nassau-Dietz and Orange, hereditary Stadtholder of Friesland, and chosen Stadtholder of Gelderland, Zutphen and Groningen (1722.), married (1733.) to Anne, Princess of Great-Britain.] William I. Prince of Orange was at last assassinated at Delft (1584.), in the 57th year of his age. He had by his first wife Ann of Egmont (Countess of Buren and Leerdam) Mary, and Philip-William Prince of Orange, who being seized at the University of Leuven by the Duke of Alva, was carried to Spain, and confined there thirty years, before he was suffered to come back to the Netherlands, where he died without heirs 1618. By his second wife Anne daughter of Maurice Elector of Saxony, he had Emilia (married to Emanuel nominal King of Portugal) and Maurice. By his third wife Charlotte de Bourbon, daughter to the Duke of Montpensier, who had been a Nun, he had six daughters; Juliana (married to Frederick IV. Elector Palatine) Isabella, Catharina Belgica, Charlotta Brabantina, Charlotta Flandrina, Emilia. By his fourth wife Louisa de Coligny, he had Henry-Frederick. After his death, Philip his eldest son being in Spain, he was succeeded in the Stadtholdership of Holland and Zealand by his second son,

MAURICE,

Count of Nassau, and, after his brother Philip's death, Prince of Orange, (b. 1567.) He was called into action at seventeen years of age, and remained at the head of affairs above forty years, from 1584 to 1625, when he died. He was never married, but was succeeded in his estates and dignities by

HENRY

* Maurice Prince of Orange had by Madame de Mechlin his mistress, 1. William, (Vice-Admiral of Holland, slain at Groll. 1627.) 2. Lewis de Nassau, Lord of Leck, Odyke, Aeverquerque and Bererwert, who dying 1668, left by his wife, Countess of Horne, five daughters and three sons. The daughters were Emilia, wife of Thomas Butler Earl of Ossory; Isabella, wife of Henry Bennet Earl of Arlington; Mauritia, wife of Colin Lindsay Earl of Balcarra; Charlotte, Lady of the Bed-chamber to Queen Ann, (d. 1702.) Ann-Elizabeth, wife of Baron Rutenburgh, whose daughter married George Earl of Cholmondeley. The three sons were, Maurice (created Count of Nassau by the Emperor Leopold 1679, whose descendants are Nobles of Holland); William Adrian, (Lord of Odyke, Zuyd,

upon the revolt of the *Netherlands*, occasioned by the tyrannical proceedings of their sovereign *Philip II*, King of *Spain*, took up arms in defence of the *Belgick* liberties, and by his prudence and conduct, founded the Republick of the *united Provinces*, the most powerful in *Europe* (1).
This

* HENRY FREDERICK,

Prince of *Orange*, Son of *William I.* by *Louisa de Coligni*, widow of *Monfieur de Taligni*, b. 1584. The Republick founded by his father, and established by his brother, was by him brought to perfection, being after sixty years was acknowledged a *Free State* by the *Spaniard*. He died *May 14. 1647.* By *Emilia de Solms*, daughter to *John Albert* Count of *Solms*, (who came into *Holland* with the *Queen of Bohemia*, and whom he married (1625.) by advice of his brother Prince *Maurice*) he had four daughters; *Louisa*, (married 1646, to *Frederick-William* Elector of *Brandenburg*); *Henrietta-Emilia*, (married 1648 to *William-Frederick* Count of *Nassau-Dietz*, Stadtholder of *Friesland*); *Henrica-Katherina*, (married 1658, to *George II.* Prince of *Anhalt*); *Maria*, (married 1666, to *Lewis-Herman*, Palatine of *Simeren*); and one son, namely,

WILLIAM II,

Prince of *Orange*, (b. 1626.) on whom the survivorship of all his father's dignities and employments was conferred by the State. In 1641. he married *Mary Stuart*, eldest daughter to *Charles I.* King of *Great Britain*. He died at the age of twenty-four, 1650, of the small-pox, soon after his attempt upon *Amsterdam*, leaving only a posthumous son, *viz.*

WILLIAM III,

Prince of *Orange*, and King of *Great-Britain*, (b. 1650.) who leaving no issue by his wife *Mary*, daughter of *James II.* King of *England*, bequeathed the Principality of *Orange*, &c. to his cousin and next heir male *John-William-Friza*, Prince of *Nassau-Dietz*, as was said above. He died *March 8. 1702.*

(1) The names of the seven Provinces, that form the Republick with their several rates towards the yearly expences of the government, according to the proportion of 100 Guilders, and the order in which their deputies to the States-general vote; are as follows,

	Gul.	St.	Den.
1 Gelderland, with the Co. of Zutphen,	5	12	3
2 Holland, with West Friesland or North Holland,	58	6	2 ½
3 Zealand,	9	3	8
4 Utrecht,	5	16	5
5 Friesland,	11	13	2
6 Overijssel,	3	11	5
7 Groningen, with the Omlands,	5	16	7 ½
	100	0	0

It may not be improper to insert here, a brief account of the nature and constitution of a Republick, so different from all others; and which is to bear so large a part in the affairs of *Europe*, throughout the following history.

The *Netherlands*, or *Low-countries*, have been for many ages, divided into seventeen distinct Provinces; and were governed by so many Sovereigns, under the various titles of Prince, Duke, or Count. The several constitutions of these Provinces, were much the same, being originally formed by part of those northern swarms which over ran *Europe*, and every where introduced a Constitution, now generally called the *States*; under a single person limited by law. As by the Assembly of the States, the succession when doubtful or contested was settled, laws made, taxes imposed, peace or war declared; the use of this assembly was the principal privilege of the inhabitants of the *Low-countries*, and consequently, they were always very jealous of any encroachment upon it.

In process of time, these Provinces by marriages, successions, or conquests were united in the House of *Burgundy*, under *Philip the good*. Afterwards upon a marriage with the heiress of *Burgundy*, they came to the House of *Austria*, and in the person of the Emperor *Charles V.* were incorporated with his dominions of *Germany*, *Spain*, *Italy* and the *Indies*.

In the height of his glory *Charles V.* not only resigned the imperial crown to his brother *Ferdinand*, but also the Kingdom of *Spain* with the *Netherlands*, to his son *Philip*, whom he had two years before married to *Mary*, Queen of *England*. *Philip II.* sworn enemy of the Reformed Religion, which now began to spread in the *Low-Countries*, resolved to extirpate heresy in all his dominions, and to that end, introduced by violence the inquisition, into the *Netherlands*; to which the inhabitants had always refused to submit. Provoked at this, and many other encroachments of their liberties, the Provinces rise in arms, and headed by the prince of *Orange*, waged war with their Sovereign; which at length produced in 1580, the famous union of *Utrecht*, the foundation of the present Republick of the united Provinces, the nature of whose government is briefly this.

The sovereign authority of the united provinces resides in the States-general, or the states of each Province assembled in one place. But as this assembly (consisting of above eight hundred persons) cannot meet without great expence and trouble, each Province deputes a small number of Plenipotentiaries, (usually in all about thirty) who with the *Greffier* or secretary, constantly sit at the *Hague*, and are commonly called the *States-General*. Each Province presides their week in turns. Neither Stadtholder or Governor, or any military person, can be a member of this assembly. Matters are here decided by the majority, except in cases of peace and war, foreign alliances, raising or coining money, and particularly the sovereignty and privileges of each Province or member of the union. In all these the Provinces must all concur

Zeist, &c. first Nobleman of *Zealand*, famous for his embassies; d. 1705, and *Henry de Nassau*, who being Lord of *Auverquerque*, had that surname. He was King *William's* Captain of the Guard when Prince of *Orange*, and Master of the Horse when King of *England*, d. 1708. By *Isabel van Arfens*, daughter of *Cornelius* Lord of *Somerdyke*, (who d. 1719-20.) this *Henry* had five sons; *Lewis*, (d. 1687.); *Cornelius*, (Lieutenant-General of the Dutch infantry, Lord of *Woudenberg*); *Maurice*, (Captain of the Dutch Life-guards); *Francis*, (Colonel of an English regiment of dragoons, killed at *Almenara* in *Spain*); and *Henry*, the eldest surviving son, created 24 Dec. 1698, Baron of *Alford*, Viscount *Boston*, and Earl of *Grantham*, Lord-Chamberlain to her late Majesty Queen *Caroline*.

* *Henry Frederick* Prince of *Orange*, had by a concubine *Frederick* of *Nassau* Lord of *Zulststein*, killed at the battle of *Naardam* (1672.) refusing quarter. He left by his wife *Mary*, daughter of Sir *William Killigrew* Bart. of *Cornwall*; *William-Henry*, Lord of *Zulststein*, created *May 10. 1695.* Baron of *Enfield*, Viscount *Tunbridge*, and Earl of *Rochford*, whose son *William II.* Earl of *Rochford* died without heirs at *Almenara* 1710, and was succeeded by his brother *Frederick*, who dying in *June 1737.* was succeeded by his son *William-Henry*.

This Republick formed by the father, was established by his second son *Maurice*, and by his youngest son *Henry-Frederick* brought to perfecti-

on, being acknowledged and treated with by *Spain*, as free and independent states; and their Ambassadors ranked with the *Venetian* by the treaty

concur. Nor can they chuse ambassadors, or answer foreign ministers, (though sent and received in their name) without consulting the States of each Province, by their deputies, and receiving their orders; which is indeed also done in all affairs of great importance. Each Province may send what number of deputies they please, as two, three or more; since the Deputies of a Province have but one vote. The sovereignty of the territories and places, conquered by the common arms, is likewise imbodied in the States-General, as *Bistduc*, *Breda*, *Bergensloot*, &c. and the places belonging to the *East* and *West-India* companies, in *Asia*, *America* and *Africa*.

The resolves of the States-General are executed by the Council of State, consisting of three deputies from *Holland*, two from *Gelderland*, two from *Zeland*, two from *Friesland*, one from *Groningen*, one from *Utrecht*, and one from *Overyssel*, in all twelve. The deputies preside by turns, and may always decide by plurality of voices. This council proposes to the States the ways and means of raising forces and money, superintends the troops, fortifications, contributions upon the enemy's country, passports, and the affairs, revenues, and government of the places conquered since the *Union*. Estimates of the expences of the ensuing year, are also drawn up by the Treasurer-general, (who has a seat here for life, with a deliberative voice) under the authority of the council, and a petition presented to the States to demand the same of the Provinces in the proportion above-mentioned. Each Province raises what money they please, send in their quota to the Receiver-general (who also has a seat in the council of state) and convert the rest to present uses, or reserve it for future occasions. In a word, the Council of State disposes of all money designed for extraordinary affairs, and gives orders (signed by at least three deputies of several Provinces and the Treasurer-general, and registered in the *Chamber of accounts*) for the whole expence of the State, according to the resolves of the States-General. It must be observed, the Council of State, formerly represented the authority of the States-General in their absence, and were judges of the proper time to convene them. But this power being abused under the Earl of *Leicester*, the Provincial States desired of the General, that they might by deputies, continue their assemblies under the name of *States-General*, which has been done ever since *Leicester's* leaving the government.

The *Chamber of Accounts* erected for the care of the Council of State, to examine and state all the accounts of the several receivers, to controul, and register the orders of the Council of State. This chamber is composed of two deputies from each province, who are changed every three years, and reside at the *Hague*.

The Admiralty (divided into five Colleges; one in *Amsterdam*, a second at *Rotterdam*, a third at *Horn*, a fourth at *Middleburg*, a fifth at *Harlingen*;) has the management of the sea-affairs, and when a fleet is ordered, each College, (consisting of seven deputies, four from the Province where the College resides, and three named by other Provinces) furnishes their own proportion in all monies that are to be raised.

Each Province, being sovereign and independent, is governed by its own laws and customs, under the authority of the provincial states; for instance, the sovereignty of *Holland* is lodged in the States of that Province represented by deputies from the nobles and towns, composing nineteen voices, of which the nobles have only the first, and the cities eighteen, so many sending deputies to the States. These were originally but six, till *William I.* Prince of *Orange*, to strengthen his authority, added twelve more. The former are still distinguished from the latter, by being called the six great cities, namely, *Dort*, *Harlem*, *Delft*, *Leiden*, *Amsterdam* and *Gouda*. The nobles are represented by eight or nine of their body, and each town may send what number of deputies they please, since they are maintained at their charge, and have but one vote. The

Provincial States of *Holland* severally meet four times a year at the *Hague*, in *February*, *June*, *September*, and *November*, to order the affairs of the Province. The Pensioner of *Holland*, has a place in all the assemblies of the Province, and in the States proposes all affairs, gathers the votes, and concludes. This office is of great importance, for the pensioner is as the President of the assembly, and generally for life, though he ought to be chosen or renewed every fifth year. He is always one of their deputies, in the States-General. When there is a *Stadtholder*, and differences arise between him and the States, the Pensioner is in a dangerous situation, of which *Barneveldt* and *De Wit*, are terrible instances. There is likewise a Provincial Council of State composed of several deputies, one from the nobles, and one from each of the principal towns; and but one, from three of the smaller towns who chuse him by turns. This council sits constantly at the *Hague*, proposes the matters of deliberation to, and executes the resolves of, the Provincial States, who are convened by this council upon extraordinary occasions. There are also two chambers of Accounts, one for the ancient *Deman* of the old courts of *Holland*, (but as the *Deman* is begun to be fold, this *Chamber* will in the end be suppressed) the other manages the revenues of the Province. These charges are given as an honourable retreat to persons who are grown old, in the more laborious employments.

Holland and *Zealand*, having but one *Stadtholder* or Governor, under the Houses of *Burgundy* and *Austria*, still continue to have but one common judicature, exercised by two courts of justice, common to both Provinces. The first consists of a President, eight Counsellors of *Holland*, and three of *Zealand*, with a *Greffier*, and six secretaries. The other called the *High-council*, (to which there is an appeal from the first in civil, though not in criminal cases) is composed of six Counsellors of *Holland*, and three of *Zealand*, a *Greffier* and substitute.

As the Provinces are governed by their States, so are the Cities by their senators. For example, the sovereign authority of *Amsterdam* resides in a Senate of thirty-six, who, (by a former resolution of the Burghers in a general assembly) chuse a new Senator when one happens to die. And this custom has prevailed in all the towns of the Province, though with some difference in the number of Senators. By the Senate are elected the four Burgomasters, of whom three are chosen every year, and one stays in office two years. The Burgomaster of the year before, presides the first three months, after which the other three preside by turns. Though this office is of great authority, the salary is but 500 guilders a year. The *Eschevins* (who are the court of justice, in every town) are also annually chosen by the Senate in this manner: The Senate names eighteen, out of which the Burgomasters chuse nine, for so many are there at *Amsterdam*. They are sovereign Judges in criminal causes, but in civil, above such a value, there lies an appeal to the Provincial Court of justice. In a sentence of death they advise with the Burgomasters, but are not bound to follow their advice. Under these magistrates, are the Treasurer of the city; the *scout* who seizes all criminals, and sees the sentences of justice executed; the *Pensioner*, who is a civil lawyer, versed in the customs, records and privileges of the town, of which he informs the magistracy upon occasion: He is a servant of the senate and Burgomasters, delivers their messages, and makes their publick harangues. Thus the *Burgomasters* and *Eschevins* may be likened to our Lord Mayor and Alderman, the *Scout* to the Sheriff, and the *Pensioner* to the Recorder. The Deputies to the Provincial States are chosen by the Senate, among whom one of the *Burgomasters* and the *Pensioners* are commonly sent.

As to the office of *Stadtholder* it must be observed, whilst the united Provinces were under the dominion of *Spain*, there was a *Stadtholder* or *Lieutenant-General*, over the seventeen Provinces with inferior Governors or *Stadtholders*, over particular Provinces. After the

Revolt,

May 2.
1641. treaty of Munster. William II, son of Henry-Frederick (who had married the Princess Mary, eldest daughter of Charles I. King of England, and been invested with the survivorship of his father's dignities of Stadtholder and Captain-General), being disgusted at the resolution of Holland to dismiss great part of the army, suffered himself to be swayed by violent counsels, and under colour of a power from the States-General to preserve the Union, and oppose whatever might disturb it, not only imprisoned six Provincial States in the castle of Louvestein, but rashly marched an army against Amsterdam, in order to seize and change the magistrates of that city, by whom his measures were chiefly opposed. This design being discovered by the *Hamburgh* post, who happened to ride through

the army in the night, the Prince's mortification at his disappointment was so great, that he retired to the *Hague* to his seat in the country, on pretence of taking the diversion of hunting, where being seized by a fever, which was followed by the small-pox, he died in the 25th year of his age. The Princess his wife was so struck with this unexpected accident, that in eight days after she was delivered of a son when she was but seven months gone with child. Nov. 4 1650.

This son was William-Henry third Prince of Orange of that name, and afterwards King of Great-Britain. The disadvantages under which he came into the world were so many and so great, that there was no possibility of foreseeing that he was born for the preservation of the liberties not only of Holland and England, but of all

Revolt, the supreme power which before resided in Philip II, as sovereign of the Netherlands, devolved upon the States-General, namely the power of making war and peace, raising money and the like, whilst the rights of the Governors or Stadtholders, seemed to have been preserved. For instance, William I, Prince of Orange, being at the time of the Revolt, Stadtholder of Holland and Zealand, under the Spaniards, had his power and authority confirmed to him by the States of those Provinces, now become sovereigns, and was also made Stadtholder-General, as well as Captain-General of the United Provinces after the Union of Utrecht. After his assassination, Prince Maurice, was chosen Stadtholder of Holland and Zealand, and after Leicester's return to England, was also made Stadtholder of Guelderland, Utrecht, and Overijssel, whilst his cousin Prince William-Lewis of Nassau-Deutz, was chosen Stadtholder of Friesland, and Groningen. The power and rights of the Stadtholder were, the command of the land and sea-forces as Captain-General and Admiral, the disposition of military posts, the pardon of penalties and crimes, the election of magistrates, upon the nomination of the towns, who presented three, and he chose one of them. But with all this he could neither raise nor disband forces, and for governors of frontier towns, he was to choose them out of persons nominated by the States. In a word, he could not take the field, form a camp or siege, without the express order of the States; when the Stadtholder or general of the union had any view which he thought to be advantageous to the republic, and which ought to be kept secret, he desired the States to appoint two or three persons to whom he imparted his design which being approved of, the States without knowing the particulars, made the necessary preparations and always sent with him three or four deputies, to represent the State and serve him for Counsellors. But as for the council of war he formed it as he pleased, and was master of the military discipline.

From the time of Prince Maurice and his brother Frederick-Henry, there were two Stadtholders and generals in the seven Provinces, the Princes of Orange of five, and the Counts of Nassau-Deutz of two, but the command in chief of the army belonged to the Princes of Orange.

The Stadtholder in the assemblies of the States-General or Provincial, could only give his opinion, not vote. He was arbitrator of differences between Provinces, a power founded upon an article of the union, which gave that right to the Stadtholders of the Provinces. They had a large patrimonial revenue in lands, lordships, &c. in the Provinces which enabled them to live with splendor and increased their authority, though in Holland, they were not masters of any town that sent deputies to the States. In Zealand, they had most power, where, of the seven votes of the Provincial States, they were masters of three; one as first noblemen, (the nobility being extinct in that Province, they had some person to represent them in the assemblies) the other two as Marquises of *Vers* and *Flushing*. But never was the authority of Stadtholder greater than under William III, Prince of Orange, and King of England.

The inhabitants of Holland, may be divided into No. 3. Vol. III.

Boers, or countrymen who cultivate the land, mariners, merchants or traders, who fill their towns, *Renteers*, or such as live in their cities upon estates formerly acquired, nobles and officers of the army. The *Renteers* have a liberal education, with a view chiefly to render them fit for the service of their country, for out of these the magistracy of their towns, their provinces, and their State is generally composed; being descended from families, who have many times been constantly magistrates in their native towns, for many years and some for several ages. Their estates consist in their salaries (which are small) rents of lands, or interest of money. The nobles in Holland are very few, most of the families having been extinguished in the long wars with Spain. Those that remain, are in a manner all employed in the military or civil charges of the Province or State. They value themselves more upon their nobility, than in countries where 'tis more common, and would not upon any consideration marry below their rank. The officers of the army live after the customs of the nobles, as do many of the sons of rich merchants, who returning from their travels pursue their pleasures more than the service of their country, or if they pretend to that, it is rather by the army than the state. All these are generally desirous to see a court, and wish for the re-establishment of a Stadtholder. Temp. Le Clerc.

From this account it appears the Republic of Holland, is rather an Oligarchy or Aristocracy, than a Democracy; for the *Senates* of the towns are filled up by themselves, the *Provincial-States* are chosen by the Senate, and the deputies to the States-General are elected by the Provincial. Thus the people have little or no share in the government. The case is much the same in all the seven Provinces.

About four years after the Union of Utrecht, Prince William was assassinated at Delft, July 10th, 1584. The murderer was one *Balthazar Gerard*, who in hopes of the reward, or of meriting Heaven by killing the Prince, had insinuated himself into his family, under the name of *Francis Guyer*, son to a martyr for the reformed religion. He had always the *Huguenot* Psalms in his hands, and was a constant frequenter of sermons, in order to conceal his designs. By this means he was trusted by the Prince and sent upon several dispatches. At the time of the murder, he was come for a passport to go where the Prince had ordered him, and finding a fit opportunity shot him with a pistol loaded with three balls, of which he instantly died, with these words in his mouth, "Lord have mercy on my soul, and the poor people." Thus died the founder of the Republic of the united Provinces, who (says *Maurier*) made more noise in Europe, than all the Kings of his time put together. Count Maurice his son erected for him at Delft, a marble monument, not inferior to the most stately tombs in Italy. His murderer who is ranked among the martyrs by the Catholics, suffered in the 27th year of his age his punishment with incredible constancy, his right arm, was burnt to the stump and the flesh of the muscular parts of his body torn off with hot-irons, without his expressing the least sign of pain. An instance of the strange effects of enthusiasm and superstition!

K

(1) The

all Europe. His constitution, by reason of his untimely birth, was infirm. His private affairs were in a bad condition; too great jointures to his mother and grandmother, besides a large debt contracted by his father for the assistance of his brother-in-law King Charles II, then in exile with the rest of the royal family of England. As to his publick affairs, his condition was still worse. His father's late attempt upon Amsterdam had raised great jealousies of his family. A strong party, with the grand Pensionary *de Wit* at their head, was formed against him and the States of Holland, at the instigation of *Cromwel*, who dreaded the advancement of a Prince so nearly allied to the *Stuarts*, excluded him and his descendants from the dignities enjoyed by his ancestors; and afterwards, to bar him from all hopes of ever being Stadtholder, that office, by the perpetual edict, was entirely abolished, and the person chosen admiral or Captain-General was to renounce it by a solemn oath, though offered him by the Provinces themselves. The French King, mortal enemy of his family, seized the Principality of Orange, and demolished the strong citadel built by Prince Maurice at a great expence. Such were the disadvantages the young Prince had to struggle with, and which, contrary to all appearance, he lived to surmount. Tho' his education, among his other misfortunes, had been much neglected, the Governor imposed upon him, scarce affording him a tutor of any tolerable learning or knowledge of the world, yet he soon became master of those parts of mathematics which related to the military art; and learnt to speak *English*, *French*, and *Higb-Dutch*, almost as fluently as his own tongue. As he advanced in years, notwithstanding the strong opposition of the contrary party, his friends increased, and particularly among the Clergy and populace. The first turn in his favour was his being chosen chief Nobleman of Zealand, after which he was introduced into the Council of State. He paid a visit to his uncle King Charles II, in hopes of recovering the money which his father had supplied him with in his distress, and to see what offices the King would do towards his advancement to the Stadtholdership, but instead of receiving any satisfaction in these points, he only discovered the King's inclination to Popery (1). However, what his uncle would not assist him in, was obtained by

his friends at home. It was proposed in so many places, that he should have the supreme command of the fleet and armies; that *de Wit*, who dreaded the name of Stadtholder, and had been author of the perpetual edict, was no longer able to oppose the torrent. And the Prince was declared Admiral and Captain-General, though by *de Wit*'s management, it was done with such limitations as were not easy to digest. The hardest condition was, that he should bind himself by oath never to aspire to the office of Stadtholder, nor accept it even though it should be offered. But when the war broke out with France in conjunction with England, and the French like a flood over-ran the United Provinces, all these limitations quickly vanished, the oath was dispensed with, the perpetual edict revoked, *de Wit* and his brother torn in pieces by the mob, and the Prince restored to the dignity of Stadtholder with full power, for the time, of peace and war, and not long after the same dignity, from which he and his heirs had been excluded for ever, was made hereditary in his family, and settled upon him and his issue-male. This turn, however great, was no more than what he had deserved. He had made a stand against France, when his country was on the brink of destruction; and in less than two years, had entirely changed the face of affairs. He had not only retaken *Narden*, but boldly marched up the *Rhine*, and seized *Bonne*, by which means he had cut off the supplies sent down by the French to their garrisons on the *Rhine* and the *Iffel*, and opened a passage for the Germans into Flanders, which gave such a diversion to the progress of the French, that they abandoned the three provinces they were possessed of, in less time than they had conquered them. An alliance was also made with the Emperor, and a peace with the Elector of *Cologne* and the Bishop of *Munster*; after which a separate treaty was concluded with the King of England, whose mediation was accepted by France. But as that mediation was run out to a great length, the Prince, whose governing passion was the depression of France, attacked the whole French army, commanded by the Prince of Condé, and fought the famous battle of *Senefte*, wherein he justly gained the esteem of all the world, and of Condé in particular, for his conduct and courage (2). This change of the affairs of the States had acquired the Prince of Orange,

(1) The King (says *Burnet*) gave him good words only, and tried him in point of religion. "He spoke of all the Protestants, as of a factious body broken among themselves, ever since they had broken off from the main body, and wished the Prince would take more pains, and look into those things better, and not be led by his Dutch blockheads." The Prince told this to *Zwylfstein*, his natural uncle, but never spoke of it to any other person till after the King's death, though he carried it always in his own mind, and could not hinder himself from judging of all the King's intentions after that, from the discovery he had then made of his sentiments. Nor did he, upon his not complying with that proposition, expect any real assistance from the King, but general intercessions, which signified nothing, and which indeed was all he obtained. The Prince was about twenty at the time of this visit.

(2) Condé's testimony of the Prince was, that he had acted like an old Captain in all, but only in venturing himself too much like a young man. For which very thing that old General himself was remarkable in that day's action. In the beginning of the battle the French had

the advantage; but Condé pushed it too far, and the Prince of Orange engaged the whole army with so much bravery, that it appeared, the Dutch army was now brought to another state than he had found it in. He charged himself in so many places with too great a neglect of his person, considering how much depended upon it. He was once engaged among a body of French, thinking them his own men, and bid them charge: They told him they had no more powder. He, perceiving his mistake, with great presence of mind, got out of their hands, and brought up a body of his army to charge them, who quickly routed them. The action in the afternoon recovered the loss that was made in the morning, and possessed every one, with a high esteem of the Prince of Orange. The Emperor's General *Zouch*, behaved so ill, that the Prince told his son at night, that his father had acted so basely, that, if it had not been for the respect he bore the Emperor, he would have shot him through the head. By this and some other accidents, the battle was not decisive, the losses being nearly equal, between six and seven thousand on each side.

Orange, the affections of the people, to such a degree, that he could have obtained whatever he desired, and even the loss of so important a place as *Maastricht*, was not at all charged to him (1). Indeed, it appears in the whole course of this war, that the Prince of *Orange*, even while so young and so little practised in affairs, had so clear and so just a view of them, that nothing could misguide him, and that the bad prospect he had from the ill condition of affairs, did not frighten him to accept of any mean or base conditions of peace. His fidelity to his country and the publick interest, was so firm that no private consideration of his own could bias him, or indeed be much considered by him (2).

During the negotiations of *Nimeguen*, under the mediation of *England*, the Prince came over and by the management of the Earl of *Danby*, and Sir *William Temple*, his marriage with the Princess *Mary*, eldest daughter of his uncle the Duke of *York*, was concluded to the universal satisfaction of the Protestant party, both at home and abroad; but to the great surprize and concern of the *French* King, who declared the Duke had given his daughter to the "greatest enemy he had in the world." (3) From this time the Prince of *Orange*, was looked upon as the head of the Protestant interest in *Europe*, and the greatest check to the overgrowing power of *France*, which he desired to see well bounded, but not destroyed. Having married the presumptive heir to the Crown of *England*, the eyes of the *English* were continually upon his proceedings, as were his upon their affairs, and upon

the various steps of his two royal uncles. Tho' little application was made to him, during the rest of King *Charles's* reign, yet he found that neither he nor his Princess, were forgot by the Parliament, in the great struggle about the exclusion of the Duke of *York*, his father-in-law; upon whose death it was intended, that they should fill the Throne.

Though neither this marriage, nor any other motive could prevail with the Prince to abandon the allies, and make a separate peace with *France*; yet at length the *French* found means to accomplish their ends. They suddenly attacked the *Spanish Netherlands*, and taking *Ghent* and *Ypres*, struck such a terror into the *Dutch*, that the States resolved on a peace at any rate, and the treaty at *Nimeguen*, after several years negotiations, was at last finished, according to the terms prescribed by *France*; though strongly protested against by *Denmark*, *Brandenburg* and *Munster* (4). This was followed by a treaty between *France* and *Spain*, and another between the Emperor and *France*, and thus the peace became general, though not at all agreeable to the Prince of *Orange's* plan, who had all along insisted upon the enlargement of a Frontier on both sides of *Flanders*; without which, *France*, he affirmed, would end this war only with a prospect of beginning another with greater advantage, after breaking the present confederacy. What the Prince foretold was soon verified. For the *French* quickly began their incroachments, and claimed whole Provinces, by way of dependencies upon their new conquests, granted them by the late treaty

(1) After the battle of *Senefz*, the Prince in two enterprises was unsuccessful. He besieged *Maastricht*, the only town of the *Dutch* Provinces, then remaining in the hands of the *French*, but after two months endeavours to take it, *Schemberg*, (who in the mean time had besieged and taken *Aire*) marched an army through the heart of the *Spanish Netherlands*, and unexpectedly came to the relief of the town. At his approach, the Prince, whose army was weakened by sickness and duty, was forced to retire. For this, it is said, he never heartily forgave *Schemberg*, though he made use of his councils and experience afterwards in the expedition into *England*, and the reduction of *Ireland*. At the battle of *Montcastle* against the Duke of *Orleans*, reinforced by *Luxemburg*, after a sharp dispute, the first regiment of *Dutch* Infantry began to break. The Prince, rallied them several times, but at last was born down by the flight of his men, whom he was forced to resist like enemies. He fell in among them with sword in hand, and cutting the first cross the face, cried aloud, "Rascal! I'll set a mark on thee at least, that I may hang thee afterwards." The Prince was carried by the torrent of the run-aways, to the rest of his troops, which yet made a stand; and with these he made a retreat that came little short of a victory. He also offered battle to the King of *France* when before *Bouchain*, which was refused.

(2) Of this there are many instances. When, to allure him to a dependence on *France* and *England*, all the offers were made him, that could be of honour and advantage to his person and family, (particularly the proposal of making him Sovereign of the united Provinces, under the protection of *England* and *France*, at a time too, when so little of the Provinces was left, and what remained in so imminent danger) he always answered with great firmness, "He would never betray a trust reposed in him, nor ever sell the liberty of that country, which his ancestors had so long defended." And when the Duke of *Buckingham* pressed him much on the same head, and often said to him; "Do not you see your Country is lost?" He replied,

"I do see indeed it is in great danger; but there is a sure way never to see it lost, and that is, to die in the last ditch." *Temple's Memoirs. Burnet.*

(3) Letters were sent to the King of *France*, from the King, the Duke, and also from the Prince; who had no mind to this piece of courtship, but was obliged to it by his uncle. The King assured *Lewis*, that he had made the match on design to engage the Prince, to be more tractable in the treaty, that was now on foot at *Nimeguen*. *Montague*, the *English* Ambassador being called over soon after this for new instructions, *Danby* asked him, "how the King of *France*, received the news of the marriage?" He answered, "as he would have done the loss of an army, and spoke very hardly of the Duke, for not acquainting him with it." *Danby* answered, "he wronged him, for he did not know it an hour before it was published, and the King himself, not above two hours." This was a master-piece in the Earl of *Danby*, who since he was Duke of *Leeds*, has declared in print "that he will not suffer that part of his service to be buried in oblivion." For this the Duke never forgave him. It must be observed, that notwithstanding all this, Sir *William Temple*, makes himself the sole agent in the success of this affair, though according to the account, which the Duke of *Montague* told Bishop *Burnet*, Sir *William Temple* was not present, when the King was persuaded to consent to it, when the Duke was sent for by the King, when the Prince came to them and the Lord Treasurer, and when the Princess was given to him. What makes this the more probable, is, that *Montague*, was known to be no friend to the Lord *Danby*, and yet does this justice to him. See *Burnet*, I. p. 409.

(4) After the orders for signing the treaty were sent, the Prince of *Orange*, by whom the peace was by no means approved, marched and attacked the Duke of *Luxemburg*, before *Mons*; and notwithstanding his advantageous situation, beat him from several posts. This action happened four days after the treaty was signed, but the Prince having no intimation of it, nor orders to stop

Aug. 10.

1678.

Sept. 17.

1678.

Feb. 1.

1679.

1690.

1683. treaty (1). Not content with this, they surpris'd *Courtray* and *Dixmude*, and lay siege to *Luxemburg*. The Prince of *Orange*, ever ready to assert the liberties of *Europe*, came forth from his retirement where he had lived since the conclusion of the peace, and projected an alliance against *France*. Accordingly the league of *Austria* was formed, wherein were engaged the Emperor, *Sweden*, the States of *Holland*, Circle of *Francia*, and some of the Imperial Cities. But the *French*, after the taking of *Luxemburg*, (which the Prince of *Orange*, with a small army in vain endeavoured to relieve) having obtained their ends, proposed a truce for twenty years; which was agreed upon by a treaty signed at the *Hague*.

June 29.
1684.

State of
foreign of
airs: at the
Revolution
Of France

Octob 25.
1685.

The King of *France* now at peace with all his neighbours, and in strict alliance with King *James*, (who had succeeded his brother King *Charles II.*) resolved to extirpate the Reformed Religion in his dominions. He began with letting loose his dragons, to live upon the Huguenots at discretion. They were under no restraint, but from rapes and murder. This was followed by the revocation of the edict of *Nantes*, which proscribed two millions of reformed, and drove above two hundred thousand into foreign countries, for refuge, leaving those that remained to the mercy of an enraged clergy, to the barbarity of the intendants, and other officers (who on this occasion seemed to have thrown off the common impressions of humanity) and to the cruelty

of the dragons. The Principality of *Orange*, (then in possession of the Prince of *Orange*, by the treaty of *Nimeguen*) was not only dragooned but out of enmity to the owner, seized by the King of *France*, and united to the rest of *Provence*; and all its rights, as a distinct principality were suppressed. Whilst Heresy was thus extirpating at home, the *French* King declares war against the Pope, seizes *Avignon*, and sends *Lavardin* to *Rome*, to brave his holiness at his see. The Regale (2) gave the first rise to this quarrel, the *Franchises* (3) inflamed it, and the Pope's inclination for the Emperor carried his most Christian Majesty's indignation, to extremity. By being thus employed, the King of *France* except in the affair of *Orange*, had not yet openly, violated the peace of *Nimeguen*, or the twenty years truce. But at length he pulls off the mask and whilst the Emperor relying on the late truce, was carrying on his wars in *Hungary*, privately assists *Tekely* and his party with money, and by his agents encourages the Grand Seigneur to continue the war, with the promise of a powerful diversion. This diversion was accordingly made by the sudden irruption of the *French* into *Germany*. *Philipsburg*, *Spires* and *Worms* were taken, and these conquests were followed by those of *Frankendal* and *Manheim*, and with the desolation of the Palatinate. They drained, plundered, destroyed several cities of the Empire, burnt the palaces of the Princes, pillaged the Churches and

Septemb.
1682.

stop, thought he might take all advantages; as wishing rather than fearing, to embroil matters. But the *French* were so tired of the war, that no notice was taken of this business, which an officer in the *French* army, esteemed "the only heroic action that had been done" in the whole course of the war. The Prince having the next day, received an account of the peace, communicated the same to *Luxemburg*, who desired an interview with the Prince; which being agreed to, they met in the field at the head of their chief officers. Many civilities passed, and there was great curiosity in the *French*, to see a young Prince, who had made such a noise in the world, and who the day before, had given life and vigour to so desperate an action as this battle of *St. Dennis*, was universally deemed. It was believed by many, that the Marquis de *Grana*, the Spanish General intercepted the packets from *Nimeguen*, till the action was over; for *Spain* did not like the peace. During the battle, as the Prince was engaged among the thickest of the enemies, a *French* Captain was just going to fire a pistol at him, when *M. D'Auverquerque*, interposed and shot the *Frenchman* dead. The Earl of *Offory* signalized himself in this battle, with the *English* and *Scots* under his command.

(1) It was pretended that in time of old, *Alstia*, *Lorain*, the counties of *Chiny*, *Arlon*, *Vierzon*, *St. Armand*, all *Luxemburg* (except the city of that name) divers villages and seignories in *Germany*, *Flanders*, *Brabant*, *Haguenau* and the country of *Liege*, did of just right belong to the King of *France*, as dependencies upon the Bishopsricks of *Metz*, *Toul* and *Verdun*, or upon the places yielded to him by the treaty of *Nimeguen*. In pursuance whereof, were erected in *France*, two tribunals of justice, one at *Metz*, and the other at *Bri-fac*, by the names of the Chambers of *Re-Union*, where the inhabitants and Lords of all the forementioned places were cited to appear, and make their submission to the King of *France*, and in case of refusal were condemned for contumacy. Under such pretensions it was, that *Strasbourg* was seized and *Luxemburg* besieged, because the *Spaniards* would not yield up several places in *Flanders*, which were thus claimed. The King of *Spain*, upon this occasion, proclaimed war against *France*; but as the Prince of *Orange* could not prevail with the States to give him timely assistance, he was forced to submit.

(2) The Regale is a right, which the King of *France* has to enjoy the revenues of Bishopsricks and Archbishopsricks, and vacant sees; till the Bishop and Archbishop, has taken the oath of fidelity to the King, and the oath be registred in the Chamber of accounts at *Paris*. The King also during the vacancy of a See, nominates to all the Prebendaries and other dignities, and to whatever benefices are in the gift of the Bishops and Archbishops, except cures of parishes.

(3) In *Rome*, all those of a nation put themselves under the protection of the Ambassador, and were usually lodged in his neighbourhood; pretending that they belonged to him. So they exempted themselves from the orders and justice of *Rome*, as part of the Ambassador's family. The extent of houses or streets in which they lodged was called the *Franchises*, which were become so great a part of the city, that the privileges of those, that lived in them, were daily giving disturbances to the course of justice, and were the common sanctuaries of criminals. The Pope resolved to reduce the privileges of Ambassadors, to their own families within their own palaces. He began with the Emperor's and the King of *Spain's* Ambassadors, who quitted their pretensions to the *Franchises*, provided the *French* did the same. So the Pope said, as his Nuntio at *Paris*, had no privilege but for his family, he was resolved the *French* should have no more at *Rome*. This was rejected by the *French*, with great scorn; and the quarrel rose so high, that *France* and *Rome*, seemed to be in a state of war. *Lavardin* was sent Ambassador to *Rome*, and the Pope refusing to see him unless he would renounce the *Franchises*, he entered *Rome* in a hostile manner with some troops of horse, tho' not in the form of troops, kept guard in the *Franchises*, and affronted the Pope's authority on all occasions. The Pope in revenge, not only refused to confirm the election of a coadjutor to *Cologny*, by which means it became void by the death of the Elector; but afterwards he got Prince *Clement's* election to *Cologny*, judged in his favour, against Cardinal *Furstenberg* set up by *France*. Thus by affronting the Pope the *French* King's design which he had been long pursuing was defeated, otherwise the expedition to *England* would not have been so safe for *Holland*, nor could it have been proposed easily to the States.

(1) The

Emperor's letter to King James. and committed a thousand instances of an inhumanity more than barbarian. A manifesto was published by France against the Emperor, which by all who had considered the rights of peace and laws of war, was looked upon as one of the most avowed and solemn declarations, that ever was made of the perfidioufness of the French King, who seemed plainly to intimate, that he thought himself tied by no peace, but might, upon any suspicion of his neighbours, begin a war when he pleased. Hence may be dated the beginning of the great war, which lasted till the peace of Ryfwick.

To this height of power and infolence was the French Monarchy grown, and *Lewis le Grand* (1) seemed as it were resolved to give law to all Europe. He had usurped an absolute power over the estates, persons, and consciences of his subjects, and had a mind to extend it also over his neighbours and enemies. And indeed, what but the Revolution in England could possibly have stopped the progress of his designs, supported as he was by his alliance with England. Whether this invasion of Germany, in open violation of the treaty of Nimeguen, was to break the measures of the Prince of Orange, and hinder his expedition into England, or to perform his promise to the Turk, or to oblige the empire and especially the Emperor to convert the twenty years truce into a treaty of peace, which might hinder Germany from leaguings with Holland, and the Prince of Orange, or whatever other design the French King might have, it served only to render him more odious to the Empire and hasten the alliance against him; and was so far from retarding, that it promoted, the Prince of Orange's expedition. Since by marching his troops towards the upper Rhine, the French King had made it impracticable to transport an army into England, or to send a sufficient force into Cologne, to alarm the Dutch. It is true, he never imagined, that an expedition which seemed almost desperate, could have succeeded in so sudden and surprizing a manner. He expected, and in all appearance very justly, that King James would have been able to make a great division in the nation, and that the Kingdom would have been deeply involved in a civil war. And therefore, he was the less concerned that his offer of troops was refused by King James, and the more easily induced to prosecute his designs that winter in Germany, not at all doubting but he should come in good time, the next summer to King James's assistance who would then, he thought, be forced to receive aid from France on any terms. But to his great disappointment as well as mortification, he saw the Revolution completed, without any effusion of blood, and a Prince advanced to the throne of England, that was resolutely bent to check, to the utmost of his power, the progress of his ambitious designs.

State of Spain.

In proportion as France grew every day more powerful, Spain on the contrary, daily declined; and under the reign of an infirm King seemed like him, to be without strength or life. The council of Madrid, used their utmost endeavours to support the sinking state, but when the head

is dying, the rest of the members strive in vain to uphold the body. It was to no purpose, that able ministers were employed in foreign Courts, and able Governors in the Provinces; France had always the ascendant. The Marquisses of Grana and Castanaga, successive governors of the Spanish Netherlands, were good generals, as well as good Politicians. They had their agents at King James's court, and themselves negotiated in Flanders, with all possible zeal and capacity. *Ron-Fauquier*, his Catholick Majesty's ambassador at London, who is said to know the English genius and constitution, strenuously backed their endeavours and used all possible arguments to draw off King James from France; and, if that King's historian, is to be credited, he went so far, as to offer to assist him, in obliging the Parliament to approve of his measures, provided he would but accede to the league of Austria, which shows at least, the sincere desire of Spain, to engage him to break with the French King. But as troops were wanted and there was no money to raise new levies, or to pay those already on foot, France, well acquainted with the wants and weakness of Spain, and secure of England, during the reign of James II, was preparing in concert with him for the invasion of Holland, and the Spanish Netherlands. Nothing therefore could happen more fortunately for Spain, than the Revolution in England; without which in all appearance the loss of the Netherlands, would have been unavoidable.

The united Provinces saw with terror the progress of the French arms, and their encroachments on the Netherlands, since the conclusion of the Peace of Nimeguen. They were greatly alarmed when they found that the taking of Luxembourg, by the French King was connived at by King James, but when they discovered the private alliance between the two monarchs, they plainly perceived their destruction was inevitable, unless timely prevented. Wherefore, as soon as their Stadtholder had secured the Elector of Brandenburg in his interest and concerted measures with Cologne, Hesse and Luxembourg, for a supply of troops if required, in the room of those he should take with him, they readily furnished an army and fleet for an expedition, on the success whereof, their safety so visibly depended, and which, however dangerous it appeared, was the only means to save them from ruin. So great reason had the united Provinces to rejoice at a Revolution which freed them from such dreadful apprehensions, and would be a strong bulwark for the future against the common enemy of Europe.

King William, was thirty eight years of age, *Abstract of King William's reign to the peace of Rylwick.* when the Revolution took place, seventeen of which had been spent in a constant opposition of the pernicious scheme, (formed by Richlieu and pursued by Mazarine) of making France the seat of universal empire, and of enslaving all Europe. *Lewis le Grand*, had made such a progress in this scheme, that it would probably have succeeded had it not been for the great checks it received from King William, whilst Prince of Orange. As that Prince had made the humbling of France, the

(1) After the King of France's return from his expedition in 1672, a solemn debate was held at Paris, what title should be given him. *Le Grand* was thought too common. Some were for *Invincible*. Others for *N. 3. Vol. III.*

Le Conquerant. Some, in imitation of *Charlemagne*, for *Lewis le Magné*; others for *Maximus*; but as *Tres-Grand* or *Maxime* did not sound so well, *Le Grand* was pitched upon at last.

L

(2) Bishop

the great business of his life before the Revolution, so after his advancement to the British Throne, we shall see him still vigorously prosecuting the same design, in a thorough belief that it was the sole means of preserving the Protestant Religion, and the liberties of Christendom. But first we shall see him earnestly endeavouring to finish and complete the new settlement in church and state in the best manner he could, amidst the opposition of those who thro' principle, prejudice, party, or disappointment clogged all his measures. We shall see him pursue the abdicated King into Ireland, and oblige him to retire once more into France, and that Kingdom to return to the obedience of the Crown of England. We shall see him escape from the plots and conspiracies of his enemies at home, and abroad. We shall see him declared Generalissimo of the confederate armies, exposing himself to great perils, in voyages and battles; and crossing the seas whenever his presence was necessary at the head of the armies, or at the publick assemblies in Holland, and Germany. We shall see him exerting all his courage and strength, to humble the pride of France, under the greatest difficulties. Spain quite exhausted will assist him but feebly, whilst the forces of Holland, are employed in defence of the Spanish Netherlands. The Emperor attacked by the Turks, and the Hungarian malecontents will send but weak armies on the Rhine, and the Princes of the Empire, will be either so slow, or so disjointed, that their assistance will be inconsiderable. We shall see King William by his ability, constancy and resolution, surmount all these difficulties, and make head against an enemy superior to him in the number of his troops, and more so, in the union of his Generals; till Lewis, apprehensive of being obstructed in his grand, tho' as yet secret design upon Spain, gladly consents to a peace, concluded at Ryswick in 1697. These in general are the events of the first nine years of King William's reign; throughout which his moderation and clemency, his wisdom and valour, were equally conspicuous. And what is very uncommon, he brought with all his virtues, not one vice to the throne (1). He was addicted neither to wine, nor women; nor did religion or pride, make

any part of his character. It is true, he had some failings which were an alloy to his virtues. He was so intent upon the war, and the humbling of France, which he thought absolutely necessary for the safety of Europe, that he was not so careful of his government as he should have been. The disgust this raised, being improved by men of ill designs, so perplexed his affairs, that he could hardly support himself at home; whilst he was the admiration of all abroad. He was also so reserved and silent a temper, (which had been heightened by his education, when all his words and actions were narrowly watched,) that it made him averse to talking and company, and very hard of access. This was by no means agreeable to the English nation, and therefore many endeavoured to persuade him to be more visible, open and communicative. He seemed resolved to follow their advice, but his ill state of health, increased by his long stay at St. James's, without his usual exercise of hunting, of which he was very fond, made him give way to his natural disposition; and he became rather more retired and less accessible than before. In a few days after he was placed on the throne, he went to Hampton-Court, from whence he came to town only on Council-days. So that the face, gaiety and diversions of a court disappeared, which gave great discontent. The Queen, who was affable and lively, endeavoured by a great vivacity and cheerfulness to supply what was wanting in the King, but when she was found not to meddle in business, though all were pleased with her, yet few came to make their court to her, as but few found their account in it.

King William's first care after his advancement to the throne, was to settle a Privy-Council (2), and appoint a ministry. The Earl of Danby, created Marquis of Carmarthen, was made president of the council. He had, by his accomplishing the King's marriage with the Queen, and heartily concurring in the Revolution from the very beginning, atoned in some measure for his proceedings under Charles II. He is said to have pulsed for the Treasurer's staff, a post he had formerly enjoyed, but was refused by the King, who was resolved the Treasury should be in the hands of Commissioners (3). The Privy Seal was

1688.
A new
Privy
Council and
Ministry
settled.
Pro H. L.
II. 342.
Boyer.

Reresby.

(1) Bishop Burnet says indeed, he had no vice but of one sort, in which he was very cautious and secret. What this vice was, he has left the world to guess, by which means, the worst sort of vice is, at least by his enemies, fixed upon him, though in express contradiction to the religious character given of him by the same Bishop after his death, and which the reader may see at the end of his reign.

(2) The names of the Privy-councillors were as follows; his Royal Highness George Prince of Denmark, William Sancroft, Archbishop of Canterbury, Henry Compton Bishop of London, Henry Duke of Norfolk, Charles Marquis of Winchester, George Marquis of Halifax, Thomas Earl of Danby, Robert Earl of Limbury, Aubrey Earl of Oxford, Charles Earl of Shrewsbury, Charles Earl of Dorset and Middlesex, William Earl of Bedford, John Earl of Bath, Charles Earl of Macclesfield, Daniel Earl of Nottingham, Thomas Viscount Falkenberg, Charles Viscount Mordaunt, Francis Viscount Newport, Richard Viscount Lunley, Philip Lord Wharton, Ralph Lord Montagu, Henry Lord Delamere, John Lord Churchill, Mr. Bentinck, Mr. Henry Sidney, Sir Robert Howard, Knt. Sir Henry Capel, Knt. Mr. Henry Poulter, Mr. Edward Russell, Mr. Hugh Boyle, and Mr. Richard Hampden, to whom were added on

the twentieth of February, Thomas Wharton, Esq; and Sir John Lowther, of Lowther Bart.

See in Burnet, l. ii. c. 5, that he certainly had been in hopes of being advanced to the office of Lord Treasurer; but being disappointed in this, he was obliged to take up with the post of President of the Council, which was of great honour and credit, though very small profit. However, his Lordship had not been above a fortnight in his post, "before I found him," (says Sir John) "extremely cooled with regard to affairs, as then managed. He said, that being embarked with his all, he was sorry to see things no better conducted: That Ireland was in a manner become invincible, by our neglect of sending forces thither before now. That with regard to this, and other material points, equally unheeded, he had been pressing the King to a degree even of incivility. That he had told his Majesty, he plainly saw, he did all he could to encourage the Presbyterians, and to dishearten the Church, which could not but be absolutely prejudicial both to himself and the government; though he, at the same time, observed, that his Majesty interfered but little in councils, being prevented therefrom, partly by inclination, and partly by want of health. Indeed

"the





was given to Lord *Halifax*, who for zealously promoting all the steps that were lately made for the King, was hated by the *Tories*, and for his opposition to the Bill of Exclusion, was not beloved by the *Whigs*. The affair of surrendering up the Charters, and the remissions in relieving of *Ireland*, were also charged on him. He had for some time great credit with the King, but Lord *Carmarthen* not being able to bear the equality, or rather preference that seemed to be given him, brought on a storm that quickly fell on him. The Earl of *Devonshire* was made Lord Steward of the Household, and the Earl of *Dorset*, Lord Chamberlain. As they were both *Whigs*, the Household was made up of such, except where there were buyers for places, which were set to sale. And though the King seemed to discourage such practices, yet he did not encourage proposals for detecting them. Mr. *Bentinck*, afterwards Earl of *Portland*, was made Groom of the Stole and Privy Purse. He continued for ten years, to be entirely trusted by the King, and served him with great fidelity and obsequiousness, but could never bring himself to be acceptable to the *English* nation (1). Mr. *Sidney*, made first Lord *Sidney*, and then Earl of *Runney*, was made one of the Gentlemen of the King's Bed-chamber, and afterwards Secretary of

State, Lord Lieutenant of *Ireland*, and in other great posts. The King's chief personal favour lay between *Bentinck* and him. He was brother to the Earl of *Leicester*, and to *Alegernon Sidney*, beheaded by King *James*. He was the man who had the secret of all the correspondence, that was before the Revolution, between the Prince of *Orange* and his party in *England*, and the conduct of that whole affair was by the Prince's own order, chiefly deposited in his hands. He was a graceful man, and had lived long at court, where he had some adventures that became very publick. He was a person of a sweet and caressing temper, had no malice in his heart, but too great a love of pleasure. He had been sent envoy to *Holland* in the year 1679. where he entered into such particular confidences with the Prince, that he had the highest measure of his trust and favour, that any *English* man ever had. Marshal *Schomberg* was made master of the Ordnance. He had been of great service to the King in his expedition into *England*, and the King had been very earnestly pressed to bring him over with him, both because of the great reputation he was in, and because it was thought to be a security for the King's person, and to the whole design, to have another General with him, to whom all would submit in case of any accident (2).

The

"the King looked but ill, and the difficulty he laboured under in swallowing, seemed to foretel him a man of short continuance in the world. His Lordship further told me, that he had been appointed President of the Council quite against his will, after the King had declared he could not give him the staff of Treasurer, determined, as he was, that the Treasury should be in the hands of Commissioners. That he had been offered to be Secretary of State and President both at the same time; and that he had declined the first. That all he asked of the King for himself was a patent, to which he had a right by a former grant; and that he would also be pleased to gratify some Gentlemen, who had, upon the revolution, joined him in the North. In fine, that the King had told him, it would be by no means for his interest to be out of all business; and that he had, in a manner, forced the Presidentship upon him. His Lordship expressed himself doubtful of the continuance of affairs, as they now stood; and informed me, that King *James* had sent down to him into the North, offering to throw himself into his hands before he went away. To this, he said, his answer was, by *Charles Bertie*, who brought the message, that his own force, which he depended upon in the North, was not sufficient to trust to; but that if his Majesty would bring a consideration to party with him, and come without his Papists, he would sooner lose his life than he should suffer the least injury. But that the King having no mind to part with his *Romans*, would not come. His Lordship then said, that if the King would but quit his Papists, it might possibly not be too late yet for him. He then observed, that the Duke of *Gordon*, a Papist, and Governor of *Edinburgh* castle, the only magazine in *Scotland*, who was lately ready and willing to surrender it to any body, now held it out obstinately for King *James*; and that the discontents in *England* grew greater daily and greater. He then reflected on Lord *Halifax*, the King, and all about him, as most strangely insatuated with notions of their own security; and particularly animadverted on the last mentioned Lord, for insinuating with such violence in a speech of his, that the Prince should be intitled legal and rightful King of this realm, (which, I suppose, the Lord *Halifax* did with a view of continuing the old oaths of allegiance and supremacy, and to obviate all scruple about taking the new,) saying, it was mere nonsense; for that

"had the Prince of *Wales* been made King, he could never have been deemed our lawful Sovereign, while his father lived.—But his Lordship nevertheless appeared very serious and urgent about the legality of taking the new oaths, and condemned the Bishops for their squeamishness in that respect, though they themselves had so large a hand in bringing about this great and extraordinary change; and thereupon quoted Lord *Nottingham's* speech, who, in the House of Lords, had observed, that though he had never in the least consented to this Revolution, but had with all his might opposed the Prince's accession, as contrary to law; yet since his Highness was here, and we must owe our protection to him as King *de facto*, he thought it but just and legal to swear allegiance to him. I have been the more exact in the particulars of this conversation, to give the better insight into the thoughts of the greatest men upon this occasion; though I wondered his Lordship would venture to be so very undisguised with me; but he was sure I would not betray him, though even to Lord *Halifax*." See memoirs of Sir *John Reresby*, last Governor of *York*, containing several remarkable transactions from the Restoration to the Revolution, p. 321, &c.

(1) The King's affection to Mr. *Bentinck*, may be dated from the time of his having the small pox, in 1675. *Bentinck* then Gentleman of his Bed-chamber, though he had never had that distemper, attended his master during the whole course of his illness, both night and day, for sixteen days. After which having leave to go home he immediately fell sick of the small pox and was in great danger of his life.

(2) The rest of the Household were Lord Viscount *Newport*, Treasurer of the Household, Mr. *Wharton*, Comptroller of the Household, Sir *John Lowther*, Vice-Chamberlain of the Household, Monsieur *D' Auverquerque* Master of the Horse, the Lord *Montagu*, Master of the Great Wardrobe; Monsieur *Zwylstein*, Master of the Robes; the Bishop of *London*, Dean of the Chapel; the Lord *Lowclate*, Captain of the Gentlemen Pensioners; the Duke of *Ormond*, the Earl of *Oxford*, the Lords *Mordaunt*, *Lunley* and *Churchill*, Gentlemen of the King's Bed-chamber; the Earl of *Wiltshire* son to the Marquis of *Winchester*, Lord Chamberlain to the Queen; *John Howe* Esq. Vice-Chamberlain; Mr. *Villiers*, Great Master of the Horse, and the Countess of *Dayby*, sister to the Duke of *Ormond*, first Lady of the Bed-chamber, and Groom of the Stole to her Majesty.

(1) He

The Earl of Shrewsbury, and Nottingham made Secretaries of State.

The Earl of Shrewsbury was declared Secretary of State, and had the greatest share of the King's confidence. He had been educated a Papist, but had renounced that Religion upon a very critical and anxious inquiry into matters of controversy. Some thought, that though he had forsaken popery, he was too sceptical, and too little fixed in the principles of Religion. However, he seemed to be a man of great probity, and to have a high sense of honour. He had no ordinary measure of learning, a correct judgment, with a sweetness of temper, that charmed all who knew him. He had so great a command of himself, that during all the time he continued in the ministry, no person was heard to complain of him, except for his silent and reserved answers, with which his friends were not always well pleased. His modest deportment gave him such an interest in the King, that he never seemed so fond of any of his ministers, as he was of him. His method was only to lay in general the state of affairs before his Majesty, without pressing too much.

It was for some time under consideration, who should be the other Secretary; at last the Earl of Nottingham, was pitched upon for that post. He had stood at a great distance from the court all King James's reign, and though a Privy-counsellor, never went to the board. When the Prince of Orange's coming over was proposed to him, he first agreed to it, but afterwards refused to proceed any farther. However he declared, that though his principles restrained him, so that he could not go on, his affection would make him wish well to the cause, and would be so far a criminal as concealment could make him. Accordingly he opposed the settlement with great earnestness; but always said, that though he would not make a King, yet, upon his principles, he could obey him when made, better than those, who were so much for making one. The Tories apprehended, that the opposition, which they had given to the King's advancement, and the Zeal, that the Whigs had shewn for it, would alienate him from them, and throw him into the other hands, from whom they could expect no favour, but severe returns for the hardships they had put on the Whigs, the latter end of King Charles II's reign. These apprehensions grew daily amongst that party, and made them begin to look back towards King James. It was therefore thought advisable, in order to avoid exasperating so large a body, to employ the Earl of Nottingham. The great increase of business in chancery having led many to apprehend, that it was too much to be trusted with one person, it was resolved to put that court into commission, and the Earl was proposed to be the first in the commission, but he refused it, and accepted of the place of Secretary of State. This gave as much satisfaction to the Tories, as it begot distrust in

the Whigs. The Tories hoped for protection and favour by his means; they reckoned, that he would infuse all the prerogative notions into the King, and give him such a jealousy of every step, that the Whigs should make in their prejudice, that from thence his Majesty would see cause to suspect all the shew of kindness, that they might put on towards him, when at the same time they were undermining some of those Prerogatives, for which the Earl seemed to be so zealous. This had a great effect on the King, who being ignorant of the constitution, and naturally cautious, saw reason enough to dislike the heat he found among those, who expressed much zeal for him, but who appeared, at the same time, to have it with a great mixture of republican principles. They on the other hand, were much offended at the employing the Earl; "and he gave them daily cause to be more displeased at it; for he set himself with a most eager partiality against the whole party, and against all the motions made by them; and he studied to possess the King with a very bad opinion of them. And whereas Secretaries of State have a particular allowance for such spies, as they employ to procure intelligence, how exact soever he might be in procuring foreign intelligence, he spared no cost nor pains to have an account of all that passed in the city and in other angry cabals; and he furnished the King very copiously that way, which made a deep impression on him, and had very bad effects."

The Marquis of Halifax having also refused the offer made to the Earl of Nottingham, with respect to the Chancery, Sir John Maynard was made first Commissioner, and Anthony Keck and William Rawlinson were knighted, and joined with him.

The Treasury being also put in commission, Lord Mordaunt, afterwards Earl of Monmouth, was made first Commissioner. He was the first of all the English Nobility that came over to see the King when Prince of Orange. He was a man of much heat, many notions, and full of discourse. He was brave and generous, but had not true judgment. His thoughts were indigested, and his secrets were soon known. Lord De la Mere, afterwards Earl of Warrington, was Chancellor of the Exchequer. The Lord Godolphin (1) was likewise brought into the Treasury, to the great grief of the other two, who soon saw that the King considered him more than them both. For as he understood Treasury-business well, so his calm and cold way suited the King's temper. Mr. Richard Hampden and Sir Henry Capel were the other Commissioners. The Earls of Monmouth and Warrington, though both staunch Whigs, became great enemies. Monmouth generously gave the inferior places, but fought out men of republican principles: and

(1) He was a younger brother of an antient family in Cornwall, that had been bred about King Charles II. from a page, and was considered at the time that the Earl of Sunderland, Lord Hyde, and he managed affairs, as one of the ablest men belonging to the court. He was the most silent and modest man that was perhaps ever bred in a court. He had a clear apprehension, and dispatched business with great method, and with too much temper, that he had no personal enemies. He loved gaming beyond what men of business usually do,

and gave one reason for it, because it delivered him from much talking. He had true principles of religion and virtue, and was free from all vanity, and never heaped up wealth. He had much of the confidence of four succeeding Kings. He was Secretary of State in 1684, which he quitted, and was made a Baron the same year. He was concerned in the scheme laid at Lady Portsmouth's, by Barillon and Lord Sunderland; and was sent by King James to the Prince of Orange at Hungerford.

(1) The

and Warrington is said to sell every thing that was in his power (1).

And also the Admiralty.
The Admiralty was also committed to the care of Commissioners; and Admiral Herbert, afterwards Earl of Torrington, was first in the Commission. He was brother to Chief Justice Herbert. Being pressed by King James, to vote for the repeal of the Test, he absolutely refused, and chose rather than comply, to lose places to the value of four thousand a year; though his circumstances were very indifferent (2). He was a man of great pride, as well as great humour, and set a high value on himself, and expected the same from others. With all this, he had a good understanding, and a great reputation for his conduct in sea affairs. He quitted King James and went over to Holland, and was made Lieutenant General Admiral of the Dutch Fleet, that brought over the King. There were six other Commissioners named with him (3).

The Judges chosen. Burnet. Boyer.
Nothing gave a more general satisfaction than the naming of the Judges, the King ordered every Privy-Counsellor to bring a list of twelve, and out of these, were chosen twelve very learned and worthy Judges. This nomination was generally well received over the nation. The first of these was Sir John Holt, made Lord Chief Justice of England, then a young man for so high a post, who maintained it during his whole life, with a high reputation for capacity, integrity, courage and great dispatch. So that since Sir Matthew Hale's time, the King's Bench has not been so well filled as it was by him (4).

Dr. Burnet made Bishop of Salisbury. Boyer.
All these employments were disposed of at several times within the space of two months. And as Dr. Burnet had been one of the chief Promoters of the Revolution, so he was the first Ecclesiastic, who reaped the fruits of it, having been elected Bishop of Sarum, pursuant to his Majesty's *Conge D'Elire*, on the ninth of March, and consecrated on the thirty first of the same month at Fulham, by the Bishops of London, Winchester, Lincoln, Landaffe, St. Asaph, and Carlisle, by virtue of a Commission from the Archbishop of Canterbury, who refused to perform the Ceremony himself; and three days after the new Bishop was sworn and admitted Chancellor of the order of the Garter (5).

In this manner were settled the Court, the Council and the Ministry. As they chiefly consisted of *Whigs*, the *Tories* could not but be disgusted as well as some others who had expected a share in the promotions. These last, improving the disaffection and prejudices of the others, a faction was soon formed, which embraced all occasions to oppose and distress the administration. How early this opposition began, will appear in the proceedings of the Convention, which are now going to be related.

The first thing that was judged necessary to be done was to turn the Convention into a Parliament. For it had been already said in the House of Commons; that the Convention, not having been called by the King's Writs, their acts were not valid. To obviate this objection which might be infused into men's minds, and to avoid the usual delays, occasioned by the calling of a new Parliament, and to preserve a great number of Members, that were entirely satisfied with the present settlement, the King, the first time he advised with his Privy-Council, proposed the question to them "whether the Convention might be legally turned into a Parliament." As there were some in the Council, who still adhered to forms, without considering the state of things, the Council was divided upon the question, but the majority agreeing in the affirmative, the King went to the Feb. 18. House of Lords, in great solemnity, and taking possession of the throne, made the following *Pr. H. C.* speech to both houses. *II. 276.*

My Lords and Gentlemen,

"I have lately told you, how sensible I am of *The King's*
"your kindness, and how much I value the *first speech*
"confidence you have reposed in me; and *to both*
"I am come hither to assure you, that I shall *Houses.*
"never do any thing, that may justly lessen your
"good opinion of me.
"I think it necessary to acquaint you, that
"the condition of our allies abroad, and particularly that of *Holland*, is such, that unless
"some speedy care be taken of them, they run
"a greater hazard than you would have them
"exposed to.

"You

(1) The Commissioners of the Customs were the Honourable George Booth, Sir Richard Temple, Sir Robert Southwell, Thomas Pelham, Sir Robert Clayton, Sir Patience Ward. Of the Excise, Sir Henry Vane, Sir Henry Ashurst, Sir Humphrey Edwin, Thomas Frankland, John Danvers, Francis Perry, John Wilcocks, junr.

(2) When King James asked him to vote for the repeal of the Test, he answered, he could not do it, in honour or conscience. The King said, he knew he was a man of honour, but the rest of his life did not look like a man, that had great regard for conscience; (for he was indeed abandoned to luxury and vice.) He boldly replied, he had his faults, but they were such that other people who talked more of conscience, were guilty of the like.

(3) These were the Earl of Carbury, Sir Michael Warton, Sir Thomas Lee, Sir John Chicheley, Sir John Lawborer of Whitehaven, and Mr. William Sacheverel. This last, who had distinguished himself by several speeches for the bill of exclusion, being little acquainted with maritime affairs, desired the King to excuse him from acting at the admiralty board, on account of his insufficiency. The King replied, "There are enough who do understand the business, which a man of

"sense would soon be master of, and he could depend
"on his integrity." Sacheverel persisted in excusing himself saying, "since he was not qualified for the
"service, he could not in conscience accept the salary." *Oldm. III. p. 2.*

(4) The rest of the Judges were Sir William Dolben, Sir William Gregory, and Giles Eyre, Justices of the King's Bench; Sir Henry Pollexfen, Lord Chief Justice, and Sir John Powell, Sir Thomas Rokeby, and Peyton Ventris, Justices of the common Pleas; Sir Robert Atkins, Lord Chief Baron, and Sir Edward Nevil, Nicholas Lechmere, and John Turtton, Barons of the Exchequer; and John Trenchard, Chief Justice of Chester, Sir George Treby, Attorney General, John Sommers, Solicitor General, and Henry Poule, Master of the Rolls.

(5) Archbishop Sancroft refused to consecrate him, but to avoid a premunire, he granted a commission to any three of the Bishops of his province, in conjunction with the Bishop of London, to exercise his metropolitan authority during pleasure. Thus he authorized others to do, what he seemed to think an unlawful act. He was afterwards ashamed of it himself and sent for the original warrant out of the office, and got it into his own hands. *Burnet, Vol. II. p. 8.*

"You yourselves must be sensible, that the posture of affairs here, requires your serious consideration; and that a good settlement at home is necessary, not only for your own peace, but for the support of the Protestant interest both here, and abroad. And particularly the state of Ireland is such, that the dangers are grown too great to be obviated by any slow methods.

"I must leave it to you to consider of the most effectual ways of preventing the inconveniences, which may arise by delays, and to judge, what terms may be most proper to bring those things to pass for the good of the nation, which, I am confident, are in all your minds, and which I on my part, shall be always ready to promote."

This speech was received with a general applause; and pursuant to the last clause of it, the Lords immediately brought in a Bill to remove and prevent all questions and disputes concerning the assembling and sitting of this present parliament: which was read twice that afternoon, passed the next day, and sent to the Commons for their concurrence. Upon which, the Commons went into a committee of the whole House, and Mr. Hampden, their Chairman, put the question, *whether a King elected and declared by the Lords Spiritual, and Temporal, and Commons, assembled at Westminster the twenty second of January 1688-9, coming to, and consulting with the said Lords and Commons, did not make as complete a Parliament, and Legislative Power and Authority, to all intents and purposes, as if the said King should cause new summon's to be given, and new elections to be made by writs?* This occasioned a long and warm debate; the party, who were for the negative, headed by Sir Edward Seymour, maintaining, "that, according to Sir Edward Coke, a Parliament consists of the King's Majesty sitting there as in his politic capacity, and of the three estates of the Realm; that is to say, 1. the Lords Spiritual; 2. the Lords Temporal; and 3. the Commons. That as to the Lords Spiritual and Temporal, every one of them being of full age, when a Parliament is to be held, ought, of right, to have a writ of summon's to come to that Parliament. And that as to the Commons, the same author says, they are respectively elected by the Shires or Counties, Cities and Boroughs, by force of the King's writs. That the Lords and Commons assembled at Westminster the twenty second of January, were not summoned thither by the King's writs; and therefore though the King afterwards came to them, yet such King, Lords, and Commons, could not be a Parliament. And that though the like was done at the Restoration, yet the Convention was then called, when there was no King nor Great Seal in England; and it was called by the consent of the lawful King, and was done upon a true and visible, and not on a pretended necessity. And after all, even the Convention was not looked upon as a legal Parliament; its acts were ratified in a subsequent Parliament, and from thence they had their authority." To this it was answered, "that it was generally admitted, that in an hereditary kingdom, if the King should die without an Heir, either lineal or collateral, the crown in that case would devolve, or, as it were, escheat to the whole people and nation; and that hereupon the

estates and representatives of such a nation might dispose of the Crown, to whom they pleased, or quite alter and change the government into what form they thought fit; examples of which were brought out of Germany, Italy, France, and Portugal. That in like manner, where a King abandoned, forsook, or deserted his government, by going or flying out of the Kingdom, without appointing any guardian to protect and take care of his people during his absence, whereby the throne became vacant, the estates of such a people might appoint another King or Governor. That King James II. having abandoned his people, unguarded and undefended, at the mercy of a foreign army, even in the heart of the country, without so much as leaving a Guardian or Great Seal behind him, his great officers and ministers of State flying some one way and some another, what could the nation do but what they had done? Several of the Lords Spiritual and Temporal, many of the Knights, Citizens, and Burgeesses of a former Parliament, the Aldermen and divers Common Council men of the City of London, addressed themselves to the Prince of Orange, desiring him to take upon him the administration of public affairs, untill the meeting of the intended Convention of the three estates or great council of the realm; and to send letters subscribed by himself both to the Lords Spiritual and Temporal, who were protestants, to meet on the said twenty second of January at Westminster, and to several Shires, Counties, Universities, Cities, &c. for electing of such number of persons to represent them, as of right were to be sent to Parliament. That accordingly such letters were sent, and elections made; and the Convention thus assembled, after mature deliberations, resolved, *that the Prince and Princess of Orange should be King and Queen of England.* That after they were proclaimed King and Queen, and his Majesty came and consulted with the three estates to be assembled, what could be wanting in that assembly to make them a full and complete Parliament? Or what could be had more than was in this Convention of King, Lords, and Commons, if the said King should issue out writs for calling a new Parliament? That if, as was agreed by all, the substantial parts of a Parliament be, and consist of an assembly or Convention, or meeting together of the King and three estates, the difference of the Lords and Commons being called by Writ or by Letter was nothing material, since both Writ and Letter were to the same effect; and since in some ancient records it is mentioned, that Parliaments should be summoned by Letters, particularly in King John's great charter in the seventeenth year of his reign, he promises to summon the Bishops, Abbots, Earls, &c. by his letter. That the Prince of Orange's not being King at the time of his sending forth his letters, was of no importance, since he was the person, to whom the administration of the government was then committed. That it was evident, that in many parliaments it was not so material, how the King, Lords, and Commons came together, as that they were together. That the manner of calling together the three Estates of the Realm by the Prince of Orange's letters was a much fairer proceeding, than

"dering the state of affairs, as to the calling of them together, than was in several cases, wherein they were never doubted to be a Parliament, when joined with a King. That Edward II. being imprisoned by his Queen, son, and nobles, they issued out writs in the imprisoned King's name, to summon the Lords, and to choose Knights, Citizens, and Burgeſſes to meet at *Westminster*, the sixteenth of January 1325. That this, one would think, was pretty hard, and an absolute force upon the King, by making use of his name against his will, so that it could not be said to be his act; yet the Lords and Commons being met, they deposed Edward II. and declared his son Edward III. King; and this new King, and the Lords, and Commons, so (one might say) irregularly convened, made several Acts of Parliament, and have been ever since adjudged a good Parliament to all intents and purposes, without any subsequent act of confirmation. That in like manner Richard II. being taken prisoner by Henry Duke of Lancaster, the Duke issued out writs in the King's name (the King being then in prison) to summon the Lords, and to elect Representatives for the people, to meet at Westminster the thirteenth of September 1399. That those being met, by this irregular-*summons*, they deposed Richard II. and declared the Duke of Lancaster King; and that new King, and the Lords and Commons, so irregularly convened, being joined together, were also, and are to this day, adjudged a good Parliament to all intents and purposes. Lastly, that the Lords and Commons assembled at Westminster, the 15th of April 1660, were convened by writs in the name of the keepers of the liberties of England, who were usurpers; yet when King Charles II. came to them, and they received him as King, he and they together were adjudged a Parliament, and enacted, that they should be so esteemed, and made many laws, which were put in execution; and they continued as a Parliament until the twenty ninth of December following; and though most or all those acts were afterwards confirmed by a subsequent Parliament convened by the King's writs in May 1661; yet that confirmation, according to many good judgments, was rather to satisfy some scrupulosity than out of necessity, most of the said acts having in a great measure had their effects, before the subsequent Parliament began. That if therefore upon the Prince of Orange's being declared and proclaimed King, he came to the Convention of Lords and Commons assembled at Westminster; if the same number of Lords was summoned, that of right ought to be summoned to Parliament, and the same number of Knights, Citizens, and Burgeſſes duly chosen, that ought to be chosen, to represent the Commons in Parliament; then consequently there were all the substantial and essential parts of a Parliament met together, and being so, where was the necessity, advantage, or prudence to

"dissolve these, and thereby give new trouble of new summons and new elections, lose a great deal of time, suffer irrecoverable loss and damage to Ireland, and the allies abroad, and after all, at the next meeting, be but where they now were, as to the essential parts of a parliament, there being nothing more to be had at any other time, but what they had already."

Upon these reasons the Commons agreeing to Feb. 2. the bill, it received the royal assent, and the Convention was from that time called the Parliament. This Act was to commence from the 13th of February, the day on which the royal dignity was accepted by the King and Queen, and instead of the old oaths of allegiance and supremacy, the new oaths were enjoined to be taken by all the Members of each House, from, and after the first day of March next ensuing. Accordingly a day was set for the call of both Houses, and for requiring the Members to take the oaths. Upon the passing this Act, several Members who had before protested, that they would neither submit to the decisions of such a Parliament, nor sit in it, absented themselves, and retired into the country on frivolous pretences. And when the time came for the Members to take the oaths, though they were refused by few or none of the Commons, several Lords, both Spiritual and Temporal, would not take them. As the Duke of Newcastle, the Earls of Clarendon, Lichfield, Exeter, Tarmouth, and Stafford, and the Lords Griffin, Stawel, and one or two more: these were all, at several times, summoned to attend the House, but most of them continued absent. The Spiritual Lords that absented themselves were Sancroft Archbishop of Canterbury, Turner Bishop of Ely, Lake of Chichester, Ken of Bath and Wells, White of Peterborough, (these were five of the seven Bishops sent to the Tower by King James) Lloyd of Norwich, Thomas of Worcester, and Frampton of Gloucester (1). Sancroft had been Archbishop ever since the year 1676. He was a man of solemn deportment, and considerably learned. He lived abstracted from company, and was fixed in the old maxims of high loyalty. He was named in the Ecclesiastical Commission by King James, but would never go to that court, nor declare against it, though he thought it illegal. He joined in the petition against reading King James's declaration for liberty of conscience. He met the Privy-Counsellors at Guildhall, and invited the Prince of Orange to take the government upon him, but refused to go with the rest of the Bishops to welcome him to St. James's, though he had once agreed to it. When the Convention met the 29th of January, he came not to take his place among them. He resolved neither to act for nor against King James's interest, which was thought very unbecoming in one of his high station. For since he believed, as afterwards appeared, that the nation was running into treason, rebellion and perjury, it was strange to see him, who was at the head of the Church, sit silent all the while, and not so much as declare his opinion by speaking, voting, or protesting. But he

(1) As there were eight Bishops that refused the oaths, so there was the same number that took them; Lamplugh, Archbishop of York; Campion, Bishop of London; Barlow, of Lincoln; Mew, of Winchester; Sprat, of

Rocheſter; Lloyd, of St. Asaph's; Trelawney, of Bristol; and Beaw of Landaff; whose example was afterwards followed by Smith, of Carlisle; and Watſon, of St. David's.

(1) These

he was a poor spirited and fearful man, and acted a mean part in the whole affair of the Revolution. He went on afterwards in the same unactive state, still refusing the oaths, but neither acting nor speaking, except in great confidence, to any against their taking them. *Thomas and Lake*, who both died soon after, like the Archbishop, never came to the House of Lords. When the other five withdrew from the Parliament, that they might recommend themselves by a show of moderation, some of them moved for a bill of toleration, and another of comprehension, whereby all moderate Presbyterians might be reconciled to the Church of England, and admitted to ecclesiastical benefices. These bills were drawn and offered by the Earl of Nottingham, for which he received the thanks of the House (1). From this time may be dated the rise of the Non-jurors, who rejecting the notion of a King *de jure* and a King *de facto*, as well as all other distinctions, as limitations, strictly adhered to the principle of the divine right of Kings, and were the authors of all the plots and conspiracies against the new settlement, which they refused to acknowledge.

Pr. H. L.
I. 219.

Some persons are
seized by
the King.
Pr. H. L.
I. 305.
Mar. 1.

How early they began their designs against the government was quickly discovered. For the King, by some intercepted letters, had reason to suspect that the Earl of Arran, Sir Robert Hamilton, and others, were endeavouring the restoration of King James. Upon which, they were all sent to the Tower. But as this proceeding was not strictly legal, the King sent a message to acquaint the Lords with what he had done, who immediately voted an address of thanks for his care of their liberties, and desired him to secure all disturbers of the peace till the first day of next term. But the Commons thinking this address allowed the King a power of dispensing with the *Habeas Corpus Act*, thought it more proper to proceed by a bill, to empower the King to apprehend and detain all suspected persons, which in a few days passed both Houses. A bill was also brought in at the same time for removing Papists from the city of London and Westminster, which having passed the Lords, the Commons added a proviso to it, by which the Queen Dowager's articles of marriage were con-

A bill for
removing
Papists
from Lon-
don.
Pr. H. L.

siderably reduced. To this proviso the Lords disagreed, which occasioned several conferences, and warm debates; but at last it was settled, that the Queen Dowager should have thirty servants of the King's English subjects, provided none of them were Priests, Monks or Fryars (2). There were also in custody at this time the Lord Jeffries, the Lord Montgomery, the Earl of Salisbury, the Earl of Castlemaine, the Earl of Peterborough, and the Lord Clifford, who were all admitted to bail not long after, except Jeffries. The revolt of a body of troops about the same time, gave also some hopes to the enemies of the government. The royal regiment of Scotch horse, that was quartered at Abingdon, almost totally deserted; as did also five hundred of Dunbarton's regiment, headed by five Captains. They all took the rout to Scotland, and are supposed to have acted in concert with the Earl of Arran, who was confined in the Tower. General Ginkle was ordered to pursue them with a sufficient force of horse and dragoons, who soon obliged them to submit to the King's mercy; and the only punishment he inflicted on them, was to send them over to serve in Holland.

The oaths to be taken by the present and all future Parliaments being settled, the coronation-oath was next to be established, as the day for that ceremony drew near. Accordingly, an act was passed for that purpose, in the course of which a proviso was offered in the House of Commons, that no clause in the act should so bind the Kings and Queens as to prevent their assenting to any bill, offered by both houses, for taking away, or altering any form or ceremony, in the established church; so as the doctrines, liturgy and episcopal government be preserved. But this proviso was thrown out.

The Coronation oath (as is observed in the preamble of the act) which had by ancient usage, been solemnly taken by the Kings and Queens, to maintain the laws and customs of the realm, and the rights and liberties of the people, having been hitherto framed in doubtful expressions, with relation to constitutions now unknown, was worded in a more plain and comprehensive manner (3), and by directions from the court was to be administered, either by the Archbishop

The Coro-
nation oath
settled.
Pr. H. C.
II. 293.

of

(1) These Bills were the same that the Earl of Nottingham had prepared for the House of Commons, in King Charles's time, during the debates of the Exclusion. But then things of that kind, were looked on as artifices to lay the heat of that time, and to render the Church party more popular. *Burnet*, II. p. 6.

(2) In the debate upon this act for removing of Papists, there happened a pleasant incident, which was an address to the King, to order the Duchess of Mazarin to depart the Kingdom. Colonel Birch, who was one of the oldest Parliament-men in the House, presented this address; to which his Majesty answered, *he would take it into consideration*. However, this business did not pass without opposition. Several Members spoke in favour of the Duchess: Monsieur Odyck, one of the Dutch Ambassadors, made use of all his interests in her behalf, at the desire of Monsieur de St. Evremont, who was a great friend of that Lady. Monsieur Odyck engaged his brother Monsieur d'Auverquerque to intercede for her; and these Gentlemen represented the attentions at her house, which were thought by some to be so many popish cabals, to be only meetings for gaming, and other diversions, by the former of which the was thought chiefly to subsist. The Marquis de Seillac spoke for her to the King, alleging, that *she would starve in any other country*. The Bishop of Salis-

bury made a motion in the House of Lords for such an address as that of the Commons; but it not being carried, the Duchess was permitted to continue her diversions; and his Majesty, out of regard to her unfortunate circumstances, allowed her a pension of two thousand pounds a year. *Des Maignaux's life of St. Evremont*, p. 132.

(3) The form is thus:

"Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same?"

I solemnly promise so to do.

"Will you, to your power, cause law and justice in mercy to be executed in all your judgments?"

I will.

"Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant Reformed Religion, as by law established? And will you preserve unto the Bishops and Clergy of this realm, and to the churches committed to their charge, all such rights

"and

1689. of *Canterbury*, or the Bishop of *London*. The choice of one of these two Prelates being left to the King; he, fearing to be refused by the Archbishop, who still continued discontented, thought fit to appoint the Bishop of *London*; who accordingly officiated at the Coronation, which was performed with all the magnificence and splendour usual on such occasions. The next day the Commons waited in a full body on the King and Queen at the Banqueting house, to congratulate them upon their Coronation, which Mr. *Powell*, their speaker, performed in an elegant speech (1).

The Coronation
Apr. 11.

The new
oaths are
settled.

State of the
Dissenters
at the Re-
volution.

The next thing to be considered in relation to the new Government was, to settle the oaths to be taken by all persons enjoying any office, place, or benefice. As the Protestant Dissenters had zealously promoted the Revolution, and were hearty friends to the new establishment; the King was very desirous, that those among them who were willing and able to serve him, should be admitted to offices and employments. It must be observed, the Dissenters at the time of the Revolution were divided into four sects, Presbyterians, Independents, Anabaptists and Quakers. The Presbyterians and Independents had not the visible distinction of different rites, and their depressed condition had put an end to the dispute about the constitution and subordination of churches, which had set them at so great variance, when power was in their hands. They were now looked upon as one sect, and were three parts in four of all the dissenters. The main difference between them was, that the Presbyterians seemed reconcilable to the Church; for they were so far inclined to episcopal ordination and a liturgy, that upon some amendments they appeared disposed to come into the Church, and they liked the civil government and a limited monarchy. But the Independents were generally for a Commonwealth in the State, and therefore, they put all the power of the Church in the people, whose choice they deemed a sufficient ordination: Nor did they approve of set forms of worship. The Anabaptists were generally men of virtue, and of universal charity; and as they were far from being in any treating terms with the Church of *England*, so nothing but a universal toleration, could make them capable of favour and employments. The Quakers had made themselves particular in the matter of

the hat, and saying *thou* and *thee*, that it became to them a badge of distinction, by which they were easily known. These were in the same state with the Anabaptists, and a toleration was all they could expect.

From hence it appears, that of all the dissenters the moderate Presbyterians alone, could upon easy terms, be incorporated with the Church, and placed on a level with those of the established religion: That the rest were at too great a distance to be reconciled to the Church, and therefore as to religion, could be made easy only by a toleration; and as to employments, could not be admitted into them, unless their conformity to the Church was dispensed with. This being the case, the King had formed three designs. 1. By a comprehension to unite the moderate Presbyterians with the Church: 2. By a toleration to give ease to scrupulous consciences: And 3. By removing the obstacles arising from non-conformity, to admit indifferently, all his protestant subjects into civil employments. How he succeeded in these his designs will quickly appear.

As a proper method to execute his third design, was by the insertion of a clause to that effect, in the bill for settling the oaths, the King not only signified in council his desire for the admission of the Protestants to offices and employments, but moreover, two days after the bill had been brought into the house of Lords under the title of, "a bill for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths," he took the opportunity when he went to give the royal assent to a bill for suspending the *Habeas Corpus* act, to make the following speech to both houses.

1689.

An attempt
to remove
the sacramental
Test.
Pr H L.
1. 352.
Mar. 16.

My Lords and Gentlemen,

"NOW I have the occasion of coming hither to pass this bill, which, I hope, will be for all our safeties, I shall put you in mind of one thing, which will conduce much to our settlement, as a settlement will to the disappointment of all our enemies.

"I am, with all the expedition I can, filling up the vacancies, that are in offices and places of trust, by this late Revolution. I hope you are sensible, there is a necessity of some law to settle the oaths to be taken by all persons to be

"and privileges, as by law do or shall appertain unto them, or any of them?"

All this I promise to do.

Then the King or Queen, laying his or her hand upon the Gospels, shall say,

The things which I have here before promised, I will perform and keep. So help me God.

The coronation oath, it seems, had been altered for the use of King *James*, and the care that was taken, in the original oath, of the people's liberties was left out, and instead of it great regards had to the rights of the Clergy, and prerogatives of the Crown. See *State-Tracts*, Vol. II. p. 49.

(1) The titles and honours conferred just before, or after the coronation, were these: Prince *George of Denmark*, now naturalized, was created Baron of *Oakingham*, Earl of *Kendal*, and Duke of *Cumberland*; the Marquis of *Winchester* was made Duke of *Bolton*; *William Bentinck*, Esq; Groom of the Stole to his Majesty, Baron of *Cirencester*, Viscount *Woodstock*, and Earl of *Portland*; *Thomas*, Lord Viscount *Falcon-*

berg, Earl of *Falconberg*; *Charles*, Lord Viscount *Mordaunt*, Earl of *Monmouth*; *Ralph*, Lord *Montagu*, Viscount *Mount-Hermer*, and Earl of *Montagu*; *John*, Lord *Churchill*, Earl of *Marlborough*; *Henry Sidney*, Esq; Baron of *Milton*, and Viscount *Sidney* of *Shrey* in the county of *Kent*; *Richard*, Lord Viscount *Lumley* of *Waterford* in *Ireland*, Viscount *Lumley* of *Lumley* castle in the County Palatine of *Durham*; *Hugh*, Lord Viscount *Cholmondeley* of *Kellis* in *Ireland*, Baron *Cholmondeley* of *Wichmalbank* alias *Namptwich* in *Cheshire*. On the 27th of *March*, the Lord *Coot* was sworn and admitted into the place of Treasurer and Receiver-General to her Majesty; on the 3d of *April*, *Frederick Marschal de Schomberg*, General of his Majesty's forces, and Master General of the ordnance, and *William*, Earl of *Devonshire*, Lord Steward of his Majesty's Household, in a chapter held at *Whitehall*, were elected Knights Companions of the most noble order of the Garter; into which order likewise, on the 5th of the same month, the Duke of *Ormond* was install'd at *Windor*; and on the 10th, his Majesty conferred the honour of Knighthood on *Thomas Pilkington*, Lord Mayor of *London*.

N

(1) The

Numb. IV. Vol. III.

1689. "be admitted to such places, I recommend it to your care, to make a speedy provision for it. And as I doubt not but you will sufficiently provide against papists, so I hope you will leave room for the admission of all Protestants, that are willing and able to serve. This conjunction in my service will tend to the better uniting you amongst yourselves, and the strengthening you against your common adversaries."

A clause drawn up to that effect and rejected.
ibid.
Burnet.

Pursuant to this speech, two clauses were ordered to be drawn up, one to explain the abrogating of the oaths, and the other "to take away the necessity of receiving the sacrament, to make a man capable of enjoying any office, employment, or place of trust." But this last clause was rejected by a great majority. However seven Lords, *Delamere, Stamford, North and Grey, Chesterfield, Wharton, Lovelace* and *Yeughan*, protested against limiting offices by the sacramental Test, and dissented for these reasons; "that a hearty union among Protestants was a greater security to the Church and State, than any Test, that could be invented: That this obligation to receive the sacrament was now a Test on the Protestants, rather than on the Papists; and as long as it was so continued, there could not be that hearty and perfect union among Protestants, as had always been wished, and was at this time indispensably necessary. And, lastly, that a greater caution ought not to be required from such as were admitted into offices, than from the Members of the two Houses of Parliament, who were not obliged to receive the sacrament, to enable them to sit in either house."

Another clause for the same purpose is also rejected.
Pr. H. L.
I. 353.

Though this attempt failed, the King was resolved to pursue his design, and accordingly, another clause was proposed to be inserted in the same bill, namely, "to prevent the receiving the sacrament of the Lord's supper upon any other account, than in obedience to the holy institution thereof; and to provide that any man should be sufficiently qualified for any offices, employment, or place of trust, who within a year before or after his admission or entrance therein, did receive the sacrament of the Lord's supper, either according to the usage of the Church of England, or in any other Protestant congregation, and could produce a certificate under the hands of the minister and two other credible persons." But this clause was also rejected by a great majority, though six Lords, *Oxford, Mordaunt, Lovelace, Montagu, Wharton, and Paget*, entered their dissent for these reasons: "because it gives a great part of the Protestant freemen of England land reason to complain of inequality and hard usage, when they are excluded from public employments by a law; and also that it deprived the King and kingdom of divers men, fit and capable to serve the public in several stations; and that for a mere scruple of conscience, which could by no means render them suspected, much less disaffected to the government. 2.

It is also rejected.

Protest of the Lords.
Pr. H. L.
I. 353.

"Because his Majesty, as the common and indubitable interest of his people, having expressed an earnest desire of liberty for tender consciences to his Protestant subjects; and the Bishops having divers of them, on several occasions, professed an inclination to, and owned the reasonableness of such a christian temper, we apprehend it will raise suspicion in some men's minds of something else than

the care of religion or the public, and different from a design to heal our breaches, when they find, that by confining secular employments to ecclesiastical conformity, those are shut out from civil affairs, whose doctrine and worship may be tolerated by authority of Parliament; there being a bill before, by order of the House, to that purpose; especially when, (without this exclusive rigour,) the Church is secured in all her privileges and preferments, no body being hereby let into them, who is not strictly conformable. 3. Because to set marks of distinction and humiliation on any sort of men, who have not rendered themselves justly suspected to the government, as it is at all times to be avoided by the makers of just and equitable laws, so it may be particularly of ill effect to the reformed interest at home and abroad in this present conjuncture, which stands in need of the united hands and hearts of all Protestants against the open attempts and secret endeavours of a restless party and a potent neighbour, who is more zealous than Rome itself, to plant Popery in these Kingdoms; and labours with the utmost force to settle his tyranny upon the ruins of the reformation through all Europe. 4. Because it turns the edge of a law (we know not by what fate) upon Protestants and friends to the government, which was intended against Papists, to exclude them from places of trust, as men avowedly dangerous to our government and religion; and thus the taking the sacrament, which was enjoined only as a means to discover Papists, is now made a distinguishing duty amongst Protestants, to weaken the whole by casting off a part of them. 5. Because mysteries of religion, and divine worship, are of divine original, and of a nature so wholly distinct from the secular affairs of politic society, that they cannot be applied to those ends; and therefore the Church, by the law of the Gospel, as well as common prudence ought to take care, neither to offend tender consciences within itself, nor give offence to those without, by mixing their sacred mysteries with secular interests. 6. Because we cannot see, how it can consist with the law of God, common equity, or the right of any free-born subject, that any one be punished without crime. If it be a crime not to take the sacrament according to the usage of the Church of England, every one ought to be punished for it; which no body affirms. If it be no crime, those, who are capable, and judged fit for employments by the King, ought not to be punished with a law of exclusion for not doing that, which it is no crime to forbear. If it be urged still, as an effectual test to discover and keep out Papists; the taking the sacrament in those Protestant congregations, where they are Members, and known, will be at least as effectual to that purpose."

1689.

Thus the King's design for the admission of all his protestant subjects to offices and places of trust, not only miscarried, but it very much heightened the prejudices of the Churchmen against him, as bearing no great affection to the Church of England, when he proposed the opening such a door which they believed would be fatal to them.

The rejecting these clauses, made the bill for settling the oaths to be pushed on with more zeal.

Debate about settling the oaths.
Pr. H. L.
Burnet.

1689. zeal. The Clergy, as has been observed, had to far entangled themselves, by preaching up for so many years the doctrines of the divine right of Kings, and the lineal succession; that it was imagined great numbers would follow the example of those Bishops, who had refused to acknowledge the government. And therefore as the Clergy were known to lie under these difficulties, it had been proposed, in order to make way for the clause about the sacramental Test, that the Clergy should be excused from the oaths, provided the Dissenters might be excused from the Sacrament. But this proposal did not take effect, the sacramental Test being deemed by the Clergy, the chief support of the Church. However that be, it was long insisted upon in the House of Lords, that instead of the clause, positively enacting that the Clergy should be obliged to take the oaths, the King should be empowered to tender them; and then the refusal was to be punished according to the clause as it stood in the act. It was thought, that such a power would oblige them to their good behaviour, and be an effectual restraint upon them. They would at least be kept quiet by it. Whereas, if they came under deprivation, or the apprehensions of it, that would make them desperate, and set them on to undermine the government. It was urged, that the Clergy by the offices of the Church did solemnly own to God their allegiance in the sight of all their people; that no oath could lay deeper engagements on them, than those acts of religious worship did; and if they should either pass over those offices, or perform them otherwise than as the Law required, there was a clear method, pursuant to the act of uniformity, to proceed severely against them. It was also said, that in many different changes of government, oaths had not proved so effectual a security as was imagined; distinctions were found out, and senses were put on words, by which they were interpreted so as to signify but little, when a government came to need strength from them; and it ill became those, who had formerly complained of these impositions, to urge this with so much vehemence.

The Commons would by no means agree to the excusing the Clergy from the oaths, alledging, "That it hath been the policy of the common law and statute law to oblige men to swear allegiance to the King. That allegiance is the common and necessary duty of all the subjects, and is most strictly to be required of Archbishops, and those, who have ecclesiastical dignities, benefices, or promotions, in regard they are highly interested in the administration of the government, draw great dependencies, and are exemplary to the rest of the people; and several of them are by law to administer the oath of allegiance to other persons. That allegiance is also strictly to be required of all Governors, Professors, and Fellows in Universities; and School-masters, because to them the education of the youth of the kingdom is committed; and therefore they ought to be persons of known loyalty to the government. That the taking the oaths publicly in open court would better manifest allegiance, than the taking them privately before persons appointed by order in Council, and would be much more safe to the persons who are obliged to take the oaths. That the best and most certain means to

have the oaths taken was, to impose it upon the persons concerned to tender themselves to take the oaths under penalties; but if the oaths were not required to be taken unless tendered, the said persons might, by absence or otherwise, avoid them with impunity. That the clause, which the Commons sent to their Lordships, allowed more favour to the Archbishops, Bishops, and those that have ecclesiastical dignities and promotions, than to any Lay-Peer or other persons having offices or employments, and was more gentle in the penalty than the statutes heretofore made in the like case. That it was unreasonable and unsafe to distinguish the Archbishops, Bishops, and persons, having ecclesiastical dignities, benefices, or promotions, and such as are intrusted with the education of youth, from the rest of the subjects, in the declaration of their allegiance, and might tend to make a division in the kingdom, expose the King's person and government to hatred and danger, and occasion a general discontent."

To these reasons it was replied by the Lords, "That indeed the policy of the law requires men to swear allegiance; and that it is the common and necessary duty of all subjects, and especially of the Clergy; and therefore the Lords did not exempt them from taking these oaths, but only differed with the House of Commons about the method, by which they should be tendered. That if the Lords should agree, that it was better to tender the oaths in open court than privately, yet that was not a sufficient reason against tendering them by persons appointed by the King in Council, because the Officers and Judges of the Court might be so appointed by virtue of the clause offered by the Lords. That the Clergy would be required to take the oaths by such order in Council, as was proposed by the Lords; and their not appearing, when so summoned, would amount to a refusal; or, if it should not, the Lords would agree to any such addition, as would make it so. That the Clergy and other members of the Universities were not distinguished from the Laity, because upon the presenting to any degree or preferment they would be, equally with all others, obliged to take the oaths, when required by order of Council. That it seemed more to the settlement and safety of the government, that the King should be empowered to put the fidelity of the Clergy to a trial immediately, than leave any, who were ill affected to the government, so much time, as to the first of August, to undermine it. That the Clergy were obliged by the prayers, which they must use in the daily service, to make such express and solemn declarations of fidelity to the King and Queen by name, that the putting them to the taking of the oaths was not so necessary to the publick safety, as in other persons, who are not bound to make such frequent declarations of their fidelity. That in so critical a time as the present, it was not to be doubted, but upon any cause of apprehending their ill affections to the government, the tendering the oaths by order in Council, would not only take all imputations of hardship from his Majesty, but justify, and even require a more rigorous way of proceeding against those, that should give any cause of offence. And lastly, that since du-

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"ring

“ring Queen *Elizabeth's* long and glorious reign, in which he had both the pretended title of the Queen of *Scots*, and the deposing power assumed by the Popes, to apprehend; this was found to be the safest way for the publick quiet; and the ill effects of leaving the tendering the oaths to the Queen's discretion, not having appeared in all that time of so much danger, the following a pattern taken from the best part of our history, seemed more suitable to the present time, than the falling into other methods.”

This answer being communicated to the Commons, they insisted that according to the statute of the 7th of *James I.* all persons should be enjoined to take the oaths; and that there should be no difference between the Clergy and Laity as to that point. Then an exception of twelve was proposed, who should be subject to the law, upon refusing the oaths when required by the King; but neither was that allowed: and after a long debate, all the mitigation that could be obtained, was a power to the King to grant to any twelve Clergymen, who should be deprived by this act, a third part of their benefices during his pleasure. This clause being approved by the Commons, the bill for settling the oaths passed both Houses, and received the royal assent.

By this act the oath of supremacy, established in the reign of Queen *Elizabeth*, and that of allegiance in the reign of King *James I.* were abrogated, and others appointed. In the oath established in the time of King *James I.* a previous title seemed to be asserted, when the King was sworn to, as *rightful and lawful King*. And therefore, as these words could not be said of a King that had no precedent right, but was set up by the nation, the new oaths were reduced to the antient simplicity of swearing, to bear faith and true allegiance to the King and Queen. The declaration in the act of uniformity, that “it is not lawful upon any pretense whatsoever to take arms against the King, or those that are commissioned by him”, was also repealed, and another enjoined in its room (1). The Clergy were obliged to take the oaths before the first day of *August*, and in case of refusal or neglect, they were to be suspended from their office for six months; and if they took them not before the expiration of that time, they were to be actually deprived of all their ecclesiastical promotions. This indulgence to the Clergy of six months after suspension, was, that they might have sufficient time to study the point; and if in that time they could not satisfy themselves as to the lawfulness of acknowledging the government, it was said, it was not fit they should continue in the highest posts of the Church. However, the Clergy, before the time was expired, generally took the oaths, though with too many reservations and distinctions, which laid them open to severe censures, as if they had taken them against their conscience.*

Though the King had failed in his design for the admission of the Protestant Dissenters into offices and employments, by the removal of the Sacramental Test, he succeeded however in that of Toleration, by the suspension of all penal laws for not coming to Church. The King,

when Prince of *Orange*, having been applied to 1689. by King *James* for his opinion concerning the repeal of the penal laws and Test, his answer was, that no Christian, in his opinion, ought to be persecuted for his conscience, or be ill used because he differed from the established religion; and therefore he heartily approved that the Dissenters should have entire liberty for the exercise of their religion, and that the penal laws should be repealed, provided those remained in force by which the *Roman Catholics* were excluded from Parliament, and publick employments; but that as to their religion, they should be allowed the same liberty as in *Holland*. These were the King's sentiments at that time, and therefore it is not strange he should, now that it was in his power, endeavour to procure a toleration for all his Protestant subjects, especially as it was not only agreeable to his principles, but what they had deserved by their steady adherence to the new settlement. Besides, his experience in *Holland* had made him look upon liberty of conscience as one of the wisest measures of government; as tending to the encouragement of industry, and to the increase of the people; and as affording a sanctuary to all who are oppressed.

The toleration-bill was brought into the House of Lords the 28th of *February*, and read the first time by the Earl of *Nottingham*, by whom it had been prepared. Some proposed that the act should be only for a time, as a necessary restraint upon the Dissenters, that they might demean themselves so, as to merit the continuance of it, when the term of years now offered should expire. But this was rejected, and it was urged, that there was now an universal inclination to pass the act, but it could not be expected that the nation would be in the same good disposition towards the Dissenters at another time. So the bill found an easy passage through both Houses, and received the royal assent on the 24th of *May*, under the title of “An act for exempting their Majesties Protestant subjects, dissenting from the Church of *England*, from the penalties of certain laws.”

The reason of this act is thus given in the preamble; *Forasmuch as some ease to scrupulous consciences in the exercise of religion may be an effectual means to unite their Majesties Protestant subjects in interests and affections*; it was therefore enacted, “That none of the penal laws shall be construed to extend to any person or persons dissenting from the Church of *England*, that shall take the oaths, to the present government, and subscribe the declaration of 30 *Car. II.* provided that no assembly of persons so dissenting should be in any place for religious worship with the doors locked, barred, or bolted, during the time of such meeting together; and provided, that nothing should be construed to exempt any of the persons aforesaid from paying of tythes or other parochial duties. If any Dissenter should be chosen or appointed to bear the office of Constable, Church-warden, Overseer, &c. and should scruple the oaths required by law to be taken in respect of such office, he shall or may execute such office or employment by a sufficient deputy. That all preachers or teachers of any

(1) The oaths and declaration are the same as were inserted in the declaration of rights; which the reader may see Vol. I. p. 795. of *Rapin*.

(i) The

* See Introduction. p. 26. The act of Toleration passed. Pr. H. L. l. 349. Enact.

1689. " congregation of dissenting Protestants, who shall take the oaths, and subscribe the declaration aforesaid, and also subscribe the articles of religion except the thirty fourth, thirty fifth and thirty sixth, and these words in the twentieth article, viz. [*The Church hath power to decree rites and ceremonies, and authority in controversies of faith,*] shall not be liable to any of the pains and penalties mentioned in Stat. 17. Car. II. 2. 22 Car. II. 13 and 14. Car. II. cap. 4. Every such teacher shall be exempted from serving upon any jury, or from being chosen and appointed to bear the office of Churchwarden, Overseer of the poor, &c. But any Justice of the Peace may require any person, that goes to any meeting for exercise of religion, to subscribe the Declaration and to take the oaths; and, in case of refusal, is required to commit such person to prison without bail or main-prize &c." The like liberty was given to Anabaptists, but no Papist or any that denied the Trinity, were to have the benefit of this act. The Quakers were also admitted to it on condition of promising before God, in stead of swearing, to be true and faithful to the King and Queen, and solemnly professing and declaring, that they abhorred and renounced &c. They were also to subscribe a profession of their Christian belief in these words: *I A. B. profess faith in God the Father, and in Jesus Christ his eternal son the true God, and in the Holy Spirit, one God blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration: " provided that all the Laws made for the frequenting divine service on the Lord's day shall be still in force, and executed against all persons that offend against the said laws, except such persons come to some congregation permitted by this act. Provided, that if any person shall maliciously or contemptuously come into any Cathedral or Parish Church, or other congregation, and disquiet or disturb the same, or misuse any preacher or teacher, he shall, upon conviction, suffer the penalty of twenty pounds. And finally, provided, that no congregation or assembly, for religious worship, shall be permitted or allowed by this act, until the place of such meeting shall be certified to the Bishop of the Diocese, or to the Archdeacon of that Archdeaconry, or to the Justices of the peace at the general or quarter sessions, and registered in the said Bishops or Archdeacon's court, or recorded at the said general or quarter sessions."*

The Clergy had begun already to show great hatred to the Dissenters, and seemed to wish for an occasion, to renew old severities against them, and therefore, the quieting the nation by the act of Toleration, was much applauded by men of moderation and goodness. It gave the King great content, who was very uneasy to see so

much ill humour spreading among the Clergy, and by their means, over a great part of the nation. He was so true to his principle of liberty of conscience, that he restrained the heat of some, who were proposing several acts against the Papists. He made them apprehend the advantage, which that would give the French, to alienate all the Papists of Europe from us, who from thence might hope to set on foot a new Catholick league, and make the war a quarrel of religion, which might have very bad effects: Nor could he pretend to protect the Protestants in many places of Germany and Hungary, unless he could cover the Papists in England, from all the severities on the account of their religion. This was so carefully infused into many, and so well understood by them, that the Papists have enjoyed the real effects of the Toleration, though they were not comprehended within the act.

Of the King's three designs in favour of the Dissenters; that of their admission into employments had miscarried, but that of Toleration had succeeded. The other of Comprehension, for the receiving the moderate Presbyterians into the Church and admitting them to Ecclesiastical benefices, met with the same fate, as that for their admission to offices. The King was extremely desirous of uniting all his Protestant subjects, and had promised them to use his utmost endeavours for such an union, but all his efforts towards it proved ineffectual.

Pursuant to the motion made by the Bishops when they withdrew from the Parliament, a bill ^{comprehension} was brought into the House of Lords, under the title of " a bill for uniting their Majesties Pro- 355.

testant subjects." In the progress of this bill, two things were warmly debated. The first was, whether kneeling at the Sacrament should be dispensed with to such, as, after conference upon it, should solemnly protest they were not satisfied as to the lawfulness of it. This occasioned a vehement debate, for the posture being the chief exception the Dissenters had to the receiving the Sacrament, the giving that up, was thought to be the opening a way for their coming into employments. However, it was carried, that kneeling should be dispensed with (1). The other debate was, whether the Laity should be added in the commission, to be given by the King to Bishops and others of the Clergy? A proviso was offered, that in imitation of the acts passed in King Henry VIII's, and Edward VI's reigns, a number of persons both of the Clergy and Laity, might be empowered to prepare such a reformation of things relating to the Church, as might be offered to King and Parliament; in order to the healing the divisions, and correcting what might be amiss or defective in the constitution. This was pressed with great earnestness by many of the temporal Lords, but it was carried for the exclusion of the Laity (2). During

(1) The question was put, Whether the clause about the indifferency of the posture at receiving the Sacrament should be left out? The votes being equal, (content 28, proxy 1, in all 29; not content 27, proxy 2, in all 29;) and therefore according to the antient rule in like cases, it was carried in the negative.

(2) In the same manner as the other question by the votes being equal. The Marquis of Winchester, and the Lords Mordaunt, Lovelace and Stamford, entered their dissents in the following reasons: " 1. Because the Act itself being designed for the peace of the State, the putting the Clergy into commission, with a to- No. 4. Vol. III.

" tal exclusion of the Laity, laid the humiliation on the Laity, as if the Clergy of the Church of England were alone friends to the peace of the State, and the Laity less able or less concerned to provide for it. 2. Because the matters to be considered being barely of human constitution, viz. the Liturgy and Ceremonies of the Church, belong to both; for in what is of divine institution, neither Clergy nor Laity can make any alteration at all. 3. Because the pretending, that differences and delays may arise, by mixing Laymen with the Ecclesiastics to the frustrating the design of the commissions, is vain

1689. ring the debates, Bishop *Burnet* himself warmly opposed the adding the Laity to the commission, imagining that the Clergy would have come with zeal and unanimity into such a design, and being apprehensive, that this addition of the Laity would be looked upon by them as taking the affair out of their hands. But he was convinced soon after, that he had taken wrong measures; and that the method proposed of joining the Laity in the commission was the only one like to prove effectual. But this conduct of his did not to recommend him to the Clergy, as to balance the censure, which he fell under, for moving, in another proviso of that bill, that the subscription instead of *assent* and *consent*, should only be to *submit* with a promise of conformity. He declared himself likewise zealous for dispensing with kneeling at the Sacrament; for since it was acknowledged, that the posture was not essential in itself, and that scruples, how ill grounded soever, were raised upon it, it seemed reasonable to leave the matter as indifferent in its practice, as it was in its nature. When the bill, after passing the Lords, was sent to the Commons, it was let lie on the table, and instead of proceeding in it, they made an address to the King for summoning a convocation, wherein "they rendered to his Majesty their most humble and hearty thanks for his gracious declaration and repeated assurances, that he would maintain the Church of *England* established by law, which his Majesty had been pleased to recover from the dangerous conspiracy, that was laid for its destruction, with the hazard of his royal person." They added, "That the doctrine and practice of the Church of *England* had evinced their loyalty beyond the contradiction of the most malicious enemies; and that the misfortunes of former princes could be attributed to nothing more than their endeavours to subvert and disable the Members thereof from contributing to their support and defence. They therefore prayed his Majesty to continue his care for the preservation of the same, whereby he would effectually establish his throne by securing the hearts of his Majesty's

Address for
a Convoca-
tion.
Pr. H. C.
II. 298.
Ap 13.

"subjects within these his realms, who could no way better show their zeal for his service, than by a firm adherence to that Church, whose constitution is best suited to the support of this monarchy." They likewise humbly prayed, "that, according to the ancient practice and usage of the Kingdom in time of Parliament, his Majesty would be graciously pleased to issue forth his writs for calling a Convocation of the Clergy of this Kingdom, to be advised with in Ecclesiastical matters; assuring his Majesty, that it was their intention forthwith to proceed to the consideration of giving ease to protestant Dissenters."

By this address it appears, that a party was now beginning to be formed, that pretended great zeal for the Church and expressed their apprehensions, that it was in danger. This they plainly insinuated, by their praying the King to continue his care for the preservation of the Church, hinting at the same time, how dangerous it would be for him to do otherwise. These men, as they went heavily into the Toleration, which was the ease they here promised to give the Dissenters, so they were much offended with the bill of comprehension, as containing matters relating to the Church, in which the representative body of the Clergy had not been so much as advised with; and therefore it was, that they so hastily petitioned for a Convocation, under a notion that the business would be accomplished without one.

The King, who was not pleased with this address as perceiving the tendency of it, did not forbear intimating in his answer, that he thought he had already given them sufficient assurances of his intentions to support the Church. The answer was not returned immediately, but sent the next day by the Earl of *Nottingham*, who acquainted both Houses (for the Lords had concurred in the address) "That though his Majesty had had many occasions of assuring them, he would maintain the Church of *England*, as by law established; yet he was well pleased with repeating these promises, which he was resolved to perform, by supporting this

Church,

"vain and out of doors, unless those, that made use of this pretence, supposed, that the Clergy-part of the Church had distinct interests from the Laity-part of the same Church, and would be a reason as good, why one or other of them should quit the House of Lords, for fear of obstructing the business of it. 4. Because the commission being intended for the satisfaction of Dissenters, it would be convenient that Laymen of different ranks, nay, perhaps of different opinions too, should be united in it, the better to find expedients for that end, rather than Clergymen alone of the established Church, who are generally observed to have all very much the same way of reasoning and thinking. 5. Because it is the much readier way to facilitate the passing the alterations into a law, that Lay-Lords and Commoners should be joined in the commission, who might be able to satisfy both Houses of the reasons, upon which they were made, and thereby remove all fears and jealousies, ill men might raise against the Clergy, of their endeavouring to keep up, without ground, a distinct interest from that of the Laity, whom they so carefully excluded from being joined with them in constitutions of common concernment, that they would not have any part in the deliberation, who must have the greatest in determining. 6. Because such a restrained commission lay liable to this great objection, that it might

"be made use of to elude repeated promises, and the present general expectation of compliance with tender consciences, when the providing of it was taken out of the ordinary course of Parliament, to be put into the hands of those alone, who were least in admitting any need of it, and who might be thought to be the more unfit to be the sole composers of differences, when they were looked upon by some as parties. 7. Because, after all, this carried a dangerous suspicion along with it, as if the Laity were not a part of the Church, nor had any power to meddle in matters of religion; a suspicion directly opposite to the constitution both of Church and State, which would make all alterations utterly impossible, unless the Clergy alone were allowed to have power to make laws in matters of religion; since what was established by law could not be taken away, or changed but by consent of Laymen in Parliament, the Clergy themselves having no authority to meddle in this very case, in which the Laity was excluded by this very vote, but what they derived from Lay-hands. Lastly, because it was contrary to three statutes made in the reign of *Henry VIII.* and one in *Edward VI.* which empowers thirty-two commissioners to alter the common and ecclesiastical laws, &c. whereof sixteen to be of the Laity, and sixteen of the Clergy."

1689. "Church, whose loyalty, he doubted not, would enable him to answer their just expectations. That as his design of coming hither was to rescue them from the miseries they laboured under; so it was a great satisfaction to him, that by the success God had given him, he was in a station of defending this Church, which had effectually shewn her zeal against Popery, and should always be his peculiar care. And he hoped the ease, they designed to Dissenters, would contribute very much to the establishment of this Church; which therefore he earnestly recommended to them, that the occasions of differences and mutual animosities might be removed; and that as soon as might be, he would summon a Convocation."

Burnet.

Notwithstanding this answer, no farther progress was made in the bill. Those who had moved for this bill, and afterwards brought it into the House, acted a very dissingenuous part. For while they studied to recommend themselves by this shew of moderation, they set on their friends to oppose it; and such as were very sincerely and cordially for it, were represented as the enemies of the Church, who intended to subvert it. Nor was this bill supported by those who seemed most favourable to the Dissenters. They advanced it as a maxim, that it was fit to keep up a strong faction both in Church and State; and they thought it was not agreeable to that, to suffer so great a body as the Presbyterians to be made more easy, and more inclinable to unite to the Church. They also thought, that the toleration would be best maintained, when great numbers should need it, and be concerned to preserve it. So the design of a comprehension being zealously opposed and but faintly promoted, fell to the ground. However, the King was so desirous this affair should succeed, that it was brought on again the next session in a more formal manner, though with no better success.

State of the revenue before and after the revolution.

The oath to be used at the coronation of the King, and those to be taken by the members of both Houses of Parliament, as well as by all persons enjoying office, employment or benefice being settled, and the toleration for the Protec-

tant Dissenters being established, the next thing to be considered was a revenue for the support of the government. It must be observed, that before the Revolution the whole standing income of the State was in the power and disposal of the crown, and was called the revenue of the crown. There was then no distinction of what was to be allotted for the King's use, and what for the service of the publick. By which means the King might reserve what part he thought fit for his own designs, and employ no more than he pleased for the purposes of the nation. Accordingly it was found, that after the Restoration, the publick revenue had been constantly embezzled, and immense sums very often sunk, without being applied to the uses for which they were granted (1). It was therefore wisely concerted, after the Revolution, for the security of the nation from perpetual misapplications of the publick money, to allot a separate income for the maintenance of the King's household, and the support of his dignity, (which is now called the *Civil List*) and to put the rest of the publick revenues entirely under the command of the Parliament. So that from the time of the Revolution the publick money has been no more left to the discretionary management of the Court, but the Commons, after examining the current services of each year, have appropriated the supplies to those services only, and the King's business has been to see the money applied according to their appropriation, of which an account at the next meeting of the Parliament has been constantly submitted to both Houses, before any farther supplies have been granted (2). In order therefore to introduce this great change in the publick income, the Commons, in the first place, voted that the revenue was expired by the vacancy of Feb. 25th the throne, and not devolved on their Majesties; and though by a long course, and the practice of some ages, the customs had been granted to the Kings for life, it was now laid down as a maxim, not to grant any revenue but from year to year, or at least for a short term of years (3). This the Whigs thought, would oblige the Kings to such a popular method of government, as should merit the constant renewal of the grant. The King

1689.

(1) Of this the preceding reigns were one continued instance. A Gentleman, who lived in the latter end of King Charles II's reign, thus recapitulates some circumstances in the House of Commons: "I remember when eleven hundred thousand pounds was given for building of ships, and not one built; and above two millions given to support the triple league, and then it was presently employed for the breaking of it; when twelve hundred thousand pounds was given for an actual war with France, when at the same time we were under all the obligations for peace, and so continued."

(2) This appropriation of the publick revenues (one of the improvements of our constitution at the Revolution) is the great fence of our liberties, as it deprives the crown of the power of disposing of these revenues at pleasure, as it necessarily occasions the having every article of the publick service discussed and approved by the Parliament, and as it is made only from year to year with regard to the supplies of the current services; so that without the annual meeting of the Parliament, the Navy, Army, Ordnance, and all the other wheels of the government are entirely stopped. By which means the measures of the court are continually examined, and any grievances laid open with such freedom and weight, as will never suffer them to be long unredressed.

(3) The annual revenue, clear of all charges in the collection, at the time of King James II's abdication, was as follows:

1. Tonnage and poundage, with the wood-farm, coal-farm, and salt-farm	600,000
2. The hereditary and temporary excise, with the additional nine-pence for the year, ending June 24. 1689.	666,383
3. Hearth-money	245,000
4. Post-office	65,000
5. Wine licenses	10,000
6. Imposition on wines and vinegar, granted for eight years, ending June 24. 1693.	172,901
7. The imposition on tobacco and sugar	148,861
8. The imposition on French linen, brandy, and silk	93,710
9. The small branches (which before the crown-lands were sold, amounted to 130,000 l.)	60,000

Total neat revenue of the crown — 2,061,855

Annual

1689. King, who expected the same regard should be shown for him as for his predecessors, was not pleased with so precarious a revenue, which the Tories observing, they took the occasion to beget in him jealousies of his friends, and with too great success. They resolved to reconcile themselves to the King, by granting a revenue for life; but at present only to look on, till the Whigs, who carried every thing they pleased, should have refused it.

Pursuant to the maxim before-mentioned when the King's revenue was brought into consideration, it was pretended, that, as there were anticipations and charges upon it, in which many persons were concerned, they had not time to examine that matter with due care; and therefore, by a provisional act, they granted the King the revenue but for one year. This touched the King sensibly, and was so represented to him by the Earl of *Nottingham*, that he concluded he was in the hands of persons that did not intend to use him well. Nor indeed was it till the year 1698, that he could prevail to have the revenue settled for life.

The civil list for this year was settled at six hundred thousand pounds, to be paid out of the publick revenue, in which was included what was to be allowed to the Queen Regent, the Queen Dowager, the Prince and Princess of *Denmark*; the Judges and Marhal *Schomberg*, to whom the Parliament had given a hundred thousand pounds for the services he had done (1). A revenue of one million two hundred thousand pounds a year was also voted to be settled for the constant necessary charge of supporting the crown in the time of peace. But before this was done, and two days after the vote of the expiration of the revenue, four hundred and twenty thousand pounds had been granted for a present aid to be levied by six monthly assessments.

The Princess of *Denmark* depending entirely on the King for her allowance, was uneasy that no propositions had been made to her of a settlement, nor any advance of money since the King was on the throne; and therefore while the revenue was under debate, some of her friends moved, that a provision might be made for her, but being put off for that time, it was proposed again just after the birth of the Duke of *Glocester*, that her revenue might be advanced from thirty thousand (which was what the King

allowed her) to seventy thousand pounds, which occasioned some warm expostulations from the Queen to the Princess (2); and as this sum was to be paid out of the civil list, the motion was defeated by the King's prorogation of the Parliament; nor was it, as will be seen, till the next year, that an act passed, allowing her a settlement of fifty thousand a year, which occasioned a great coldness between not only the King, but even the Queen and the Princess.

Whilst the revenue was settling, there was one branch of it which the King had a mind should be discharged. In his march through the western counties, from his first landing, he had been moved to abolish the chimney-money, and he had promised to recommend it to the Parliament. To this end he sent a message to the Commons, acquainting them, "that being sensible what a grievous burden hearth-money was to the people, especially the poorer sort, he was willing to agree either to a regulation of it, or the taking it away, not doubting but they would take care of his revenue some other way." This proved to be an act of great prudence and popularity, for which the Commons presented an address of thanks, expressed in very grateful terms, "for this unprecedented offer for the ease of his people, affording him, that they would make such returns, and be so careful of the support of the crown, that the world might see, to the discouraging of his enemies, and satisfaction of all good men, that his Majesty reigned in the hearts of his people."

But as popular as this act was, it met with such opposition from the Tories, that it ran a great hazard in the House of Lords. They alleged, That it was the only sure fund, which could never fail in war; so that money would be freely advanced upon it; and that a few regulations would take away any grievance, which might arise from it. But it was thought, they were not willing, that such an act should pass, as would render the King acceptable to the body of the nation. It was also imagined, that the prospect they then had of a speedy Revolution in favour of King *James*, made some of them unwilling to pass an act, which seemed to lay an obligation on him, either to maintain it, or by refusing his revenue to raise the hatred of the nation higher against him (3). However, the

Annual disbursements for the publick services, during King *James II's* reign.

1. Maintenance of seamen, and provision of naval stores ———	£ 300,000
2. Ordinary of the navy and ordnance ———	50,000
3. Guards and other disciplined troops ———	200,000
4. Garrisons, contingences, &c. ———	50,000
Total ———	600,000

This being deducted out of the whole revenue, there remained for his civil list 1,461,885 l. by which he was enabled, without any other aid, to support a large army, and maintain great numbers of Jesuits and Priests of all orders. How easy would it have been for him to have succeeded in his designs, with a revenue that placed him above the necessity of applying to the Parliament, had he taken proper methods, or had not the Revolution intervened? Hence appears the expediency of fixing boundaries to the expences of the civil list, and the importance of appropriating the rest of the publick revenue to the particular services of each year,

and of submitting an account of the application of the supplies for these services, to the discussion of the Parliament.

(1) The Queen-Dowager was to have 18,200 l. 15 s. 4 d. $\frac{1}{2}$ per annum. The Judges, Masters in Chancery, and Judges of *Wales*, 13,800 l. per annum. The perpetuities out of the customs, (except 100 l. a year to the heirs of Colonel *Fairfax*) amounting to 358 l. per annum, were also to be paid.

(2) Queen *Mary*, it seems, expressed a great deal of displeasure at this attempt, to settle a revenue on the Prince and Princess. Taking her sister one night to talk for it, she asked her, *What was the meaning of these proceedings?* To which the Princess answered, *She heard her friends had a mind to make her some settlement.* The Queen hastily replied—*Pray what friends have you but the King and me?* This the Princess herself told the Dutchess of *Marlborough* with great concern and resentment. *Conduct of D. of Marl.* p. 30.

(3) By the *Hearth-books* it appeared, that the number of houses, in *England* and *Wales*, soon after the Restoration was about 1,230,000, and reckoning six persons at a medium to each house, it fixes the number of the people at that time to be 7,380,000.

(1) The

1689. the act was passed at last, and this badge of slavery (as it is expressed in the preamble) upon the whole people was removed, which exposed every man's house to be entered into, and searched at pleasure by persons unknown to him.

Advice of King James's landing in Ireland.
Pr. H. C. II. 277.
Feb. 27. The friends of King James had indeed some reason to expect a Revolution in his favour at this time; for now it was that the King received intelligence of his having sailed from *Brest* with a considerable number of *French* Troops, in order to land in *Ireland*, which being communicated to the Commons, the following address from both Houses was presented to the King.

Address of both Houses upon it.
“WE your Majesty's most dutiful and faithful subjects, the Lords Spiritual and Temporal, and Commons assembled in Parliament, being highly sensible of our late great and signal deliverance from *Popery* and *Arbitrary Power*, whereof it has pleased Almighty God to make you the glorious instrument; and desiring, to the utmost of our abilities, to express our gratitude to your Majesty for so great and generous an undertaking, no less necessary to support the Protestant interest in *Europe*, than for recovering and maintaining the civil rights and liberties of these nations, so notoriously invaded and undermined by *Popish* counsels and counsellors; and being likewise fully convinced of the restless spirits and continual endeavours of your Majesty's and the nation's enemies for the extirpation of the Protestant religion, and the subversion of our laws and liberties, do unanimously declare, that we will stand by and assist your Majesty with our lives and fortunes, in supporting the alliances abroad, in reducing of *Ireland*, and in defence of the Protestant religion and laws of the kingdom.”

The King's answer.
Mar. 8. Pr. H. C. II. 281.
To this address the King returned a remarkable answer, said to be drawn up in concert with Mr. *Powles*, speaker of the House of Commons.

My Lords and Gentlemen:

“IF any thing could add to the esteem and affection I have for Parliaments, and particularly for this, they would be much increased by the kindness you shew to me, and the zeal you express for the public good, in the address you have made, which in the manner as well as the matter has every thing in it, that ought to recommend it to me.

“I will assure you, that I will never abuse the confidence you have put in me, being fully persuaded, that there is no sure foundation of a good agreement between a King and his people, but a mutual trust; when that is once broken, a Government is half dissolved.

“It shall be therefore my chief care never to give any Parliament cause to distrust me; and the best methods I can use for that purpose, is never to expect any thing from them, but what shall be their own interest to grant.

“I came hither for the good of the kingdom; and since it is your desire that I am in this station, I shall pursue the same ends that brought me.

“God has been pleased to make me instrumental to redeem you from the ills you feared; and it is still my desire, as well as my duty, to serve you in your religion, laws, and liberties.”
No. 4. Vol. III.

ties; which was the only inducement, that brought me into *England*; and to these I ascribe the blessings, that have attended this undertaking.

“When I spoke last to you, I told you of the necessity of assisting our allies, and more especially the States of *Holland*, whose readiness to relieve you, at so great a hazard and expence, from the extremities you lay under, needs no other argument to move you to the consideration of it.

“As I was then a witness of their zeal and affection to promote the expedition, and to second my endeavours, even with the neglect of their own safety; so I am now sensible of the inevitable ruin, they have drawn upon themselves in giving you their assistance, if you should not return it to them.

“They have really exhausted themselves to such a degree, both as to men and money, that it is not easily to be imagined; and I am confident your generosity will have as little bounds towards them, as theirs had towards you; and that you will not only enable me to make good the treaty with them, and repay what they have actually laid out upon this occasion, (of which an account shall be given you) but that you will further support them, to the utmost of your ability, against the power of their enemies, who must be yours too by their interest, and their religion, and do certainly design the Ruin of *Holland* to be a step to your destruction.

“I need not take pains to tell you the deplorable condition of *Ireland*, which, by the zeal and violence of the *Popish* party there, and by the assistance and encouragement they have from *France*, is brought to that pass, that it is not advisable to attempt the reducing of it but by a considerable force; which, I think, ought not to be less than twenty thousand horse and foot, which, by the blessing of God, will make the work shorter, and in consequence the charge easier, though the first expence must of necessity be very great.

“You are to consider, that towards the most speedy and effectual success in relation to *Ireland*, as well as with regard to *France*, there must be such a fleet, as may, in conjunction with the States, make us so intirely masters of that sea, that nothing may be sent from *France* to *Ireland*, or any where else, that may give disturbance to us or our allies.

“I must also recommend to you the consideration of the revenue to me, that it may be so settled, as that it may be collected without dispute.

My Lords and Gentlemen,

“These things will amount to a great sum, and must of consequence be a present weight upon the people: but considering neither your religion nor your safety can probably be secured without these means, I conclude, nothing can be too great a price for their preservation. And I will engage my solemn word to you, that whatever you shall give to these public ends, shall be strictly applied to them; and that as you so freely offer to hazard all that is dear to you, so I shall as freely expose myself for the support of the Protestant religion, and the safety and honour of the nation.”

1689.
The King's of
regard for
the Dutch.

The King had a just sense of what the States of the United-Provinces, had done towards the preservation of the religion and liberties of England. He had the very day of his advancement to the throne, sent them a letter to assure them, "that his new dignity, instead of diminishing the affections he ever had, and the care he ever took, for the preservation and prosperity of their Republick, would only serve to enable him to discharge his office of Stadtholder, with more weight and success, towards the good and advantage of their State; and that during his reign, he would make it his constant business and endeavour, to establish and maintain a perfect intelligence, alliance and inviolable friendship, between his kingdoms and the United Provinces, for the safety, welfare and repose, of both estates; and the support of the Protestant religion." As the King therefore thought it highly reasonable, that the States should be repaid, as soon as possible, what they had laid out in his expedition; he took all occasions to put the Commons in mind of it, and particularly in this speech; pursuant to which, an account of the charges of the expedition was indeed taken, and the sum of six hundred thousand pounds, voted for that purpose, but it was not till the end of the session, that a fund was settled for raising the money (1).

A bill concerning the Militia.
Burnet.

After the revenue, an attempt was made concerning the Militia. A bill was prepared for settling it in such a manner, that the management of it would in great measure, be taken both from the King, and from the Lord Lieutenants. These being generally Peers, a bill that so much lessened their authority, could not but be obstructed in the House of Lords; accordingly, it was suffered to lie on the table. By this proceeding, which was chiefly promoted by the Whigs, as well as by that of the revenue; the King came to think, that those who had raised him to the throne, intended to depress his power, as much as they had exalted his person. He seemed to grow jealous of his prerogatives, the importance of each being aggravated by the Earl of Nottingham, who had given him a scheme of all the particular points, and their dependance one on another. He was so possessed with the Earl's representations, that many of those who had formerly most of his confidence, found a coldness growing upon him, which increased their disgust; and made them apprehend, they should see another reign full of prerogative maxims.

As the Whigs were disappointed in their Militia-bill, so they could not be brought to another point, though often pressed to it by the King. This was an act of indemnity, which with proper exceptions of some criminals, the King thought would very much settle the minds of the nation. Accordingly the King sent a message to each house, expressing his earnest desire that they would prepare a bill, for a general pardon; with such exceptions only, as to them should seem necessary for the vindication of public justice, in order to free great numbers of people from the guilt, reproaches and penalties, they were liable to. But how zealous soever, the King was for an act of indemnity, the warmth of the Whigs would not promote it. They thought it best to keep many under the lash; they intended severe revenges for the blood, that had been shed, and for the many unjust things, which had been done in the end of King Charles II's reign. They saw, that the clogging the indemnity with many comprehensive exceptions, would create King James a great party; so they did not think proper to offer at that: Yet they resolved to keep them still in their power, till a better opportunity for falling on them should offer itself. They proceeded therefore so slowly in the affair, that the bill could not be brought to a ripeness during this session. It is true, the great mildness of the king's temper, and the gentleness of his government, which was indeed rather liable to censure, as being too remiss, set people's minds much at ease. And if it gave too much boldness to those, who began to set up an open opposition to him, yet it gained upon the greater part of the nation, who saw none of those moving spectacles, that had been so common in former reigns; and all promised themselves happy days under so merciful a Prince. But angry men put a wicked construction on the earnestness the King shewed for the act of indemnity: they said, he intended to make use of a set of prerogative men, as soon as he legally could; and that therefore he desired the instruments of King James's illegal government might be once secured, that so he might employ them. The Earls of Monmouth and Warrington, were infusing jealousies of the King into their party, with the same industry, that the Earl of Nottingham was at the same time, infilling into the King jealousies of them; and both acted with too much success, which brought great confusion into the course of affairs. For though the Earls of Shrewsbury and Devonshire did all they could

1689.
An act of
indemnity
of first by
the King.
Pr. H. L.
1 355.

Retarded
by the
Whigs.
Burnet.

(1) The account of the charges laid out by the Dutch in the expedition, was as follows:

	l.	
The charges of the fleet	2,288,464	00 00
Provisions for the horse, &c.	186,000	00 00
Freight of the merchant-ships,	1,245,000	00 00
Freight of Fishing-boats for landing the Foot and loss of six	47,888	00 00
Pay to general officers of all forts	1,615,989	06 08
Payment of the horse and dragoons	391,420	12 06
Payment of the Foot	531,205	14 08

Levy-money and other incidents 250,000 00 00
Carts and waggons — 169,911 00 00

Loss of two ships, provisions when the fleet was driven back, wrecks, charges of the artillery and hospital, French Protestant officers, quarters, horses to make good the loss in the storm, &c. } 2,275,453 07 10

Total — 7,301,332 01 08

This account looks as if it was drawn for so much sterling; but by the particulars, and by the sum granted by the Parliament for its discharge, it is plain, it must be for so many Guilders, which at one shilling and ten-pence half-penny each, were equivalent to about 686,500 l. sterling at that time.

1689. could to stop the progress and effects of those suspicions, with which the *Whigs* were possessed, yet they had not credit enough to do it.

The bill of Rights and Succession. Pr. H. L. 385. Burnett.

May 9.

The next thing of importance was to pass an act, for declaring the rights and liberties of the subject, and settling the succession of the crown (as had been agreed by the Convention) to the King and Queen and their issue, and after them to the Princess *Ann* and her issue, and after these, to the King and his issue, by another Queen. Accordingly a bill was sent up by the Commons to the Lords, for that purpose; with a clause disabling all Papists from succeeding to the crown, to which the Lords added, *or such as should marry Papists*. To this was proposed by the Bishop of *Salisbury*, an additional clause absolving the subject, in that case, from allegiance. This was seconded by the Earl of *Shrewsbury*, and it passed without any opposition or debate. That prelate was ordered by the King to propose the naming of the Princess *Sophia*, Duchess of *Hanover*, and her posterity, next in the succession; the King signified his pleasure in this also to his Ministers. The Duke of *Hanover* was now changing his former measures, and separating himself from the interests of *France*. The Lords agreed to the proposition, and, amongst other amendments of the Bill, added a proviso in the

Princess *Sophia's* favour. The bill thus amended was returned to the Commons, where it occasioned great debates, and the House disagreed to the Lords proviso: Mr. *Hampden* pressed it vehemently, but the *Tories* and also *Wildman*, and all the republican party, opposed it. Their fiercest reason seemed to be a design to extinguish monarchy, and therefore to substitute none beyond the three who were named, that so the succession might quickly come to an end. But it not being decent to own this, all that they pretended was, that there being many in the lineal succession, after the three that were named, who were then of the Church of *Rome*, the leaving to them the possibility to succeed, upon their turning protestants, might have a good effect on them, and dispose them to hearken to instruction; all which would be defeated by a declaration in favour of the House of *Hanover*, besides, that the mentioning that house would give an opportunity to foreigners of intermeddling too far in the affairs of the nation; and that a Parliament of *England* had never determined the degrees of succession beyond two or three persons. The King, who wished nothing more earnestly than to see the crown settled in the Protestant line, used his utmost endeavours to bring the commons to a compliance with the Lords, declaring in council, that his Queen, and both the Prince and Princess of *Denmark*, desired it as well as himself. The Lords likewise warmly insisted on their clause, alledging "That though in the instrument offered to the King and Queen, the limitation went no farther than to their persons; yet in law, which has respect to all succeeding ages, and that settles for ever the liberties of the subject, they thought it reasonable to carry the limitation of the succession of the crown farther than was necessary in that instrument, in which the crown was offered to their Majesties, and that had no other view but of the succession of their posterity. 2. That they could see no danger, nor any ill consequence, that might follow a further limitation, but very much to the contrary. For, this secured the nation effectually from the danger

of having a Papist to reign in it at any time hereafter, since of such a number of Papists, as stood next the Crown in the lineal Succession, some might be prevailed on to make a show of changing their religion, if they had a prospect of succeeding to the Crown upon it; and no danger being so great as the having one, who is a pretended Protestant, but in truth a concealed Papist, to reign over us; the most effectual way to secure our religion, was, to declare the succession in a family, that was known to be Protestant. In the next place, it was the interest of *England*, at present, to do right to that great house, by limiting this succession according to the Provision. For since this limitation had been proposed, if it should be now laid aside, it would look like excluding that house, which might provoke them to take a resolution, that might be of great prejudice to the nation in this present conjuncture."

These reasons being communicated to the Commons, several conferences were held between the two houses, but to no effect; for both Houses adhered, and the bill, after depending two months, was dropped on the birth of the Duke of *Glocester*, son of the Prince and Princess of *Denmark*, born the 27th of July, and christened *William*; the King, and the Earl of *Dorset* (standing for his Danish Majesty) being godfathers, and the Marchioness of *Halifax* godmother. The birth of this Prince greatly contributed to dissipate the fears of a Popish successor. Though the bill of Rights was thus laid aside for the present, it was resolved to resume it at the opening of the next session, the success of which shall be mentioned here, to put an end to this matter at once. When the time came, the King did not think it convenient to renew the motion of the Princess of *Hanover*, and ordered the Bishop of *Salisbury* to acquaint her with all particulars. It was proper to have a bill passed, that enacted the exclusion of all Papists. For by that means, the succession was in a manner brought to her door. And if any in the line before her should pretend to change, as it was not very likely to happen, so it would not be easily believed. Wherefore it was resolved to carry the succession no farther at this time. The bill passed the Commons, without any opposition; and being sent to the Lords, they justly considering how far King *James* had gone towards introducing the popish religion into the nation, took special care to prevent the like for the future, by adding a clause to the bill, "That the Kings and Queens of *England* should be obliged, at their coming to the crown, to take the Test in the first Parliament that should be called at the beginning of their reign; and that if any King or Queen of *England* should embrace the *Roman* Catholick religion, or marry with a *Roman* Catholick Prince or Princess, their subjects should be absolved of their allegiance; and that the crown and government of these realms should from time to time descend to, and be enjoyed by such persons, being Protestants, as should have inherited the same, in case the said persons so reconciled to the Church of *Rome*, or marrying a Papist as aforesaid, were naturally dead."

This remarkable clause passed without any opposition or debate, which considering the great importance of it, was very surprising; and being agreed to by the Commons, the whole bill was at

1689.

Draft in

account of

the birth

of the

Duke of

Glocester.

Brought on

again the

next session,

and passed.

A clause

added by

the Lords.

Pr. H. L.

I. 392.

The bill;

imposed

Dec 16

Ibid.

p. 166

1689. last presented to the King for the royal assent. This act rehearses not only the foregoing clause, but the whole declaration of the rights and liberties of the subject, offered on the 13th of February to their Majesties, and establishes them to be the rights and liberties of the people of England; recognizes that King James II. having abdicated the government, their Majesties are King and Queen; settles the succession, and obliges every King and Queen, at the time of their taking the coronation-oath, to subscribe, and audibly repeat the declaration of the 30th of Charles II.; and enacts, that no dispensation by *non-obstante*, or to any statute shall be allowed, unless mentioned in such statute (1).

By these acts the new settlement in England was completed, as far as the enemies to the Revolution would permit. For that the constitution was not brought to greater perfection; that the *Declaration of Rights* was not more full, and proportionable to the importance of the occasion

and favourable circumstances of the conjuncture; 1689 and that all grounds of political and religious divisions were not removed, was entirely owing to faction, discontent, prejudice, disappointment and the like. Whilst the event of things was uncertain, men remained under the full influence of their fears, which made them act contrary to their prejudices. But when the Revolution was secure, and these fears calmed, these prejudices resumed their former power, and made them argue and reason in contradiction to what most of their leaders had acted. This has already appeared, and will more fully appear in the course of the History (2).

It is now time to turn to Scotland, and see by what steps and how far the Revolution was established in that Kingdom. After that, the affairs of Ireland will require the reader's attention.

As to the affairs in Scotland (3) at this time, it will be proper to premise, that the *Declaration* which the Prince of Orange had caused to be published in Scotland, Ken. Crawford. p. 234.

(1) It may not be amiss to repeat here the rights and liberties which by this act are established:

- " 1. That the pretended power of suspending of laws, or execution of laws, by regal authority, without consent of Parliament, is illegal.
- " 2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.
- " 3. That the commission for erecting the late Court of Commissioners for ecclesiastical causes, and all other Commissions and Courts of the like nature, are illegal and pernicious.
- " 4. That the levying of money for or to the use of the crown, by pretence of prerogative, without grant of Parliament, for longer time, or in any other manner than the same is, or shall be granted, is illegal.
- " 5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning, are illegal.
- " 6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.
- " 7. That the subjects, which are Protestants, may have arms for their defence, suitable to their condition, and as allowed by law.
- " 8. That election of members of Parliament ought to be free.
- " 9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned, in any court or place out of Parliament.
- " 10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
- " 11. That Jurors ought to be duly empannelled and returned; and Jurors, which pass upon men in trials for high-treason, ought to be Freeholders.
- " 12. That all grants and promises, of fines and forfeitures of particular persons, before conviction, are illegal and void.
- " 13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently."

See *Rapin*, Vol. II. p. 794.

(2) It was at this time suggested in all companies, that the present settlement was illegal and unjustifiable: that King James would shortly return with a powerful army, and settle things on a right foundation: that the interest of the Church of England was involved with that of King James, and the one could not subsist without the restoration of the other. As these insinuations were countenanced by some of the Clergy, Bishop Burnet wrote a pastoral letter to those of his

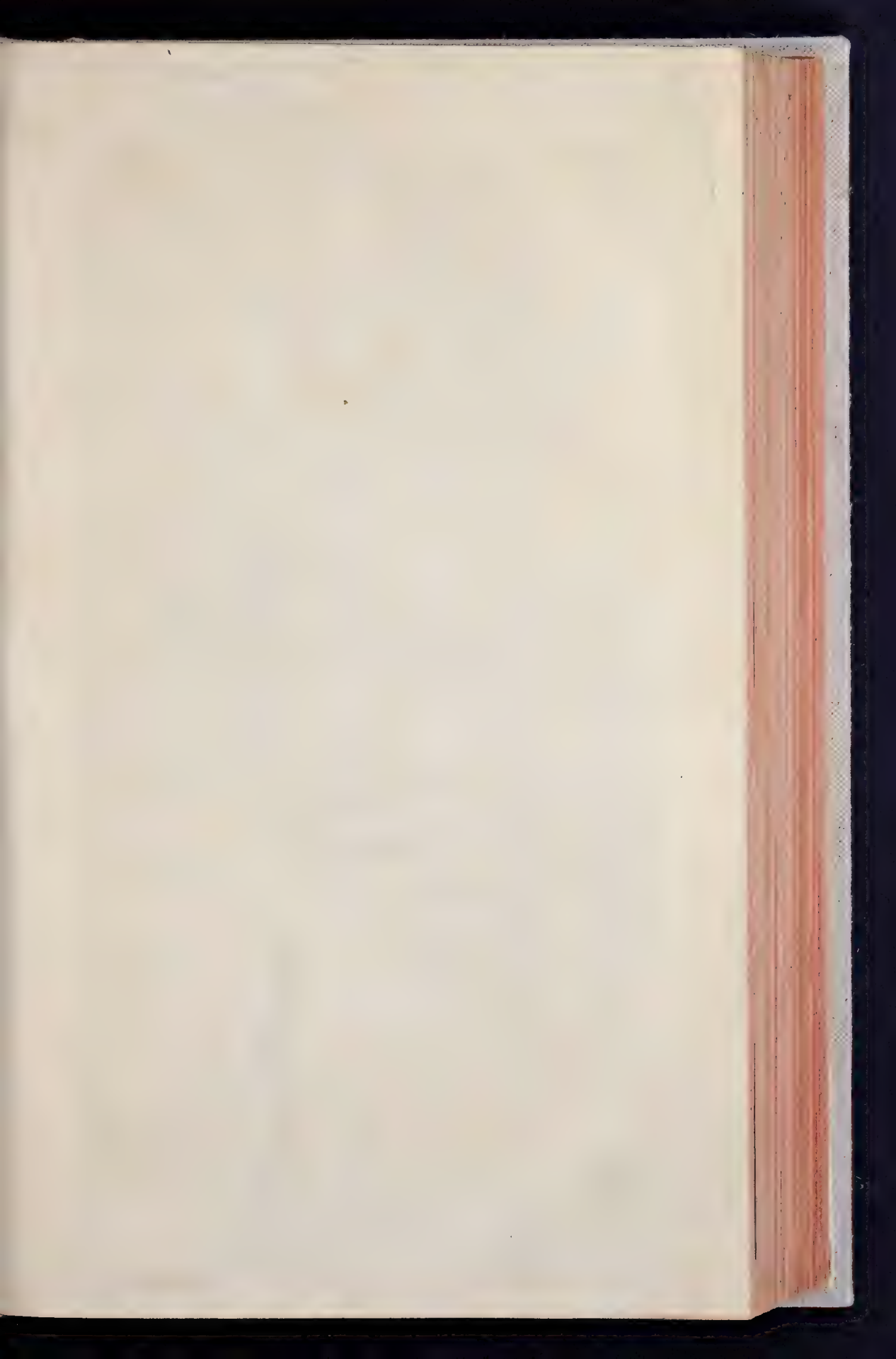
diocese, concerning the allegiance due to King William and Queen Mary, in which, among other topics, he uses that of the right of conquest, which had been always declined by the King, who chose to receive the crown by the determination of the people, as more agreeable to his declaration. This pastoral letter (with another of Charles Blunt, more full to the same purpose) was burnt three years after, by order of the Parliament then sitting. A little before the publication of the Bishop's letter, a libel was dispersed by the disaffected, called, *A short history of the Convention, or new-christened Parliaments*, against which a proclamation was issued, May 7, promising the reward of a hundred pound for the discovery of the author, printer or publisher.

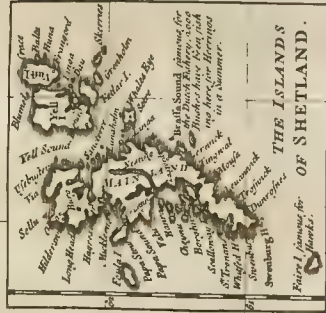
(3) The Earl of Belcarra, who was a very zealous opposer of the Revolution, has written *An account of the affairs of Scotland relating to the Revolution in 1688, as sent to the late King James II. when in France*, which was first printed at London in 1714 in 8vo. From this piece it will be proper to make some extracts in these notes, in order that they may be compared with the other accounts of the same facts given in the body of this history. "Never Kings, (says he) succeeded to a crown or throne more with the love and esteem of his subjects than your Majesty did generally to all Scotland, of all professions; nor could any thing have disturbed your happy reign, but the jealousies and fears, that were industriously spread abroad, as if you had designed, by giving a general liberty of conscience, to ruin the religion then established. If that had not been too much believed, and the fears of again encouraging by such a liberty the Fanatics, then almost entirely ruined, there would have been few, that would have refused to comply with all your Majesty's demands in Parliament. But the fears of bringing back the fanatic party, then scattered through the world, that were always lying in wait for every opportunity to ruin the monarchy, and all those, who were faithful in it, made even your faithfullest subjects comply but with an unwilling mind, considering, that such a Toleration would again set up a party, that had cost so much care, time, and treasure, to destroy."

"The Earl of Murray, not succeeding in that Parliament because of these apprehensions, and his small skill in managing such an affair, where there were so many interests to unite; your Majesty dissolved that Parliament, and issued out a proclamation of indulgence and toleration to all persuasions."

"This put the Episcopal Clergy in such a rage, that they could not conceal it neither in discourses nor pulpits; and the Presbyterians grew so insolent with it, upon the letter your Majesty wrote to them, then assembled at Edinburgh, wherein you told them

" your





1689. sed to be dispersed in Scotland, had a great deal of influence upon the body of the people. But the 1689.

" your predecessors had been severe, and ruined several of them, but they might be confident of your protection against all their enemies.

" This and the Earl of *Melfort's* employing *James Stuart* to draw most of the publick papers sent down, who was known to be a professed and inveterate enemy to the crown and their order, made the Episcopal Clergy at that time say and do many things, which afterwards they heartily repented, when it was too late; for their dislike of the greatest part of the nation, and their jealousy misfortunately meeting with the inveterate malice of the Presbyterians, gave the greatest advantage could have been wished for to the unbounded ambition of the Prince of *Orange*; for nothing ever made him make so bold an attempt, but these divisions, and the jealousies, that were industriously spread abroad, few being satisfied. The Episcopal Clergy or Party, out of fear to lose what they had long possessed; and though the Presbyterians for a few months first after the getting their liberty seemed satisfied, yet some grew as malicious as ever, being disappointed of getting the government into their hands, as they hoped, and a revenge on their enemies.

" The order your Majesty sent down commanding all in any office, either civil or military, to give up their commissions, and take up new ones, without taking the test; this made all employments liable to several penalties of the laws, and occasioned a great consternation; but not near to what by another order all in employments were commanded to take out remissions for breaking of the laws, which they had done by your Majesty's command, by which they thought themselves sufficiently warranted; as may appear by a letter the Council sent to your Majesty, wherein not only they, but the Judges gave it as their opinion, that your Majesty's giving a commission was sufficient to hinder any being liable to the law, especially considering, that the penalty was due to yourself. But notwithstanding of this advice, a severe proclamation was sent down by the Earl of *Melfort*, that all should take out these remissions in three months, and pay for them three pounds sterling to himself, and twenty pounds to *James Stuart*, who was to give them out; and such as did not take them out, to be pursued for breach of law, and to be rendered incapable for ever thereafter of your mercy. This was thought very hard, even by the loyallest of your subjects, to be paying for such remissions, and especially to be giving so much to Mr. *Stuart*; that had but some months before got a remission for plotting and contriving against your Majesty and Government, and was generally believed at that time by all, that wished well to your Majesty's Government, to be under-hand betraying it. Nor have their apprehensions been false; for since the Revolution he has bragged to hundreds, that he gave several advices, designedly to ruin it, and to advance the interest of his friends.

" When first this order was read in council, all were silent; but next day a representation was sent up to your Majesty, both by the Council and Secret Committee, to show how inconvenient it would be, if such an order were proclaimed; nor was there any man more against it than your Chancellor, [the Earl of *Perth*] and those you trusted most. Your Majesty was pleased, on these representations, to discharge its being pressed; but it gave such bad impressions of some, who were employed, that nothing will ever take it off; and it was generally believed, that nothing but your Majesty's own goodness could have hindered a thing, that would have been so advantageous to the contrivers, though dishonourable to all that served you. Nothing vexed the Episcopal Clergy more at that time, than to see some Fanatics put both into Council and Session; but all these contents were but like smothered fire, until the birth of the Prince of *Wales*, which afterwards broke out more violently; for, after that, several of the Episcopal Clergy were so far misled, that they

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" left off in a few weeks the praying for the Prince of *Wales*, and were so apt, not only to believe the most calumnious reports of that time, but to insinuate in their people fears of Popery and arbitrary Government; which did no small prejudice, and made many, that have appeared since of a far different temper, extremely satisfied at the noise of the Prince of *Orange's* coming over, being so weak as to believe he had made such an attempt only to secure the laws, and relieve them of their fears. But these discontents of the Episcopal party, though they cannot be justified, yet they proceeded from jealousies more than any ill design against your Majesty's government. But the Presbyterians being encouraged from their friends in *England*, and the rebels, who fled into *Holland*, growing then more insolent than ever, being put in hopes again, by another way, of getting entirely the government in their own hands, and a revenge on their enemies, which were the two things they so long wished to have an opportunity for, but would never have attained the same, if the *Indulgence* granted them had not brought them together from the *West-Indies*, so that they appeared in far greater numbers, than could well have been believed to be yet remaining after so long a tract of discouragement, they not only were joined together, but many, that never were of that profession before, joined with them, as all the discontented of the nation has ever done since the Revolution; making religion always the pretext of gaining their other ends.

" The jealousy of the Catholics did not a little heighten the discontents of both these parties likewise; and though they were not so afraid of them as of each other, because of their small number; yet with very uneasy eyes they beheld them coming into the chief posts both in civil and military employments. And though the Presbyterians, by the liberty granted to all, had their share; and were also admitted into employments, which they had never before, but when necessity compelled former Kings; yet they were so far from being thankful for it, that both in their pulpits and conversation they openly declared, they thought themselves nothing obliged to any toleration they had, it being given to introduce the Catholics, and ruin Protestants among themselves. Nor were these jealousies and apprehensions only among the Clergy; for after your Majesty had given warrant to the Chancellor, Viscount of *Tarbat*, and myself, to inquire of all the officers of State, Judges, and officers of the army, their opinion and consent for taking off the *Penal Laws* and *Tests*; most of them, though they consented to it, yet had such a cruel apprehension of other things further to be pressed upon them, that it made them extremely uneasy. And the turning out Sir *George Mackenzie* from being your Advocate, and the Lord *Harriss* and *Edmiston* from the session, for refusing to consent to what was offered, heightened extremely the humour; for they were esteemed of the greatest integrity and learning of that judicatory; and it seems not without reason; for though they were humorous, yet after, and since the Revolution, they both behaved themselves exactly well, and refused all the offers of employment which were made them.

" Except for these fears and jealousies, that were spread like a plague through the land; and the too covetous taking of money by some of your servants, (but that I will not meddle with, being resolved to say nothing here but what conflicts with my own knowledge) all other things in the government were as easy, and managed with as much justice as was ever known in any age. For never was a Treasury and Exchequer more favourable in all sorts of compositions, which your Majesty allowed us to do; nor was there ever before in the council or session more justice and quick dispatch of business, nor soldiers better paid, and with less trouble in the country; which the worst of your enemies must acknowledge."

Q

(1) This

1689. the Bishops and Episcopal Clergy being devoted to the Court, had been drawn in to a more than ordinary profession of adherence to King James. For upon the news of the Prince's expedition, they were induced to write the following Letter to the King:

May it please your most sacred Majesty,

Letter of
the Bishops
to King
James.

"WE prostrate ourselves to pay our most devoted thanks and adoration to the sovereign Majesty of Heaven and Earth, for preserving your sacred life and person, so frequently exposed to the greatest hazards, and as often delivered, and you miraculously prospered with glory and victory, in defence of the Rights and Honour of your Majesty's august Brother, and of these Kingdoms; and that by his merciful goodness the raging of the sea, and madness of unreasonable men, have been stilled and calmed; and your Majesty, as the darling of Heaven, peaceably seated on the Throne of your Royal Ancestors, whose long, illustrious, and unparalleled Line is the greatest Glory of this your antient Kingdom.

"We pay our most humble gratitude to your Majesty for the repeated assurances of your royal protection to our National Church and Religion, as the laws have established them; which are very suitable to the gracious countenance, encouragement, and protection, your Majesty was pleased to afford to our Church and Order, whilst we were happy in your presence among us.

"We magnify the Divine Mercy in blessing your Majesty with a Son, and us with a Prince,

"whom we pray Heaven may bless and preserve, to sway your royal sceptres after you; and that he may inherit, with your dominions, the illustrious and heroic virtues of his august and most serene Parents.

"We are amazed to hear of the danger of an invasion from Holland, which excites our prayers for an universal repentance from all orders of men, that God may yet spare his people, preserve your Royal Person, and prevent the effusion of Christian blood; and to give such success to your Majesty's arms, that all, who invade your Majesty's just and undoubted Rights, and disturb or interrupt the peace of your Realms, may be disappointed, and clothed with shame, so that on your Royal Head the Crown may still flourish.

"As, by the grace of God, we shall preserve in ourselves a firm and unshaken Loyalty; so we shall be careful and zealous to promote in all your subjects an intrepid and steadfast allegiance to your Majesty, as an essential part of their religion, and of the Glory of our holy profession; not doubting, but that God, in his great Mercy, who hath so often preserved and delivered your Majesty, will still preserve and deliver you, by giving you the hearts of your subjects, and the Necks of your enemies. So pray we, who in all humility are, &c. (1)

Edinburgh, Nov. 3. 1688.

This Letter was fatal, not only to the Scotch Fatal to Bishops, but even to Episcopacy itself in Scotland; for the distinction was very apparent, in Scotland, the Presbyterians fell in with the Revolution (2), and

(1) This letter was signed by,

The Lord Archbishop of St. Andrews.
The Lord Archbishop of Glasgow.
Lord Bishop of Edinburgh.
Lord Bishop of Galloway.
Lord Bishop of Aberdeen.
Lord Bishop of Dunkell.
Lord Bishop of Brechin.
Lord Bishop of Orkney.
Lord Bishop of Murray.
Lord Bishop of Ross.
Lord Bishop of Dunblain.
Lord Bishop of the Isles.

This Letter was published in the Gazette at London as a pattern for the English Bishops, but they did not think fit to copy after it.

(2) Lord Belcarra gives the following account of the circumstances of the Revolution in Scotland. "In this condition [mentioned in the preceding note] was the Kingdom till September 1688, when your Majesty sent down an express to your secret committee, which consisted of your Chancellor, Marquis of Annandale, Viscount Tarbat, Archbishop of Glasgow, Sir George Lockhart, and myself, to let us know, you expected an invasion from Holland; which at first was thought by the generality of the nation to be absolutely impossible, and only a pretext to raise money, or draw the army together for other designs, which added still to former jealousies. But these mistaken fears were quickly suppressed, when they knew of such preparations, as your Majesty was making in England, and were likewise affirmed by seamen coming daily from Holland of great preparations there, and noise of a war quickly to break out. Your Majesty's Council appeared all of them ready and willing to concur in every thing, that could be offered for making the nation as capable as could be for serving

"you. And it seemed for a time the noise of foreign war had banished their jealousies and fears from among them; and from all quarters of the country the Gentlemen and Burghesses sent to the Council new offers of duty. The militia was ordered to be raised and modelled to a fourth part; and the forty days pay, which the country is obliged to of the whole, would have paid this fourth part six months. The castle of Edinburgh, Stirling, &c. furnished; the Gentry modelled into troops with arms, and orders sent to the chiefs of the Highland Clans, to have their men in readiness; which with the standing forces would have made a considerable army.

"On the first notice of the invasion, Captain Mackay, nephew to the Major-General, was taken up upon suspicion of having laid down his employment in Holland, to be the better able to serve the Prince of Orange in what he intended; which was reasonable to believe by a letter found upon him, written by himself to his uncle, wherein he expressed great affection to the service of the Prince of Orange, and desired his uncle to let him know, that though he had quitted his service, yet he hoped, in the condition he was now in, he could be more useful; which he was willing to do with the hazard of his life; and that he wanted only to know, how he might put his intention in execution. He was examined by a secret committee several times, but gave his oath frankly, he knew nothing of any design, nor meant nothing by these expressions but a compliment to the Prince, who had concerned himself in getting him a rich marriage. But after the Prince of Orange's coming over, he bragged of knowing all the Design, and valued himself for swearing frankly rather than discover.

"There was likewise taken one Blackadder, a Doctor of Physic, who was sent over by the banished Lords and Gentlemen in Holland, to encourage their friends, and give them an account of the in-
clinations

1689. and the episcopal party used their utmost endeavours to obstruct and oppose it. Hence, upon

the news of King James's being withdrawn, the Lord Chancellor (the Earl of *Perth*) resigned imme-

“clinations and affections of the people to the Prince of *Orange*'s interest. The only traffick could be made out against him, (for he likewise would disclose nothing, but rather perjure himself of what he knew) was betwixt Lord *Murray*, son to the Marquis of *Anandale*, and one *Murray* of *Tippermore*. For by a letter taken on him from Mr *Murray* to the Lord *Murray*, he told him he had delivered his message to the Prince of *Orange*, who received it very kindly, and desired *Blackadder* to give him an account weekly of all that passed, and to let him know, how the Nation stood affected to the Prince of *Orange*. More might certainly be known from the Doctor, if the Marquis of *Anandale*, who had been laying in wait from the first noise of the Invasion, for a pretext to appear discontent, had not taken this opportunity. He complained highly, that any, who belonged to him, should be suspected; and that all the work made against *Blackadder*, was only designed against his Family. So, to satisfy him, the Doctor was no farther meddled with, that he might not have the least ground, at such a time, to complain. But all this did not satisfy him; for in all meetings, both in secret committee and council, he affected an air chagrin and discontent; tho', to please him, we were too indulgent to his humours. Yet a little while after, pretending sickness, he retired into the country, until he was assured of the landing of the Prince of *Orange*; and then he returned and acted a part more to the prejudice of your Interests, than the most inveterate of your enemies was then able to do. The chief reason he gave for his discontent, was family piques betwixt him and the Earl of *Perth*, and fears of his doing him ill deeds. But it was known to all the Nation, that his hopes of advancing his interest by the Prince of *Orange*, on the account of his relation by his Lady, was the chief motive of all his actions, or at the least, by his seeming discontent with the present government, he thought he would secure himself of all that your Majesty had bestowed on him too prodigally. After he withdrew, every thing went on smoothly in council; and even the Western and Fanatick Gentry were contending for employments in the militia troops; but by what afterwards appeared, it was with a design to betray.

“Nor was there any of them more forward in offering their service than Sir *James Montgomery*, tho' at the same time he was assisting the Lord *Lorn* to borrow a considerable sum of money to carry him to *Holland*. The reason given for borrowing this money, was to make a present to the Countess of *Melfert*; nor could they have found a pretext that would have passed more easily; for it was reasonably believed; otherwise, the lending such a sum by such disaffected persons, at so critical a time, could not have missed to be suspected, and his journey stopped. One Mr. *Campbell* was sent over by the Lord *S****, to invite him over by warrant from the Prince of *Orange*, but I believe told little of the design, tho' Sir *James* bragged after the Revolution, of his knowing all, and of his having messages from the Prince of *Orange*, but was contradicted by all, who were intrusted in it, who were few enough. This was the first appearance of Sir *James Montgomery*; nor had he any manner of influence, except with some few of the most bigotted Fanatics, who had made a party, and exclaimed against the rest of their profession for accepting of the indemnity, or taking any favour from the government; nor would any thing please them, nor could any fix of them agree, being left to their discretion. But notwithstanding these divisions, all parties kept within bounds, until the calling away of the standing forces, when the government was left bare, and at the discretion of their enemies.

“About the beginning of September your Majesty

“ordered the Earl of *Perth* to let you know, how the Presbyterian Ministers intended to behave themselves at the juncture, judging, as they behaved, their followers would follow their example. But he believing very justly, that they would not use freedom with him, desired me to employ some person to try their pulse. Sir *Patrick M——* was one then, that had not attached himself apparently to any party, but was generally well with all parties. I desired him to go to some of the leading men, that were then assembled in town, and tell them, from whom he was sent, and that your Majesty, considering the many favours you had shewn them, expected they would now show their gratitude in influencing their people to join heartily against the unnatural invasion; and that, according to their present behaviour, they might expect favour and protection from you for the future. They answered him dryly, they were but a few then, but in a fortnight there would be a general meeting of them all; that then they doubted not but they would give your Majesty satisfaction, with such answers. When the time came, they put off giving any positive answer, until they had new assurances from their friends in *Holland*, and made high with expectations, that the Prince of *Orange* would put all the government both of Church and State in their hands; and then they sent me word by Sir *Patrick M——*, that they owned God had made the King an instrument of shewing them some favour; but since they were convinced, that what favour was shewn them, was only with a design to ruin the Protestant religion, they would meddle no more with him, nor have any communion with any that belonged to him, especially since he had employed in the chief offices Papists or persons popishly inclined; and so desired to be excused from giving any farther answer, but that they would behave in this juncture as God would inspire them. This answer shewed plainly, what was to be expected from them; and from that time forward, both they and the Gentry of their party took little pains to disguise their resolutions. But still fears of accidents kept them from doing any thing the government could publicly punish; nor were any of them thoroughly in the affair, or trusted in it, so much as to make them venture any thing for what they so much desired. If any was thoroughly trusted, it was the Earl of *A——le* then at *London*. At the beginning of the indulgence he turned Fanatick; but in a few months was wearied of it, and came to the Earl of *Perth*, and told him, it was only his youth that misled him, in joining with such rebellious, mutinous pack; but henceforward he would serve the King heartily; and that he intended to go for *London* immediately, and to offer his service. Therefore, he desired his recommendation, which he got, and was very kindly entertained by your Majesty, and at first was to have the Earl of *A——y*'s troop of horse; but the Earl of *A——y* coming up, and not being willing to part with it, he had the promise of a regiment, which he was to raise in the southern counties; but finding your Majesty's affairs in greater disorder than he imagined, he chose rather to join with some of the disaffected Lords in *England*. The first he proposed to was the Earl of *D——k*. He told him, he found by the company he kept constantly, that he was not satisfied with the present government, and that he was as much dissatisfied himself as any, though he was forced to dissimble it, until he had got something done he came for: that he was resolved never to draw sword against the Prince of *Orange*; and that if he and his friends would trust him, he would serve them faithfully, and run their fate. The Earl of *D——k* told him, he was joined with others, and could not act without their liberty, but he should speak to them of it, and give an answer. The next day he appointed him to meet him

1689. immediately the Great Seal, and endeavoured to escape into France, but being taken was con-

fined in *Stirling* castle; and the populace of *Edinburgh* insulted, not only the Papists, but also the

him in the city with the Duke of *Ormond*, Mr. *B——ll* and Mr. *Maul*, who belonged to the Princess of *Denmark*. After they had dined, the Earl of *D——k* told him, he had spoke to Prince *George*, and the rest then with him, of what he had offered: that they all accepted willingly of it, but expected, that he would give an oath of secrecy the most binding way they could demand, which he also readily promised. So Mr. *Maul* officiated, and gave him the Sacrament, and he took the oath, that he would go in with them to the Prince of *Orange*, whenever he landed. But when it came to the push, his heart failed him, and he excused himself, that he had got a misfortune, for which, when the Prince of *Orange* came to *London*, he was for some days in the messenger's hands, which made him immediately quit them, and join with those intended to serve your Majesty in the following convention.

What more of this kind of treachery was carried on, I cannot be positive, for I believe very few *Scotsmen* were concerned in it; for I doubt not, if they had, but they would have valued themselves in it with the rest, for several did so, that were not concerned; nor could any such treacherous designs have been concealed, considering the pains both the secret committee and council took to find them out. And how entirely well affected to your Majesty was the little army you had in *Scotland*, which was so advantageously posted through the kingdom, that even the most disaffected lived peaceably expecting the event? But so soon as your Majesty sent your orders that they should be brought together, and be in readiness to march into *England*, then all discontented people and fanatics in the nation thought they had hit on their own time, believing your Majesty's affairs in *England* must be in a miserable condition, when you had need of so small a force, and for it to leave a government naked, and lose a whole country, which otherwise might have been so useful to you.

When first the Earl of *Melfort*, by your Majesty's order, wrote of it to the secret committee, they immediately sent an express to lay before your Majesty the inconvenience of it; and likewise to propose a design they had with it, and modelled the militia, and a detachment of the Highlanders, to make an army of thirteen thousand men, with half year's pay, to have lain either upon the borders of *Scotland*, or in the north of *England*; which certainly would have hindered all those risings in the north of *England*, which made a noise so far above what really they were, and proved so prejudicial to your affairs. But instead of following this advice, which was the unanimous advice of the whole council, the Earl of *Melfort* wrote down an order, not subscribed by your Majesty, but only in your Majesty's name, ordering, that the army should immediately march, and that if any of your servants were afraid to stay behind, they might go along with the army. With a sorrowful heart your Majesty's orders were obeyed, for the consequences were too evident; so about the beginning of *October* they began their march. The council, after that, ordered the modelled militia to be brought together about *Edinburgh*, and some to be quartered in the suburbs; but the new raised men, that would quickly have been brought into order, if mingled with modelled troops, signified little to keep up the face of authority; nor was their commander Sir *George Monro*, better at his trade than the rest, having lost any thing he had learned in *Germany* long ago, nor had he retained any thing, but affected nastiness, brutality, and fanaticism. Necessity, and the recommendation of some, more out of friendship to him than the service, persuaded the council to give him a commission, until your Majesty's pleasure should be known, which afterwards you confirmed.

The Presbyterians and discontented party seeing

the miserable and abandoned condition your affairs were in, took their opportunity accordingly; for so soon as the army past the borders, *Edinburgh* was filled with numbers of them of all degrees, from all places in the kingdom, who then thought it safe to take off their masks, and meet publicly in several clubs, where they deliberated, as formerly, what was fit for them to do in that juncture, as if they had been allowed by authority. And the council and secret committee knew, from some spies they had amongst them, all that past at their meetings; yet they were forced to overlook what they had not force to suppress. The chiefs of these meetings were the Earl of *G——n*, Earl *C——d*, Earl *D——d*, Earl *T——s*, Lord *R——s*, Lord *M——n*, a Fanatic, a few months before put into the Session; Sir *J——s M——y*, *A——r* younger, Mr. *W——m H——n*, Mr. *W——m L——t*, Mr. *y of Philiphaugh*, *R——n*, *D——d*, *B——e of Grenock*, *M——m*, *L——n*, Master of *Burley*, Mr. *F——s*, *M——y*, Major *B——n*, of *Baillie-Hall*, *G——s S——g* Chirurgeon, one *M——s* a Merchant, *B——e of Bramhall*, *P——r*, *R——y L——t*, the Master of *Melvil*, Lord *B——y*, Sir *P——k M——y*, *O——n*, &c. Several joined with them afterwards, but these were the chief beginners and headmen among them, until the banished rebels from *Holland* met them at *London*, and eclipsed them. The Presbyterian ministers did not publicly meet them, but, according to their ancient custom, nothing was determined without their advice and approbation. One of the first things they took into consideration, was, how to hinder all correspondence betwixt your Majesty and your council, which Sir *James Montgomery* undertook, and did it so effectually, that few packets missed him, which was easy to be done, having correspondence both about *Berwick* and the north of *England*. Yet notwithstanding all the care they took, some posts came thro', until the rising of the northern countries in *England* with the Earl of *Danby* and Lord *Lunley*; then they opened all packets, and only suffered such letters to pass as they thought fit: Some expresses were sent down by the Earl of *Melfort* to his brother; but for fear of discouraging, always made things so much better than what was reported by these meetings at *Edinburgh*, or other letters that came down; that the secret committee was in great perplexity to know the truth. This obliged them also to seize the packet, and open the letters; but it had so often been done before, both by the discontented party in *Scotland*, and the Lords in the north of *England*, that there was little or nothing learned by it. For several weeks after there came neither packets nor express; at last one came with an account of the landing of the Prince of *Orange*, and that your Majesty had marched down to meet him. Still the Earl of *Melfort* gave his brother all the hopes imaginable; but the Earl of *D——e* wrote in so different terms to me, that my Lord Chancellor resolved to send one to receive your Majesty's commands, to let him know the truth of what was doing; for which one *Baillie Brand*, Merchant in *Edinburgh*, was sent express, and recommended by the Viscount of *Torbato* as one most proper, being accustomed to travel that road about his own affairs, and so might be the less capable of suspicion. The Chancellor by him gave you an account of the bad state this nation was in since the calling away the forces, and the Presbyterians declaring entirely against you. But the messenger betrayed his trust, and went straight into the Prince of *Orange's* camp, and was introduced by Dr. *Burnet*. He told the Prince, he was sent by several to offer his Highness their service. This was no sooner known, out the Viscount of *Torbato* was extremely suspected to be one of these; but I am convinced he had not at that time any correspondence; for there

was

1689. the Episcopal party. The Prince of *Orange* being informed of these things, and having first

dispatched Major-General *Mackey*, with some troops under his command, into that kingdom, he

" was no man in the nation in such apprehensions of dangers, after he read the Prince of *Orange's Declaration*, and saw by it he intended to sacrifice all to satisfy the Presbyterians, and those rebels, that did come over with him, and who were for the most part the Viscount of *Tarbat's* personal enemies.

" This way failing of having your commands, the Council ordered three of their number to wait on your Majesty, viz. the Viscount of *Tarbat*, the President of the Council, and myself. The other two fearing to get through, and not being able to ride, excused themselves; so I was sent alone.

" Some days before I left *Edinburgh*, it was spread abroad, that the rabble of the town designed to make an uproar, which was purposely set about by these meetings to frighten those you trusted, and by some, who had a mind to be rid of my Lord Chancellor, to have the government in their own hands, that they might be in a better condition to make their court to the Prince of *Orange*. The chief of those was the Marquis of *Annandale*, who thought, that so early an appearance for the Prince of *Orange* could not but be extremely meritorious; nor could they have done it more effectually, than by stirring up the rabble against the government, and making a public mutiny and exclamation against those things mentioned by him in his *Declaration*.

" The news of the treachery of your army, and of your Majesty's being come back to *London*, was no small encouragement to them, that designed to make their court, especially to the Viscount of *Tarbat*, and Sir *J. Dalrymple*, who, though the Marquis of *Annandale* appeared the head of all, yet they were the springs, by which every thing was moved and ordered so well, that he was satisfied with the vanity of the name, whereas they were sure of the profit without hazard. For if your Majesty had succeeded contrary to their expectation, all the strefs of the disorders they could fairly put upon him; and if the Prince of *Orange* prospered, they knew, they had such friends about him, that they would keep all the honour of ruining the government, and getting the Council to declare for them. Their chief design to get this accomplished was to get rid of the Lord Chancellor. The Marquis of *Annandale* designed it; both out of family-pique, and to get the government into his hands, as falling due to him after the Chancellor's departure, he being next officer of State. The way he proposed for this was to have all the troops disbanded, which he knew would have all been at the Chancellor's devotion, except their miserable *General*, and, bad as they were, would have been better than could have been brought against them; for the Council having kept some inferior officers of the Earl of *D—s* regiment, that came down for recruits, put them in tolerable order. The Viscount of *Tarbat* proposed in Council, that these troops might be disbanded, being an unnecessary charge, since he believed there would be no more to do with soldiers, and the Prince of *Orange* had declared in his *Declaration* the illegality of keeping up forces in time of peace. The Earl of *Perth*, who was desirous to do every thing to satisfy them, and not considering their design, too easily consented to it, and trusting some of these he saw most earnest for it, next day they were all dismissed except four companies of foot and two troops of horse, for bringing in the publick money. So soon as they had got them dismissed, the Marquis of *Annandale* and the rest of the Counsellors, that were of his party, came to my Lord Chancellor's own lodging, and told him, they thought themselves no longer in safety to meet in Council where he was, and several others, incapacitate by law. But if he and they would retire, it would soon be seen how rigorously they would act in the King's service, and get all the rabble pacified, and the discontented meeting dismissed. Before he gave them any posi-

Numb. V. Vol. III.

" tive answer, he retired into another room, where the Duke of *Gordon*, and all the Catholick Counsellors, were met upon the noise of this advice of the Marquis of *Annandale*; and he told them what had passed. All unanimously advised him to be gone; and that it would look better to do it voluntarily than be compelled, as certainly they would do now when they had begun, and had all the rabble and discontented meetings on their side. Several others likewise, out of concern for him, gave him the same advice, thinking it dangerous for him to trust an enraged multitude. These advices of his friends determined him; so he returned to these Lords, and took his leave of them, and went thither to the country."

The Earl of *Belcarras* then gives an account of the riots at *Edinburgh*, and the demolishing the popish chapel there, and plundering of several houses belonging to Papists, " the Council not doing any thing to hinder their disorders; for such as abhorred these barbarities, thought themselves happy to escape the rage of the rabble; others were so far from discouraging these abuses, that it was generally known they were the chief promoters of them. After the noise of the rabble, adds he, was a little abated, the Marquis of *Annandale*, as next officer of State, called the Council, and proposed an address to be sent up to the Prince of *Orange*, with the highest acknowledgments of gratitude for his generous undertaking of freeing them from popery and tyranny, and offers of future service; but there were so many, who opposed it, that it was stopped. Those, that hindered for a while the violences of the Marquis of *Annandale*, and his party, were the two Archbishops, the President of the Session, Sir *George Mackenzie*, Master of *B—s*, Mr. *C—s*, *H—s*, now Earl, and the Lord *L—s*. But though they got the address first offered stopt, yet they were out-voted, when it was debated, if it was proper to find a way at all; and so Lord *G—s* was sent up with an address very short, and in general terms, which was very coldly received, a franker one being promised and expected.—The Marquis and most of the Council began to prepare for going up to make their court; but that they might do it the better, it was voted in the Council, that they should desire the Lord of the Treasury to pay their expences, which was likewise carried. The Marquis and Viscount of *Tarbat* were very ready to comply, since they were to have their share; but the Earl of *Tweeddale* (who with these two were all that were in town of the Treasury) was not then in a condition to go up himself, and absolutely refused; so for want of a quorum the whole project was broke, and they were forced to go on their own charges. After the Viscount of *Tarbat*, Sir *George Mackenzie*, and the President of the Session were gone, the Marquis of *Annandale* took upon him absolutely the government. While they staid, there was at least some decency kept; but they were no sooner gone, but the Marquis, like another *Maslinello*, ordered all at his pleasure, turned out several from their employments about the Treasury, Customs, and other places, and put in creatures of his own; and when he had ordered all he thought fit, he followed the rest of the Council, and left the Earl of *S—s*, and some others of the Council of his own party, to manage in his absence.

" Never was such a confluence seen on the road of all sorts, degrees, and persuasions, as at that time going up; for no sooner was it known, that your Majesty was gone, and the Prince of *Orange* come to *London*, but all that could scrape so much money together, went up; the Presbyterians and discontented Noblemen, Gentlemen, and Ministers, to receive the fruit of their labours and great promises; the Episcopal party, to endeavour to save themselves from the ruin they saw inevitably coming upon them

R

" by

1689. he assembled such of the *Scotch* Lords and Gentlemen, as were in *London* on the 7th of *January*, and made this speech to them:

My Lords and Gentlemen,

King Wil-
Ham's
speech to
the Scotch
Lords.
N^o 1002

THE only reason, that induced me to undergo so great an undertaking, was, that I saw the *Laws* and *Liberties* of these kingdoms overturned, and the Protestant Re-

ligion in imminent danger. And seeing you are here for many Noblemen and Gentlemen, I have called you together, that I may have your advice, what is to be done for securing the Protestant Religion, and restoring your Laws and Liberties, according to my Declaration."

As soon as the Prince had retired, the Lords and Gentlemen went to the Council Chamber at *Whitehall*, *Feb. 1689.*

"by their enemies getting the absolute disposal of the Government both in Church and State. But their number was nothing to be compared to the others, after they had met with their friends from *Holland*. Every night, after they were once gathered together, they kept their meetings in *St. James's Street*, at the *Ship Tavern*. Then they consulted what was next to be done, both to get the government in their hands, and how to hinder all others, who were not of their party.

"One of the first things proposed was, who should be for ever incapacitated for all publick employments. Five only were named at first, and sent with Monsieur *Baillon* to the Prince of *Orange*, at the desire of the whole meeting; and these were the Duke of *Queensberry*, Viscount of *Torbet*, Sir *George Mackenzie*, Viscount of *Dumder*, and myself. But the Prince of *Orange* absolutely refused, being resolved to put nobody in despair, till once he knew, how they intended to behave for his interest; which stop made us go on no further in that affair, though they intended (as was mentioned) next Parliament, that all should be incapacitated, whoever had served your Majesty in any employment whatsoever. But that took too many in, and so many of themselves and friends being concerned, it was likewise hindered, not only by the Prince of *Orange*, who desired not to be confined to them, but by most of the leading men among them, who accepted the chief employments, and particularly the Duke of *Hamilton*, whom I cannot pass by, without giving your Majesty some account of his behaviour, not only in this affair, but a little before; and especially what I was most concerned in myself.

"The day after your Majesty's first going from *London* I came there; and hearing the unhappy news I thought it was reasonable to desire the advice of all other Counsellors, who were there, what I should write to the council, who had sent me up to receive your commands, and let your Majesty know the condition of the Kingdom, and give you new assurances of loyalty and fidelity, in terms very different from what was alleged by some, before your Majesty went away, as if the council of *Scotland* had been sending some of their number to join with those, that had petitioned you for the calling a new Parliament. After I had got together all the Counsellors, which were the Earl of *A—y*, Lord *L—n*, Viscount of *Dumder*, Lieutenant General *D—s*, we went to the Duke of *Hamilton's* lodging, where I told them on what account I was sent; and now that your Majesty was gone, desired their advice what I should write home, (for all that time we knew nothing of what troubles had happened,) and gave the Duke a letter from the council, wherein they desired he might assist me in receiving your Majesty's commands, and telling you the condition they were in. So soon as he read his own, he desired to see the letter I had brought to your Majesty; otherwise he would not meddle in our affairs. To satisfy him, I gave him a double of it; and though he pressed with all the passion his natural fire and insolent temper could permit; that I might give him the principal, I absolutely refused to do it at all; and I had no reason, since he was not to deliver it, and that your Majesty was gone. This put him into such a fury, that he no more could conceal his design of desiring the letter, and told, that if he had the principal letter, he should give it to the Lords met at *Whitehall*, to shew them what a letter I

had brought up, subscribed by a Chancellor and several other Counsellors still sitting there contrary to law: That he would meddle in nothing, wherein they were concerned; and that he was free himself, having never acted since the last *Indemnity*; but that he would consult with the *English* Lords, what was proper next to be done; and so in a rage left us in his own house. But three days after, when he heard of your Majesty's coming back from *Feversham*, and that things were like not to go on as he expected, he sent for the Viscount of *Dumder*, and made great excuses for his passion, and desired him to go to us all, and offer his friendship, and in his own lodging prays and intreats us, that we might make no more of it. After your Majesty's coming back, no man, for the short time you staid, appeared more concerned for your service. But your Majesty had no sooner come to *Whitehall*, than he had his coach ready, and went straight to the Session House to the Prince of *Orange*, and offered him his service, and was received more kindly than any other, not out of affection, but that he saw him the fittest tool to manage the different interests of the nation; for with the discontented noblemen and gentlemen none appeared more dissatisfied with all that had been done in the former reign, though none had a greater hand in all that was done. With the *Presbyterians* he always pretended he had been in their interest; and what he did, that looked like compliance with the government against them, was only to keep them from greater misfortunes. With the episcopal Clergy, at least with such as trusted him, who were very few, he begged they might suspend their judgment of him, until a Convention; and then it should be seen, who were most for the interest of the King and nation. With these pretences, which is no hard talk for men that will abandon for their interests all truth, honour, and religion, he caressed a vast number of all persuasions, and made himself thought absolutely necessary; which was the only thing he aimed at both in your brother's reign and your own. And to carry on this the better among the different parties, in appearance he meddled with none of their meetings, for that would declare him too much a party, until he got all things ready for their great meeting at *Whitehall*, whereof he was chosen President. He proposed the great disorders at home; that all the nation was cast loose without any shadow, or order of government. Therefore it was absolutely necessary, that the government should be lodged somewhere until a Convention of estates were called: The great disorders that had fallen out, and the licentious liberty the mob had taken, made many comply to that proposition, though extremely against their inclinations. And what made it pass the easier was the time of this Convention being prefixed to so short a day as the fourteenth of *March* 1689. Besides it could hardly be avoided without being imprisoned, all the roads being stopped, and passage absolutely denied, and so would have rendered them incapable of appearing for your interest. In the Convention met then, the Earl of *Arran* did read over a short paper, wherein he told them, he believed there could be no other means to restore peace and happiness in *Britain*, but to send to your Majesty, and desire you would return. There were a great many there, who would willingly join in such a proposition; but his Lordship brought it in without letting any of your friends know it. Besides, at that time the Earl of *Arran* was extremely suspected,

"both

1689. *Whitehall*, and having chosen the Duke of *Hamilton* their President, consulted what advice was proper to be given his Highness in this conjuncture; and after some hours debate, they agreed upon the substance of it, and appointed the Clerks, with such as were to assist them, to draw up in writing, what the meeting thought expedient to advise the Prince, and to bring it to them the next day in the afternoon. Accordingly the writing was presented to them; and sometime being spent in consultation about the fittest way of convening a general meeting of the Estates of *Scotland*, at last they agreed in their opinion, and ordered the advice to be transcribed fair with the amendments. But as they were going to break up for that time, the Earl of *Arran* proposed to them, "that they should move the Prince of *Orange*, to desire the King to return, and call a *Free Parliament* ; which would be the best way to secure the Protestant religion and property, and to heal all breaches." This proposal seemed disagreeable to the whole meeting, and especially to the Duke of *Hamilton*, their President, the Earl's father; but they immediately broke up. The next day, they met at three of the clock in the same place, and Sir *Patrick Hume* took notice of the proposal made by the Earl of *Arran*, and desired to know, whether any person there would second it; but none appearing to do it, he said, "that what the Earl had proposed was evidently opposite and inimical to his Highness the Prince of *Orange*'s undertaking, his Declaration, and the good intentions of preserving the Protestant religion, and of restoring their laws and liberties expressed in it"; and farther desired, "that the meeting should declare this to be their opinion of it." The Lord *Cardross* seconded Sir *Patrick*'s motion. It was answered by the Duke of *Hamilton*, their President, "that their business was to prepare an advice to be offered to the Prince; and the advice being now ready to go to the vote, there was no need, that the meeting should give their sense of the Earl's proposal, which neither before nor after Sir *Patrick*'s motion any had pretended to own or second, so that it was fallen out of doors; and that the vote of the meeting upon the advice brought in by their order, would sufficiently declare their opinion." This being seconded by the Earl of *Sutherland*, the Lord *Cardross*, and Sir *Patrick Hume* acquiesced in it; and the meeting voted unanimously the advice following:

Jan. 8.

Jan. 9.

Advice of
the meet-
ing to the
Prince of
Orange.
Kennet.

"We the Lords and Gentlemen of the kingdom of *Scotland*, assembled at your Highnesses desire in this extraordinary conjuncture,

ture, do give your Highness our humble and hearty thanks for your pious and generous undertaking for preserving the Protestant religion, and restoring the laws and liberties of these kingdoms.

1689.

"In order to the attaining these ends, our humble advice and desire is, that your Highness take upon you the administration of all affairs, both civil and military; the disposal of the publick revenues and fortresses in the kingdom of *Scotland*; and the doing every thing, that is necessary for the preservation of the peace of the kingdom, until a general meeting of the States of the nation; which we humbly desire your Highness to call, to be holden at *Edinburgh* the 14th day of *March* next, by your letters or proclamation, to be published at the Market-crosses of *Edinburgh*, and other Headboroughs of the several Shires and Stewartries, as sufficient intimation to all concerned, and according to the custom of the kingdom. And that the publication of these your letters or proclamation be by the Sheriff's or Stewart-Clerks for the Free-holders, who have the value of lands, holden according to law, for making elections, and by the Town-clerks of the said Boroughs, for the meeting of the whole Burgeses of the respective royal Boroughs, to make their elections at least fifteen days, before the meeting of the estates at *Edinburgh*, and the respective clerks to make intimation thereof, at least ten days before the meeting for the elections; and that the whole Electors and Members of the said meeting at *Edinburgh*, qualified as above expressed, be Protestants, without any other exception or limitation whatsoever; to deliberate and resolve what is to be done for securing the Protestant religion, and restoring the laws and liberties of the Kingdom, according to your highness's declaration.

"Dated at the Council-chamber the 10th day of *January* 1689."

This address being subscribed by above thirty Lords and about eighty gentlemen, was presented in their presence at *St. James's* by the Duke of *Hamilton* to the Prince of *Orange*, who thanked them for the trust they reposed in him, and desired a time to consider upon so weighty an affair. And accordingly upon the 14th of *January* the Prince met them again at *St. James's*, and spoke to them as follows:

My Lords and Gentlemen,

"IN pursuance of your advice I will, untill the meeting of the States in *March* next, give such

such

"both for his going in to the Prince of *Orange* on the first noise of your Majesty's going away, and the great interest his father had with the Prince of *Orange*, and the fanatic discontented party. The most sensible and best of your friends judged likewise, that though this proposal seemed just and bold, yet it was then ill timed, considering, if any had joined with him, the Prince of *Orange* would immediately have sent down troops to *Scotland*; which would inevitably hinder all appearance for your interest in the Convention, which was believed to be the only place proper to appear in; and that at that time no wise man ought to do more, but to get out of the claws of their enemies. In this meeting there was

"nothing else done, but an offer of signing the association, which all refused, who intended to act for your interest. After that was over, both parties made what haste they could to get home, but still the Prince of *Orange* denied passage until he was declared King; which was thought he did, that all the *Scots* there might kiss his hand, which would be a kind of acknowledgment. But notwithstanding that Duke *Hamilton*, and all those who came over from *Holland*, and several others went and did it; yet many of the *Scots*, even of those, who were as violent as any, refused it; which was extremely ill taken. *Act. of the Aff. of Scot. p. 16, &c.*

1689. "such orders concerning the affairs of Scotland, as are necessary, concerning the calling of the said meeting, for the preserving of the peace, the applying of the publick revenue to the most pressing uses, and putting the fortresses in the hands of persons, in whom the nation can have a just confidence. And I do further assure you, that you will always find me ready to concur with you in every thing, that may be found necessary for securing the Protestant religion, and restoring the laws and liberties of the nation."

The Earl of Crawford then desired of his High-

nests, that himself, the Earl of Lothian, and others, who came to town since the address had been presented, might be allowed to subscribe it; which was accordingly done; after which the Prince retired, and all shewed great satisfaction with his answer.

On the 14th of March the Convention of Scotland met; and after publick prayers performed by the Bishop of Edinburgh, (wherein he prayed for the safety and restoration of King James) the first thing, which they entered upon, was the chusing of a President. The Marquis of Athol was proposed by the Bishops, and the party which still adhered to the abdicated King, but

(1) The Earl of Belcarras observes, that how to behave in the Convention, puzzled not a few, but all the loyal Party: Some thought they could not in conscience go to any meeting called by the Prince of Orange; that it was a breach of their oath in the Test to sit in any meeting not called by regal authority. "But others judged, says he, that since your Majesty was not in a condition at that time to call a Convention, they might very lawfully go, since it was only to serve you, that they exposed themselves to a victorious and insulting enemy. But your Majesty sending over George Hamilton just at the time when these resolutions were forming, made all your friends resolve to go down; and since they knew you allowed them, to endeavour to make all the interest they could, that Members might be rightly chosen.

"The Marquis of Annandale was come up a little before me, to receive the rewards of his service; but he was drily received, and there were so many enemies about the Prince of Orange, that he began again to look to his old friends, and make great apologies for what was past in Scotland, and promised his assistance in the Convention. There was so much need for help, that he was received, and all your friends joined to go down to Scotland to prepare your friends in the several counties and towns for the election of commissioners. But it was too long before it was resolved on, and many of the loyal gentlemen abominably refused to meet on call, which gave the Prince of Orange's party and fanatics great advantage. Yet notwithstanding of these disadvantages, if forces had not been sent down, and all the aforesaid persons admitted, without any repeal, a thing never heard of before, your interest had been asserted in the Convention.

"The first, that came down of either parties, was the Viscount of Dundee and myself. When we came to Edinburgh about the end of February, we found that city in a great quiet, and generally well affected. The College of Justice, to free themselves, after the Marquis of Annandale left the government, armed themselves, and made up a battalion of very good men, which kept all the disaffected in great awe. But Duke Hamilton believing they would not be for his purpose, got an order sent down with Commissioners to disband them. On our first coming we waited on the Duke of Gordon, who was capitulating to render up the castle of Edinburgh. At our entry into the castle, we met all the Duke's furniture coming out; which gave us small hopes of his keeping it; but we had the good fortune to convince him, that it would be so much for your Majesty's interest, and his own honour, that he promised to keep it out until he saw what the Convention would do. I say not this in the least to disparage any thing he did, for I saw him have very good inclinations to do for your interest. But his never having orders from you, and his hearing all other sorts and places given up, discouraged him extremely. He had likewise a great temptation from the Prince of Orange, for he wrote to him a very obliging letter, with full assurance of indemnity and protection. But notwithstanding of that, and of several advices of such as he believed wished him well, and who

"haunted him constantly to get him to deliver up the castle, yet he resolved to hold out. But the great error he committed (though several others were laid to his charge, that were not true), was, after he had resolved it, he did not get it provided; for then the city of Edinburgh would not have denied him any thing; or, if they had, he could easily have compelled them.

"Some days before the Convention sat down, the Duke of Hamilton and other western lords and gentlemen, brought publicly into town several companies of foot, and quartered them in the city; besides great numbers, that they kept hid in cellars and houses below the ground, which never appeared until some days after the Convention was begun, though they were generally believed to be thrice as many as there were. This was the first error committed by your friends; for in reason they ought all to have left the Convention, and gone, and sitten in some other town by themselves, which they might have done safely; but there was so great hopes of doing well in that meeting, that it made many unwilling, notwithstanding of their hazard, to leave it. Nor can I say, wanted there probability for this opinion; for if several had not left us after all the reiterated oaths imaginable, and others admitted into the Convention by absolute force, we would have been by far the major part. But such injustice was never heard of as was committed in their judging of elections; for if any of your party had had six voices, the other that had had an hundred, signified nothing. Besides, the manner of elections was out of all rules ever before heard tell of, and a new way taken, which was proposed by the Lord Stair, that all protestants, without distinction, should have votes in the election; which put it intirely in the hands of the rabble, which they managed some by promises, and others by a little money. Nor could even all these finistrous arts and tricks have compassed their ends, if your friends could have had an honest man to be president, that was not publicly obnoxious to the fanatics, which forced them, notwithstanding of all that was passed, to pitch upon the Marquis of Annandale not that they had confidence either in his parts or honesty, but that he was the only man could be set against Duke Hamilton. Both parties were extremely concerned, looking on the choice of a President as a decisive stroke; for by it they could know, whom to reckon on. Nor had they small reason for their judgment; for the first day the Duke of Hamilton was chosen president, contrary to their own expectation, above twenty left us, that had engaged to us, and voted for us, seeing we were the weakest party, and that the others would have both forces and vote of authority on their side. The next thing they voted was a committee of elections, which they got filled with their own party, and ended the affair; for by that they saw themselves so strong, nothing could be heard among them, but put it to the vote, which they always carried without debate, and so scandalously, that even Duke Hamilton, who, to give him his due, understood reason and the law of the nation at another rate than any tumultuous carriage, and several times

1689. but the Duke of Hamilton, who was set up in competition with him by those, who were friends

to King William, carried it by near forty voices. 1689. The next thing they did was to appoint a committee

"times endeavoured to hinder it. Nor can I say, if
"his cause had been good, but he behaved himself,
"until it came to the chief matter, with a great deal
"of prudence and moderation, inasmuch that some
"of their own party began to repent of their choice.
"Some few days were taken up in judging of elections,
"which would have taken much longer time, if several,
"who saw there was no manner of justice so much as pretended
"to among them, had not given it over and yielded, which made them grow stronger every day.
"None concerned in that affair of elections behaved so well as Mr. C——s H——e, after his brother the Earl of H——e's death, the title fell to him; but by reason of the debts of the family, he did not take on him the title, fearing to lose a considerable interest, that was left him, with this provision, that if the estate of H——e came to him, then that estate should go to his younger brother. So not pretending to be a peer, he was chosen one of the Commissioners for the shire; but when it was brought before the Convention, he was cast, as one they expected would be none of their friends. So soon as the sentence was pronounced, he told the president, since they had taken away one way of his sitting in that Convention he had a right to, he should try another, which they could not refuse him; and so went out, and took place as Earl of H——e, with the hazard of losing the best part of his estate.

"There was likewise another extraordinary affair of that kind. One Mr. B——e of Tarwoodhead, that had pretended some years before to be Lord Forger, but was summoned before the council for usurping a title he had no right to, and discharged under a considerable penalty never more to pretend to it. But those at London, who had the writing of letters, not knowing his title, or, more likely, believing he would be of their interest, procured him a letter from the Prince of Orange to come to the Convention. So soon as he was challenged by Sir George Mackenzie, he produced his letter, which was voted a sufficient right to sit. Several as unjustly as these were received; I only instance them, to shew how that Convention was constituted, most of the Commissioners having no right. The first thing they took into consideration, after the house was thus constituted, was the getting the castle of Edinburgh into their hands. That which pressed them most to it, there was two pretending to have the government of it, the Earl of L——n and the Earl of L——n likewise. It being the first of any consideration in Britain holding out, the Prince of Orange was very desirous to have it reduced. The Earl of L——n and T——e were sent up to capitulate with Duke Gordon, who promised them he would comply with their desire, and give it up the next day at ten a clock. So soon as the Viscount of Dundee and I heard them give this answer to the Convention, we were mightily alarmed, and sent up one immediately to remember his Grace of his engagement to us, and to lay before him the ruin of your affairs, if once they got the castle into their hands. As irresolution was the cause of his promise to them, so what arguments were used to him on the other side meeting with his desire to serve you, brought him about again. His greatest obstacle then was, how to come fairly off. The Earl of T——e with his flattering insinuating way had got him to go too great a length. For that, it was advised, that next day, when they came to demand the castle, he should tell, he would willingly give it up, but he could not see how he could be safe himself from the rabble of the town, and those that were brought into it. But to free them from all fear that that he should give the Convention any disturbance, he should offer bail for twenty thousand pounds to live peaceably in it. But though he was very well satisfied with this advice, yet that night he grew again irresolute, and sent to tell us, that except we

"came to him immediately, he would not keep his word. This was impossible to do, for they having placed the town-companies of Edinburgh upon the castle-hill, suffered none they suspected to go up; yet one ventured to him, to know what he had to say to us. He sent us word, that notwithstanding of all that was past, he would deliver it up, except we both gave it under our hands, that it was of absolute necessity for your affairs not to yield it up; which we both did that night; and the next morning the Viscount of Dundee got into the castle, and confirmed him absolutely in his resolution of keeping it out, by telling him the resolutions were taken by your friends of leaving Edinburgh, and setting up at Sterling. So next day, when they expected to have the castle at the hour appointed, he refused again, and hostilities went on.

"Being thus left by many of those we trusted, and despairing of doing any thing in that Convention, next day we resolved in our general meeting, that we would quit it, and call a Convention at Sterling; which your Majesty had given power to the Archbishop of St. Andrews, the Viscount of Dundee, and myself, to do by a letter you sent us from Ireland by one Mr. B——n. But before we could determine that, it was absolutely necessary to be secured of the Earl of M——r and Marquis of Annandale, the one having command of Sterling castle, and the other, that he might bring us Highlanders to be a guard to the town. The Earl of M——r had all along appeared one of the firmest in your interest from the time he came to London; for he gave us all the assurances imaginable, that he would do according as the major part thought fit. The Marquis of Annandale also consented to leave Edinburgh, and go straight to Sterling; but he never continued six hours in one resolution, which broke all our design; for his wavering made our departure be put off, still expecting he would be brought about to do it. At last a positive hour was condescended on, and several made themselves ready, whom we hardly expected. After it was resolved to be gone, it was thought fit by all your friends, that one should be sent to let you know the reason of our leaving the Convention, and receive your commands, which the Laird of Cullin undertook.

"Before we were to go off, just as the Convention was setting down, there came one to the Viscount of Dundee, telling him, that there were six or seven men in a house intended to murder him and Sir George Mackenzie; and that if he would get a warrant, he might instantly carry them to the house where they were. So soon as the Convention met, he told this to the Duke of Hamilton, who proposed it to the Convention; but they absolutely refused to meddle in it, but went to other affairs. This made the Viscount of Dundee press yet the more to be gone than before, so evident a piece of justice being refused him, though he offered to prove it at the Bar. Neither was there any of your friends, who could think themselves longer safe; which certainly the other party was extremely glad to see, for all they desired was to have the house alone. It is not to be doubted but they made several such things to pass purposely to frighten us; but it was hard trusting men, who had the power in their hands, that they would stop to put in execution what so many of them have professed, and at least not condemned by the most moderate of the party, when their interest or revenge was concerned. But after all of us were fully determined to make the best of our way the next morning to Sterling, the Marquis of Annandale's heart failed. So some, who went down to him, thinking to get him to go along, he desired we might go to the place we ordinarily met in, and stay yet another day, which we all consented to; and that we might the better cover our design of going away, we resolved to go for that day to the Convention. Just as we were almost

1689. mittee of five out of every state, for examining
controversed elections, which happened to be
not above twelve. After that, for the safety of
the assembly, they took into consideration the
cattle

“ most dispersed and gone to the house, the Viscount
“ of Dundee came in, who knew nothing of the
“ Marquis of Annandale's delay, nor of your friends
“ resolution to stay a little longer for him, but expect-
“ ed all were just a going. He was mightily surpris-
“ ed at their resolution, and told me, notwithstanding
“ of that, he would go before; and if any got out of
“ town, he would wait for them. It was very evi-
“ dent his going away would give the alarm, which
“ made me extremely earnest, that he might stay
“ one day longer; but he had before made an appoint-
“ ment with some to go with him, so he went strait
“ away with about fifty horse. As he was riding near
“ the castle of Edinburgh, the Duke of Gordon made
“ a sign to speak with him at the West side of the cas-
“ tle, where, though it be extremely steep, yet he
“ told the Duke all that was resolved upon, and beg-
“ ged he might hold out the castle till your friends
“ might get him relieved, which he positively pro-
“ mised to do. Whilst they were speaking, some
“ of those, who were set to blockade the castle, per-
“ ceived them, and came running into the Conventi-
“ on, and told them, that there was a great number
“ of horse gathering together, and that the Viscount
“ of Dundee was talking with Duke Gordon, which
“ they looked on as a horrid crime, after they had
“ outlawed him. Their fears also increased, believing
“ it was a general design against them; and that
“ which augmented their fright the more, was, that
“ several messengers brought word after each other,
“ that they were still increasing. At last the Duke
“ of Hamilton in a mighty fury told the Convention,
“ that now it was time to look to their own safety,
“ since the Papists and enemies to the settling the go-
“ vernment were so bold as to gather together. That
“ he doubted not but there were several there among
“ them who were on the design. Therefore it was
“ his opinion, that the door should be immediately
“ bolted, and the keys laid on the table: That some
“ of their number should be sent out to beat the drums,
“ to gather together all those well affected to religion
“ and liberty. That he had brought some foot from
“ the West country, fearing the designs of their ene-
“ mies, to defend them. What he said was approv-
“ ed of by all their party: several of them also bragged
“ of the numbers they had brought, and called them
“ thrice as many as they were. The Earl of L——n
“ was pitched upon to go out and gather them to-
“ gether; which when he had done, there was never
“ so miserable a parcel seen; nor is it to be doubted,
“ if your friends had known their own strength, and
“ not believed your enemies to be far stronger than
“ they really were, they might, with all the ease
“ imaginable, that day have effectually vindicated your
“ right and defeated your enemies.

“ Such of your friends as were locked within the
“ house, and guarded likewise without, looked on
“ themselves as undone; and the thing, that saved
“ them, was, that they could come to no resolution
“ among themselves. But I cannot say much of their
“ intentions, having it from some, that changed par-
“ ties so often, that I can assert nothing on their cre-
“ dit. The fear being a little over, and that they
“ saw they had most of your friends in their power, and
“ that there was no tumult in town, nor that the
“ Viscount of Dundee grew any stronger, but was
“ marching away; so they ordered Major B——n
“ to gather all he could together, and follow him,
“ which he did, but never came within sight of him.
“ After that they had secured the town, and thought
“ themselves out of hazard, Duke Hamilton dismissed
“ the Convention, to the great satisfaction of all your
“ friends, little expecting they would come off so easi-
“ ly, and all this noise ended in nothing. But with
“ that also ended all hopes of settling up another Con-
“ vention at Sterling, for the Marquis of Annandale
“ gave it quite over, Earl of M——r made a feint to
“ get out of the town, but went by the only post,

“ that was guarded, and was stopped there, and brought
“ back, and gave his parole not to stir out of Edin-
“ burgh without leave of the Convention. These
“ two giving it over, every body, that was apprehen-
“ sive, shifted for themselves, and lurked in Edinburgh;
“ next day there was a mighty change; for several,
“ either out of fear or interest, left us. Those of
“ note were the Earl of M——r and Annandale
“ who changed thoroughly, and went along with
“ every thing, that could be proposed. Several also
“ both of Barons and Burgeesses did the like; so that
“ by such of their friends, as left the house, which
“ did likewise some of the Bishops, they got their
“ meeting almost unanimous.

“ The night thereafter they searched the town for
“ some officers they suspected, yet found none, but
“ one, that had a mind to be taken, Lieutenant Gen-
“ eral D———. When he went to England with
“ the army, he certainly knew nothing of any de-
“ sign among them; but he had not converted long
“ with the Lord C———, K———, and some
“ others, but he grew one of the hottest of the par-
“ ty, inasmuch that he proposed to my Lord to be-
“ tray and carry in his regiment, as I was informed
“ by the Viscount a while after. Before he made the
“ proposition, he told him, he had an affair of great
“ consequence to them both to tell, if he would give
“ him his oath never to reveal it; which when he
“ had done, though he abhorred the motion, yet he
“ thought himself obliged in honour to conceal it. So
“ soon as he had cleared himself to Duke Hamilton of
“ any design he had against them, he was dismissed.
“ This he could easily do; for none in all the Revo-
“ lution acted a blacker part, for he not only sent in
“ a Battalion of the Scots guards, but was in all the
“ designs of betraying, and above all laid down his
“ employment to get the greater credit with your
“ friends, and at the same time was engaged to the
“ Prince of Orange, to let him know what passed and
“ was designed by his enemies.

“ Being now free of most of those that obstructed
“ them, some having quitted the House, and others
“ joined with them, they fell heartily to work with
“ the affair, upon which they had met; but fearing,
“ lest the Prince of Orange should think they went
“ slowly on, they sent up the Lord R———, with a
“ letter containing the reasons of their delay; which
“ were, that now they were free from those, that had
“ opposed the settling the nation, and doubted not but
“ to come shortly to conclusion to his satisfaction.
“ Next they chose a committee for settling the go-
“ vernment, and another for considering the present
“ state of the nation. What was done or failed in
“ either, I cannot give a full account; having first
“ left the House; so can say little but from other
“ hands. And both parties being concerned, the one
“ against the other at that time, a considerable allow-
“ ance must be given to both their reports, if one de-
“ sires to know the truth impartially. But still there
“ remained some of your friends, that gave them some
“ trouble, particularly Sir George Mackenzie, the
“ Archbishop of Glasgow, and Mr. O———, who
“ behaved themselves extremely well, when the chief
“ affair came in of settling the government. But
“ reason signified little to men, that were resolved to
“ go through with what they had begun; nor could it
“ have signified much upon another account: for
“ among them all, generally speaking, there was never
“ seen such a set of men gathered together; for they
“ had few, save Sir James Montgomery, and John
“ Dalrymple, that could make the least reply, but
“ only put it to the vote, which they were sure to
“ carry among themselves. Likewise there were some
“ divisions: some would have the crown declared im-
“ mediately vacant, as was done in England, and the
“ Prince of Orange proclaimed. Others, who were
“ cautious, and would willingly have seen a little better
“ about them before they made so bold a step, pro-
“ posed

1689. castle of *Edinburgh*, which was yet commanded by the Duke of *Gordon*, a Papist, whom they required to put that castle into their hands. The Duke desired an indemnity for all that was past, and security for the future; which the Convention condescending to, so far as he had acted as a Papist, they sent the Earls of *Tweeddale* and *Lothian* to him with a pardon in writing, both for himself and all who were with him; whereupon he desired twenty-four hours time to consider of it, which was likewise granted. On the 15th, the two Earls were again sent to require him to deliver the castle upon the terms demanded by him, and agreed to by the Convention; but instead of standing to that, he demanded twelve days more, both to consider of it, and to receive an answer to the proposals he had sent to the Prince of *Orange*; and after several messages had past on both sides, he at last declared, that he would not surrender the castle. Upon this, the Convention sent the heralds at arms, to charge him immediately to deliver up that fortress; which he persisting to refuse, the heralds went to the Market-cross, and solemnly proclaimed him a traitor and rebel.

The 16th, one *Crane*, an *Englishman*, who was said to be a servant to King *James's* Queen, delivered a letter from that Prince to the Convention; and at the same time the President acquainted the assembly, that the Lord *Levin* was arrived express with another letter from King *William*. This occasioned a debate, which of the two letters should be read first; but it being represented, that they were conveyed by the King of *England*, and that King *James's* letter might enjoin the dissolution of their assembly, the majority carried it for King *William*, whose letter was read with great applause in manner following:

My Lords and Gentlemen,

"WE are very sensible of the kindness and concern, which your nation has evinced towards us, and our undertaking for the preservation of your Religion and Liberty, which were in such imminent danger. Neither can we in the least doubt of your confidence in us, after having seen how far so many of your Nobility and Gentry have owned our Declaration, countenancing and concurring with us in our endeavours, and desiring us, that we will take upon us the administration of affairs

"civil and military, and to call a meeting of the Estates, for securing the Protestant Religion, and the antient laws and liberties of your kingdom, which accordingly we have done.
"Now it lies in you to enter into such consultations, as are most probable to settle you on sure and lasting foundations; which we hope you will set about with all convenient speed with regard to the publick good, and the general interest and inclinations of the people; that, after so much trouble and great suffering, they may live happily and in peace; and that you may lay aside all animosities and factions, that may hinder so good a work.

"We are glad to find so many of the Nobility and Gentry, when here in *London*, were so much inclined to an union of both kingdoms; and that they did look upon it as one of the best means for procuring the happiness of both nations, and settling of a lasting peace among them; which will be advantageous to both, they living in the same island, having the same language, and the same common interest of religion and liberty; especially at this juncture, when the enemies of both are so restless, endeavouring to make and increase jealousies and divisions, which they will be ready to improve to their own advantage and the ruin of *Britain*. We being of the same opinion as to the usefulness of this union, and having nothing so much before our eyes as the glory of God, establishing the reformed religion, and the power and happiness of these nations, are resolved to use our utmost endeavour in advancing every thing, that may conduce to the effectuating the same.
"So we bid you heartily farewell."

From our court at *Hampton-Court*, the 7th day of *March* 1688.

After the reading of this letter, a committee was named to draw up an answer to it in the most thankful and dutiful manner; and then, before they would admit of the letter from King *James* to be opened, an act passed by the almost unanimous consent of the House, asserting and maintaining the lawfulness of the convention, notwithstanding any thing, that might be alleged in the said letter to the contrary; and declaring, that they would not dissolve, but continue sitting, until the government, religion, laws, liberties, and properties were settled and established.

"posed an union with *England*, and took all the pains imaginable to engage your friends into it, and so bring them back to the House, alledging there would be nothing so much for your interest as the gaining of time; and if that this proposal did not go on, the government would be presently settled; but if it were once set on foot, and your friends assist it, several months would be spent before any such treaty could be ended.

"The chief of these, who managed the affair, were the Viscount of *Yarbat*, and the Lord *S---*. Your friends soon perceived, that they only designed to do this as effectually for the Prince of *Orange* by an union; for all, that were for this, have consented to the Prince of *Orange's* being King, and to all that was done in *England*. Thus to free themselves of the odium of such a deed, your Majesty's business succeeded and ended. Then they wanted not apprehensions; for your affairs in

"*Ireland* were vastly magnified both by your friends and by your enemies. This prospect took extremely with those, that had a mind to trim, or were not in hopes of employments. But there were two different interests in the House against it; for Duke *Hamilton*, and all he had influence upon, who expected the great employments for himself and children, as the reward of his service; then the bigoted Fanatics, who feared that such an union, where the Church of *England* was the strongest party, might be of ill consequence to their Kirk, which they designed not only to establish upon the old foot, but, according as they did before, endeavour the reformation of their brethren in *England*. The two parties were by far stronger than the Trimmers, especially since your friends would not meddle; so that they never ventured to propose it publicly." Account of the affairs of *Scotland*, p. 56, &c.

1689. established. After this King *James's* letter was read, containing, "That having been informed, that the Peers and Representatives of Shires and Boroughs of this his ancient kingdom, were to meet together at *Edinburgh*, by the usurped authority of the Prince of Orange, he thought fit to let them know, that as he had at all times relied upon the faithfulness and affection of them, his ancient people, so much, that in his greatest misfortunes heretofore he had recourse to their assistance, and that with good success to his affairs; so now again he required of them to support his interest, and expecting from them what became loyal subjects, generous and honest men, that they would neither suffer themselves to be cajoled and frightened into any action misbecoming true-hearted Scotsmen; and that to maintain the honour of the nation, they would condemn the base example of disloyal men, and eternize their names by a loyalty suitable to the many professions they had made to him. That in doing of this they would chuse the safest part, since thereby they would avoid the danger they must needs undergo, the infamy and disgrace they must bring upon themselves in this world, and the condemnation due to the rebellious in the next. And that they would likewise have the opportunity to secure to themselves, and their posterity, the gracious promises he had so often made of securing their religion, laws, properties, liberties, and rights; which he was still resolved to perform, as soon as it was possible for him to meet them safely in a Parliament in that his ancient kingdom. In the mean time he exhorts them, not to fear to declare for him the lawful Sovereign, who would not fail, on his part, to give them such speedy and powerful assistance, as should not only enable them to defend themselves from any foreign attempt, but put them in a condition to assert their rights against his and their enemies, who had depressed the same by the blackest of usurpations, the most unjust as well as most unnatural of attempts; which though Almighty God might for a time permit, and let the wicked prosper, yet the end must bring confusion upon such workers of iniquity. He farther let them know, that he would pardon all such, as should return to their duty before the last day of that month [March] inclusive; and that he would punish with the rigour of his laws, all such, as should stand out in rebellion against him or his authority. So not doubting, that they would declare for him, and suppress whatever might oppose his interest; and that they would send some of their number with an account of their diligence and the posture of his affairs there, he bid them heartily farewell."

But with-
out any of-
fence.
S. Tr.
III 353.

This menacing letter, which was dated from

on board the *St. Michael*, March 1. 1689, was the more ungrateful by being counterfeigned by the Earl of *Melfort*, a person odious to all the Presbyterians of Scotland, who made up the major part of the Convention; so that, instead of serving the interest of King *James*, it rather provoked that assembly to be the more unanimous and forward in settling the government after the example of England. The messenger, who brought the letter, was first secured, and then, not being thought worth detaining, dismissed with a pass instead of an answer.

The next care of the Convention was to put the kingdom in a posture of defence; for which purpose they ordered a proclamation to be published, requiring all persons from the age of sixteen to sixty to be in a readiness to take arms. They likewise changed a great many officers of the militia all over the kingdom; appointed Sir *Patrick Hume*, who came over with King *William* from Holland, to command the militia of horse of his county, notwithstanding his attainer for the business of the Earl of *Argyle* was not yet taken off; and ordered eight hundred men to be levied under the command of the Earl of *Levin*, who came also over with his Majesty; and these were raised and armed in a few hours, and appointed to guard the city of *Edinburgh*.

On the 19th of March they passed an act, approving the address of the Scots Nobility and Gentry in London; by which they thankfully acknowledged the great benefit done to their nation by the Prince of Orange, in delivering them from the eminent encroachments on their laws and fundamental constitution, and from the near dangers, which threatened an overturning of the Protestant Religion; and also desired his Highness to accept the administration of the government of that kingdom. The same day, upon reading of some letters from several Lords and Gentlemen in Ireland, desiring assistance of the Convention, they ordered two thousand muskets and twenty barrels of powder to be immediately sent them; that a further provision of arms and ammunition should be bought up for them in Holland; and that two small frigates should cruise between Scotland and Ireland, for mutual intelligence betwixt both kingdoms.

Whilst the Convention was thus providing for their own security, and the relief of their Protestant brethren in Ireland, the Lord Viscount *Dundee* held a private conference with the Duke of *Gordon* at the postern-gate of the castle of *Edinburgh*, at which they concerted measures to disturb the publick tranquillity. The Convention being informed of this violation of their orders, by which they had forbid all manner of correspondence with the Duke, ordered *Dundee* to appear before them; but he retired with thirty or forty horse to *Linlithgow* (1). Upon this a party of horse was sent after him; and the Convention apprehending, that he might surprize the castle

Kennet.
Boyer.

Dundee
retires to
raise a re-
bellion.
163.

(1) He had been some time before at London, and had fixed a correspondence both with England and France, though he had employed Dr. *Burnet* to carry messages from him to King *William*, to know what security he might expect, if he should go and live in Scotland without owning his government. The King's answer was, that if he would live peaceably, and at home, he should be protected; to which he replied, that unless he were forced to it, he would live quietly. But he returned to Scotland with other resolutions; and all the

party determined to submit to his command; and upon his retiring from *Edinburgh*, he went up and down the Highlands, and sent his agents about to bring together what force they could collect. Burnet II. 22. The Earl of *Belcarrai* tells us that a few days after the Convention were certain, that the Viscount of *Dundee* had gone by *Sterling* to his own house, they sent an herald and a trumpet to command him and my Lord *L—n* to return, under pain of being denounced rebels to the State. My Lord *L—n* obeyed, and was imme-

1689. castle of *Sterling*, they immediately dispatched away the Governor thereof, the Earl of *Mar*, to secure that important fortress. And the House finding, that the Attorney-General *Macckenzie*, five Bishops, the Earls of *Hume*, *Dumferling*, *Lauderdale*, *Birley*, and *Callender*, the Viscounts *Dundee*, *Stourmont*, and several other disaffected members, to the number of fifty, did absent themselves, sent their maces to require their attendance; and it was proposed, that such as had refused to sign the act, asserting the lawfulness of their assembly, should be expelled the House. But these being few in number, that motion was not pursued.

On the other hand, the Duke of *Gordon*, in order to cover his real design, having beat a parley, and desired to capitulate, some persons were appointed to treat with him. But it appeared at last, that he only intended to amuse the Convention, and did not design to quit the possession of the castle, till he should be forced to it. For on the 22d of *March* he acquainted the Magistrates of *Edinburgh*, that he had received advices from *Ireland* of King *James's* being landed there; and that to express his joy upon the occasion, he should be obliged to fire all his cannon; but bid them not be alarmed at it, since he de-

signed no hurt to the city. The Convention being informed of this message, ordered the castle to be blocked up; and upon the 23d, an act was passed and proclaimed for securing all suspected persons. The same day the answer of the Convention to King *William's* letter was read and signed in a meeting of the whole House, very few excepted, and ordered to be sent away immediately by the Lord *Ross*, who took post, and presented it to his Majesty, importing:

"That as religion, liberty, and laws, are the deepest concerns of mankind, so the deep sense of the extreme hazard, these had been exposed to, must produce suitable returns from the kingdom to his Majesty, whom in all sincerity and gratitude they acknowledged to be, under God, their great and seasonable deliverer; and they heartily congratulated, that as God had honoured his Majesty to be an eminent instrument for the preservation of his truth, so he had rewarded his undertaking with success, in the considerable progress, which he had made in delivering them, and in preserving to them the Protestant religion. That they returned their most dutiful thanks to his Majesty for his accepting the administration

Answer to King William's letter. Ibid.

immediately dismissed, being then no member of the house, and they having nothing to lay to his charge. The Viscount of *Dundee* wrote a letter, excusing his not obeying their order, wherein he gave the reasons, for which he left the Convention, which were, "that he could stay no longer in that place, after that he had told in full Convention of so many of his enemies, who designed to murder him, yet could have no justice. He told also, he could not think that Convention any more free, wherein there were so many brought in from the *Western* countries to overawe its members, nor where they were guarded with foreign troops; (for just at this time *Mackay* was come down from *England* with four *Dutch* regiments;) but if they would do him justice, and give him assurance of liberty, he promised to return immediately. I have given this account the more full, because it was insinuated, after my Lord *Dundee* went to the *Highlands*, that several of your friends broke their engagements to him, and did not go along, but were so far from being in any such engagements, that they would have disobeyed you, if they had gone; for your positive commands were sent with *George H—*, that if we saw there could be nothing done in the Convention, then we should quit it, and keep as quiet as we could till farther orders, and until you could send us assistance from *Ireland*; but the design of going to *Sterling* made the one go for the other; so that was ruined by the faint heartedness of the Marquis of *Annandale* and some others. All that knew your commands, endeavoured to retire home and save themselves; nor did ever the Viscount of *Dundee* resolve to meddle, until he had your orders, except he had been obliged to save himself from a party, that came to apprehend him. Notwithstanding of the difficulties your friends had met with, some of them did not give over hopes of breaking the design of the Convention, and get another to meet in some safe place. That which raised this, was the coming down of the Duke of *Queensberry*. The Duke, upon the noise of the invasion, had appeared sincerely in your interest; and I must do him the justice to say, I never saw any man more concerned than he was for the steps his son made in *England*, after your Majesty was gone. He joined in all the meetings we had for your service, and employed what interest he could to get Commissioners for the shires he was concerned in choosing, as we wished; nor could any thing be complained of him, but his too

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"long stay at *London*; for if all your friends had appeared, as they promised, the first day of the Convention, they had been by far the strongest, and if *Scotland* had then declared for you, when you was almost master of *Ireland*, the Prince of *Orange* had passed his time ill in *England*, considering he had *France* to deal with on the other side. This made us extremely concerned, since that we could do no more in that Convention, either to get another to counter-act them, or to get them forced from *Edinburgh*, which would have made a great delay before the time they could have another Convention established, and which they intended to set up at *Glasgow*, if they had been forced from *Edinburgh*. The only thing could be thought of by all your friends to get this done, was to engage the Duke of *Gordon* to fire upon the town, which certainly would have broke up the Convention; for they always suspected some design of forcing them from *Edinburgh*. In this resolution no man seemed so forward as the Marquis of *Annandale*, for it was of great concern to have him so; for after the Earl of *M—* had intirely quitted us, and by that they had got *Stirling* in their hands, there was no man in the nation (considering how well affected his *Highlands* were) could be so useful, if your friends had retired northwards, as was intended, till they had received your orders from *Ireland*. And that, which made us depend on him (for all the escapes he made) was the great influence the Earl of *D—* had with him; and he applied all his endeavours to keep him to his duty, and acted in all your concerns with as much zeal and affection, till he was made prisoner, as any ever served you.

"The Countess of *E—*, who had kept intelligence with Duke *Gordon* from the time the castle was blocked up, undertook to let him know our advice; which accordingly she did; but he absolutely refused to do any thing but defend himself until he had your Majesty's orders. So our whole designs were broke; for since there was no way found out to make them leave *Edinburgh*, all of us seeing that there was no more to be expected, either from the Convention, or from those, that pretended to be our friends, left the town, and retired home, such as the Earl of *H—*, Viscount of *S—*, Viscount of *O—*, Lord *S—*, Earl of *S—*, Earl of *P—*, Mr. *Henry Maul* his brother, the Sheriff of *B—*, and several others. Acc.

of the Af. of Scot. p. 77. &c.

(1) The

1689. "stration of publick affairs, and convening the Estates of that kingdom. That they should with all convenient diligence take his gracious letter into their consideration; hoping shortly, by the blessing of God, to fall upon such resolutions, as might be acceptable to his Majesty; secure the Protestant religion, and establish the government, laws, and liberties of that kingdom upon solid foundations, most agreeable to the general good and inclinations of the people. That as to the proposal of the Union, they doubted not but his Majesty would so dispose that matter, that there might be an equal readiness in the kingdom of England to accomplish it, as one of the best means for securing the happiness of these nations, and settling a lasting peace. That they had hitherto and still should endeavour to avoid animosities or prejudice, which might disturb their councils: That as they designed the publick good, so it might be done with the general concurrence and approbation of the nation. And that in the mean time, they desired the continuance of his Majesty's care and protection towards them in all their concerns, whereof the kind expressions in his gracious letter had given them full assurance."

The forces, which King William had sent into Scotland under Major-General Mackay, and which consisted of four regiments of foot and one of dragoons, being arrived there, the Convention ordered them to be quartered in *Leith* and the suburbs of *Edinburgh*; and gave a commission to that General to be commander in chief of such militia, or other forces, as should be raised for the safety of that kingdom in the present juncture. And at the same time the Lord *Levingston* and Viscount *Dundee*, with design to amuse the Convention, wrote letters to the Duke of *Hamilton*, their President, giving an account of their withdrawing from *Edinburgh*.

On the 26th of March a committee was named for settling the government, which was composed of eight Lords, eight Knights, and eight Burgesses, and out of which the Bishops

Mar. 25.

Mar. 28.

A committee for settling the government was named, 1689.

were left, as having disgusted the generality of the State, by their former compliance with King James's arbitrary government, by their prayers at the beginning of the session, and other passages in their behaviour, that discovered their affection to King William, and the accident then about to be made. This committee, after five or six days sitting, followed the precedent of the English Convention, in declaring the throne vacant (1); and to support this declaration, had recourse to King James's violations of the fundamental laws and constitutions, and appointed a sub-committee to draw up an account of the particular instances of those violations. Upon this, three parties were formed; one composed of all the Bishops and some of the Nobility, who affirmed the proceedings to be contrary to their laws and oaths. Others thought, that their oaths were only to the King, as having the executive power to support him in that; but that if he set himself to invade and assume the legislature, he renounced his former authority, by subverting that, upon which it was founded; for which reason they were for a declaratory judgment. The third party was of those, who agreed with the former in their conclusion, but not in coming to so speedy a determination. They were of opinion, that it was the interest of Scotland to be brought under the laws of England, and to be united to the Parliament of England; and that this was the properest time for doing that to the best advantage, since England would be obliged, by the present state of affairs, to receive them upon good terms. They were therefore willing to proceed against King James; but they thought it not reasonable to make too much halt in a new settlement, and were for maintaining the government in an Interregnum, till the union should be perfected, or at least put in a probable way. This was specious, and many went into it; and since it tended to the putting a stop to a full settlement, all, who favoured King James, joined in it, because by this more time was gained. To this project it was objected, that the union of the two kingdoms must be a work of time, since many

Three parties formed. Burnet.

(1) The Earl of Belarras observes, that a few days after many of King James's friends had left the Convention the committee prepared all that was intended in the Convention, but found great difficulties how to declare the Throne vacant. Some were for abdication, as had been done in England, but that could not pass among the most violent of them, for it could not be imagined, that your Majesty had left Scotland. Others were for making use of an old story, and saying, that the Duke of Hamilton, used for a bird's forsaking her nest. But Sir John Dalrymple ended the debate by such reasons against both, that they agreed to his new proposal, which was that they agreed, by committing such acts as he named, forfeited your right to the crown; making this childish distinction, that they intended not to forfeit you as a traitor, but only declare you forfeit: 1, which would make the affair clear, and take off any pretensions the Prince of Wales might afterwards have. This immediately was taken and voted the next day by all present, except five, the Archbishop of Glasgow, Sir George Mackenzie, Lord B---, Mr. O--- and one B---. All the rest, which did intend to go along, had left the house.

After the Throne was declared vacant, Duke of Hamilton proposed filling it again, (although as Pres---, and as a peer, he was obliged to vote,) and that the humble offer thereof should be made to the Prince

and Princes of Orange. This was done more un-animously than the other; for the Duke of Queensberry and Marquis of Annandale, who had been absent from the first vote, came and assented to the second, and told the house, that they were not fully convinced of their right in declaring the Throne vacant; but since they had done it, they acquiesced, and none deserved so well to fill it as the Prince of Orange; and afterwards went with the rest to the market cross of Edinburgh, where they were declared King and Queen of Scotland, where the Duke of Hamilton, to shew his zeal, did the meanest action, that ever could be heard tell of in a Duke, for he officiated as clerk, and read from the cross to the people the act of Convention. Next they voted Lord L---, Sir James Montgomery, and Sir John Dalrymple to carry up their offer, with their grievances and claim of right, which were the conditions pretended as giving him the crown. And that they might be in greater safety during the adjournment, which they were to make, until they knew, whether the Prince and Princes of Orange had accepted of their present, they voted a full power to Duke Hamilton to imprison whomsoever he suspected, until the return should come back, fearing if such a power were lodged in many, some advertisements might be given. Acc. of the Aff. of Scot. p. 82.

(1) Ac-

1689. many difficulties would arise in any treaty about it; whereas the present circumstances were critical, and required a speedy decision, and quick provision to be made for their security; since, if they continued in such a neutral state, they would have many enemies, and no friends; and the zeal, that was now working amongst them for Presbytery, must raise a greater aversion than ordinary in the body, that was for the Church of England, to any such treaty with them. At last the whole House, except twelve, approved of what the committee had done, and passed the following Act: *The Estates of the kingdom of Scotland find and declare, that King James VII being a professed Papist, did assume the royal power, and acted as a King, without ever taking the oath required by law, and had, by the advice of evil and wicked counsellors, invaded the fundamental constitution of this kingdom, and altered it from a legal and limited monarchy to an arbitrary despotick power; and had governed the same to the subversion of the Protestant religion, and violation of the laws and liberties of the nation, inverting all the ends of government; whereby he had forfeited the crown, and the throne was become vacant.*

The Throne is declared void.

1689. red it from a legal and limited monarchy to an arbitrary despotick power; and had governed the same to the subversion of the Protestant religion, and violation of the laws and liberties of the nation, inverting all the ends of government; whereby he had forfeited the crown, and the throne was become vacant.

Immediately after this the Estates ordered, that the committee for settling the government should bring in an act for settling the crown upon their Majesties William and Mary; and to consider the terms of the destination of the crown; and likewise to prepare an instrument of government, to be offered with the crown for redressing the grievances, and securing the liberties of the people (1).

The small number of those, who adhered to King James, endeavoured to prevent the passing of this act; and among the rest, the Bishop of Elin-

(1) According to this vote the committee drew up an act, reciting the methods, by which King James had invaded the constitution of that kingdom: "1. By erecting public schools and societies of the Jesuits; and not only allowing mass to be publicly said, but also converting Protestant chapels and churches to public mass-houses, contrary to the express laws against saying and hearing mass. 2. By allowing Popish books to be printed and dispersed by a patent to a Popish printer, designing him printer to his Majesty's Household, College, and Chapel, contrary to law. 3. By taking the children of Protestant noblemen and gentlemen, sending them abroad to be bred Papists, and bestowing pensions upon priests to pervert Protestants from their religion by offers of places and preferments. 4. By discharging Protestants, at the same time he employed Papists in places of greatest trust, both civil and military, &c. and intrusting the forts and magazines in their hands. 5. By imposing oaths contrary to law. 6. By exacting money without consent of Parliament or Convention of estates. 7. By levying and keeping up a standing army in time of peace, without consent of Parliament, and maintaining them upon free quarter. 8. By employing the officers of the army as Judges throughout the Kingdom; by whom the subjects were put to death without legal trial, jury, or record. 9. By imposing exorbitant fines to the value of the parties estates, exacting extravagant bail and disposing of fines and forfeitures before any process or conviction. 10. By imprisoning persons without expressing the reason and delaying to bring them to trial. 11. By causing several persons to be prosecuted, and their estates to be forfeited, upon stretches of old and forfeited laws, upon weak and frivolous pretences, and upon lame and defective proofs; as particularly the late Earl of Argyle, to the scandal of the justice of the nation. 12. By subverting the rights of the royal boroughs, the third estate of Parliament, imposing upon them not only magistrates, but also the whole town-council and clerks, contrary to their liberties and express charters, without any pretence of sentence, surrender, or consent. So that the Commissioners to Parliaments being chosen by the magistrates and councils, the King might in effect as well nominate the estate of Parliament. Besides that many of the magistrates by him put in were Papists; and the Boroughs were forced to pay money for the letters imposing those illegal magistrates upon them. 13. By sending letters to the chief courts of justice, not only ordering the Judges to stop *sine die*, but also commanding how to proceed in cases depending before them, contrary to the express laws; and by changing the nature of the Judges patents *ad vitam* or *culpa* in a commission *de bene placito*, to dispose them to a compliance with arbitrary courses, and turning them out of their offices, if they refused to comply. 14. By granting personal protections for civil debts, contrary to law.

"All which were miscarriages of King James; utterly and directly contrary to the known laws, freedoms, and statutes of the realm of Scotland. "Upon which grounds and reasons the estates of the Kingdom of Scotland did find and declare, that King James VII, being a professed Papist, did assume the regal power, &c. whereby he had forfeited the rights of the crown, and the Throne was become vacant. "Therefore in regard his Royal Highness, then Prince of Orange, since King of England, whom it pleased God to make the glorious instrument of delivering these Kingdoms from Popery and arbitrary power, by advice of several Lords and Gentlemen of the Scots nation then at London, did call the estates of this kingdom to meet upon the fourteenth of March last, in order to such an establishment, as that their religion, laws, and liberties might not again be in danger of being subverted; the said estates being at that time assembled accordingly in a full and free representative of the nation, taking into their most serious consideration the best means for attaining the ends aforesaid, did in the first place, as their ancestors in like cases had usually done, for the vindicating and asserting their antient rights and liberties, declare, that by the law of Scotland no Papist could be King or Queen of the realm nor bear any office therein; nor that any Protestant successor could exercise the regal power, till they had sworn the Coronation oath. 2. That all proclamations asserting an absolute power to null and disenable laws, in order for erecting schools and colleges for Jesuits, converting Protestant Churches and chapels into mass-houses, and the allowing mass to be said, and the allowing Popish books to be printed and dispersed, was contrary to law. 3. That the taking the children of noblemen and gentlemen and others, and keeping them abroad to be bred Papists; the making funds and donations to Popish schools and colleges; the bestowing pensions on priests; and the seducing Protestants from their religion by offers of places and preferments, was contrary to law. 4. That the disarming of Protestants, and employing Papists in the greatest places of trust, both civil and military, &c. was contrary to law. 5. That the imposing an oath without authority of Parliament, was contrary to law. 6. That the raising of money without consent of Parliament or Convention, was contrary to law. 7. That employing the officers of the army as judges &c. was contrary to law. 8. That the imposing extraordinary fines &c. was contrary to law. 9. That the imprisoning of persons without expressing the reasons, &c. was the same. 10. That the prosecuting and seizing men's estates as forfeited, upon stretches of old obsolete laws &c. was contrary to law. 11. That the nominating and imposing magistrates &c. upon boroughs, contrary to their express charter, was the same. 12. That the sending letters to the courts of justice, ordaining "the

1689. *Edinburgh* represented, that it related many unlawful acts, of which that King was innocent, and which were wholly to be charged on his Ministers: That supposing him to be guilty, they were not competent judges of his misdemeanors, being illegally convened; and therefore that the best method the Convention could follow for the good of the nation, was to desire and favour his Majesty's return into his dominions, who out of gratitude would not fail to redress all their grievances. This speech was answered with great force and spirit by one of the members; so that the act being read and agreed to in the Convention, the same day their Majesties were crowned King and Queen of *England*, they were also proclaimed King and Queen of *Scotland*.

*Remission
the clause
of rights
Burnet.*

The fatal blow, which by a clause in this act was given to Episcopacy, not only occasioned great discontents in *Scotland*, but very much increased those of *England*, and rendered the union of both nations desperate. And indeed it was thought an absurd thing, that this clause, whereby it was declared, that *Prelacy in the Church was a great and insupportable burthen to the nation*, should be inserted in a *claim of rights*, for which not only they had no law, but which was contrary to many laws then in being; so that tho' they might have offered it as a grievance, there was no colour for pretending it was a national

right. But they had a notion among them, that every article, that should be put into the *claim of rights*, became an unalterable law, and a condition, upon which the crown was to be held; whereas grievances were such things, as were submitted to the King and Parliament to be redressed, or not, as they should see cause. But the Bishops, and those, who adhered to them, having left the Convention, the Presbyterians had a majority of voices to carry every thing, as they pleased, how unreasonable soever, and upon this the abolishing of Episcopacy was made a necessary article of the new settlement.

It may here be observed, that soon after the King came to *St. James's*, the Episcopal party in *Scotland* had sent up the Dean of *Glasgow*, to know what the Prince of *Orange's* intentions were with relation to that party; and the Prince answered, that he would do all he could to preserve them, granting a full toleration to the Presbyterians. But this was, in case they concurred in the new settlement of the kingdom; for if they should oppose that, and if by a great majority in Parliament, resolutions should be taken against them, he could not make a war for them, though he would do all that was in his power to maintain such of them, as should live peaceably in their functions. This the Prince ordered *Dr. Burnet* likewise to write back, in

"the Judges to desist from determining of causes, and ordaining them, how to proceed in causes depending before them, &c. was contrary to law. 13. That the granting of personal protections was the same. 14. That the forcing the subjects to depose against themselves in capital causes, however the punishments were restricted, was contrary to law. 15. That the using torture without evidence or in ordinary crimes, was contrary to law. 16. That the sending of an army in a warlike manner into any part of the kingdom in time of peace, and exacting locality and free quarters, was the same. 17. That charging the subjects with law-boroughs at the King's instance, and imposing bonds without authority of Parliament, and the suspending advocates for not appearing, when bonds were offered, was contrary to law. 18. That the putting garrisons into private men's houses, in time of peace, without authority of Parliament was illegal. 19. That the opinions of the Lords of the sessions in the two cases following were illegal, viz. that the concerning the demand of the supply of a defaulted person, although not given, was treason; that persons refusing to discover their private thoughts in relation to points of treason, or other men's actions, are guilty of treason. 20. That the fining husbands for their wives withdrawing from church, was illegal. 21. That *Prelacy*, and superiority of an office in the church above *Presbyters*, is and has been a great and insupportable burthen to this nation, and contrary to the inclinations of the generality of the people, ever since the reformation, they having reformed *Papery* by *Presbytery*, and therefore ought to be abolished. 22. That it is the right and privilege of the subject to protest for remedy of law to the King and Parliament against sentences pronounced by the Lords of the sessions, provided the same do not stop executions of the said sentences. 23. That it is the right of the subject to petition the King; and that all prosecutions and imprisonments for such petitioning were contrary to law.

"Therefore for the redress of all grievances, and for the amending, strengthening, and preserving the laws, they claimed that Parliaments ought to be frequently called and allowed to sit, and freedom of speech and debate allowed to the members. And then they further claimed and insisted upon

"all and sundry the premises as their undoubted rights and liberties, and that no declaration or proceedings to the prejudice of the people in any of the said premises ought, in any wise, to be drawn hereafter into example; but that all forfeitures, fines, loss of offices in imprisonments, banishments, prosecutions, and rigorous executions be considered, and the parties redressed.

"To which demand of their rights, and redress of their grievances, they took themselves to be encouraged by the King of *England's* declaration for the Kingdom of *Scotland* in *October* last, as being the only means for obtaining a full redress and remedy therein.

"Therefore so far as they had an entire confidence, that his Majesty of *England* would perfect the deliverance so far advanced by him, and would still preserve them from the violation of the rights, which they had asserted, and from all other attempts upon their religion, laws and liberties; the said Estates of the kingdom of *Scotland* had resolved, That *William and Mary, King and Queen of England*, be declared King and Queen of *Scotland*, to hold the crown and royal dignity of the said kingdom to them the said King and Queen during their lives, and the longest liver of them; and that the sole and full exercise of the power to be only in and exercised by him the said King, in the names of the said King and Queen during their lives. And after their decease, that the said crown and royal dignity be to the heir of the body of the said Queen; which failing, to the Princess *Anne* of *Denmark*, and the heirs of her body; which also failing, to the heirs of the body of the said *William* King of *England*.

"And then withal they prayed the said King and Queen to accept the same accordingly. It was also declared by the instrument, that the following oath,

I A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to their Majesties King William and Queen Mary. So help me God.

should be taken by all Protestants, by whom the oaths of allegiance, or any other oaths and declarations, might be required by law instead of it; and that the oath of allegiance and all other oaths and declarations should be abrogated.

1689. in answer to what some Bishops and others had writ to him upon that subject. But the Viscount Dundee, when he returned into Scotland, possessed them with such an opinion of another speedy Revolution, that would be brought about in favour of King James, that they resolved to adhere firmly to his interests; and thus declaring in a body, with so much zeal, in opposition to the new settlement, it was not possible for King William to preserve Episcopacy there; all those, who expressed their zeal for him, being equally zealous against that order.

Amongst those, who appeared in this Convention, none distinguished himself more than Sir James Montgomery, a Gentleman of good parts, but of a most unbridled heat and of a restless ambition. He bore the greatest share in the whole debate, and promised himself a considerable post in the new government. The Duke of Hamilton presided with remarkable discretion and courage; so that the bringing the settlement

so soon to a calm conclusion was chiefly owing to him.

On the 13th of April the Convention ordered a proclamation to be published, forbidding all persons to own the late King James VII. for their King, or obey, assist, or accept any commissions, that might be given out by him, or any way to hold correspondence with him; and requiring all the ministers of the gospel within the kingdom publicly to pray for King William and Queen Mary. This proclamation was partly occasioned by the coming over of one Bradley from Ireland, with commissions from King James, and letters from his Secretary the Earl of Melfort to the Earl of Belcarras, and others (1), discovering the designs of his master and his adherents. Bradley being taken and examined, some expressions were found in these letters, which highly offended the Convention. *You will ask me, without question, says Melfort to Claverhouse, how we intend to pay our army; but*

never

(1) "The first, says the Earl of Belcarras, that found the effects of this power [of the Duke of Hamilton to imprison whomsoever he pleased] was the Viscount of Dundee and myself, occasioned by your Majesty's sending over one Mr. Bradley with letters from Ireland, wherein you gave us the same orders, that before you had done with Mr. H——y; which was to do nothing until your further orders, and that five hundred foot and three hundred horse, which you had ready to send, were landed. These letters were taken by the folly of Mr. Bradley, for he had told all his business to one Mr. T——n, who came over with him out of Ireland on purpose to betray him; and even after he had discovered him to Duke Hamilton, and that he was seized on and searched, they could find nothing about him, all his letters being hid in a false bottom of his wallet; nor had they any suspicion where they were, until he eased all their minds, by telling all he knew of the matter from whom and to whom he came, which had never been known but by him, the letters having no directions. Duke Hamilton, by virtue of the power given him, immediately ordered the Earl of L——n to send over one hundred foot to my Lord Dundee, and as many to me; but his house being twenty miles farther off than mine; besides having the river of Tay betwixt him and them, and having a good party of his own regiment constantly with him, they found it not so safe to apprehend him. But I was taken and brought to Edinburgh, and put in a common goal. I had the liberty of it at first, for some days that the Convention did not sit; but as soon as they met, and read the letters, there were never men in greater rage than generally the whole house was against me. Upon reading of one from the Earl of Melfort to me, wherein after he had given us assurance of speedy relief, he expressed himself much after this manner; *That he wished some had been cut off, that he and I spoke about, and then things had never come to the pass they were at; but when we get the power again, such should be hewers of wood and drawers of water.* This Duke Hamilton took as meant of himself; but what the Earl of Melfort's intentions were in these expressions, I cannot determine; but to justify him and myself, I do declare, that he never in his life made the least insinuation to me of any such proposition. But whatever he intended by them, nothing could have been more to the prejudice of your affairs, nor for my ruin, than this, which did shew, that nothing but cruelty would be used, if ever your Majesty returned. These letters were printed both in Scotland and England, and were like to have their designed effect; for when they were read in the Convention, though I had N. 5. Vol. III.

"many relations there, yet few appeared my friends, except the Duke of Queensberry, which was the more generous in him, for we had been in very ill terms, and until your Majesty's departure, I saw his inclinations sincerely to follow you. He told the house, he doubted not but the Earl of Melfort had writ those letters on purpose to ruin me; and if letters coming to me could be made criminal, it was in the power of every man's enemies to expose him to what they pleased. That which inclined the Duke of Queensberry to believe this the more was, that he knew of my concurring with many of your faithful servants, (notwithstanding of my friendship and relation to the Earl of Melfort) to desire your Majesty by Mr. L——y, Capt. C——n and C——n who were sent to you to intreat, that the Earl of Melfort should not come along with you, for at that time there was never a man in any nation so abhorred; inasmuch that whatever came from your Majesty, if he was thought to be the least concerned in it, there needed no more to give all the Isle of Britain a prejudice against it. This I confess, made many of us desire your Majesty, that he might not come along with you. That there were some, that did this out of perfect spite, I cannot deny; but these were but a few to the vast number, that did otherwise sincerely for your Majesty's service, finding how obnoxious he was to all parties: nor had he greater enemies in the nation, than the generality of the Roman Catholics. Though what the Duke of Queensberry said did shew his inclinations, yet it did signify nothing to allay the heat, for Duke Hamilton told him, he had as little reason as any to satisfy me, for he doubted not but he himself was also meant. And generally all of them thought they were comprehended under hewers of wood and drawers of water. So I was voted close prisoner, where I was kept fourteen weeks, till after the battle of Edinburgh was surrendered, at which time I was put in there. Nor did they limit their rage and malice to me; only by all they thought I was concerned in this, and likewise must feel it; and to make the greater noise, they apprehended several gentlemen, whom they thought my friends, and put them likewise in a common goal; and it was proposed by the Earl of C——d, that the Lord Leche, who was one of those taken with me, should be made close prisoner; he said, he was sure, (considering the friendship I had for him) he knew all, that was designed, or had been acted in the late civil government. But this even Duke Hamilton did not incline to; but the other urging, it was brought to a vote, and carried in the negative only by three."

Act. of the Aff. of Scot. p. 84.

U

(1) During

1689. never fear that, so long as there are rebels estates. We will begin with the great ones, and end with the little ones, &c. In another to the Lord Belcarras he says, *The estates of the rebels will recompense us. Experience has taught our illustrious master, that there are a good number of people, that must be made Gibeonites, because they are good for nothing else. You know, that there are several Lords, that we marked out, when we were both together, that deserve no better. These will serve for examples to others.* After the reading of these letters, the President of the Estates addressing himself to the assembly, said, *You hear, Gentlemen, our sentence pronounced; and that it becometh us either to defend ourselves, or die.* Upon which the Lord Belcarras, the Lord Lochore, and Lieutenant-Colonel Balfour were committed to prison, and several others bound to their good behaviour on sufficient security. And being thus made sensible of their danger, the Estates ordered four new regiments of foot and ten troops of horse to be immediately levied, besides the forces, which several of the Nobility offered to raise. Garrisons were put into the castle of Dumfries, Ardnhill, and Arran; and a ship sent from Ireland with six thousand arms, which were designed for the rebels in the north of Scotland, was seized on the western coast, whither she was driven by a storm.

The tender
of the
crown to
King Wil-
liam.
Ibid.

After the Estates had received the King's answer to their letter, they gave another to their commissioners for tendering the crown to King William and Queen Mary; wherein they desired their Majesties to sign and swear the oath, which the law had appointed to be taken by the Kings and Queens at their accession to the crown, till such time as affairs should allow that kingdom the happiness of their presence, in order to their coronation. They declared, that they were sensible of his Majesty's kindness and paternal care in promoting the Union, which they hoped was reserved for him to accomplish. They thanked his Majesty for sending those troops, that might help to preserve them; and assured him, that as it was the interest of England to contribute towards the security of Scotland; so they should not be wanting on their parts to give their assistance for the reducing of Ireland.

Burnet

The commissioners from the Convention, who were the Earl of Argyle for the Lords, Sir James Montgomery for the Knights, or, as they call them, the Barons; and Sir James Dalrymple for the Boroughs, being arrived at London upon the 11th of May, met in the Council-chamber, and from thence were conducted by the master of the ceremonies to the Banqueting-house, where their Majesties were prepared to receive them, sitting on their thrones. They first presented the letter from the Estates to his Majesty; then

the instrument of government; next, a paper containing the grievances, which they desired might be redressed; and lastly, an address to his Majesty for turning the Convention into a Parliament. All these being read to their Majesties, the King returned to the commissioners the following answer: "When I engaged in this undertaking, I had particular regard and consideration for Scotland; and therefore I did emit a Declaration in relation to that, as well as to this kingdom, which I intend to make good and effectual to them. I take it very kindly, that Scotland hath expressed so much confidence in, and affection to me. They shall find me willing to assist them in every thing, that concerns the weal and interest of that kingdom, by making what laws shall be necessary for the securing of their religion, property, and liberty, and to ease them of what may be justly grievous to them."

After this the coronation-oath was tendered to their Majesties, which the Earl of Argyle spoke word by word distinctly, and the King and Queen repeated it after him, holding up their right hands all the while, after the manner of taking oaths in Scotland. The commissioners, by the authority of the Estates, represented to his Majesty, "That the clause of the Kennet, oath, in relation to the rooting out of Hereticks, did not import the destroying of Hereticks; and that by the law of Scotland no man was to be persecuted for his private opinion; and even obstinate and convicted Hereticks were only to be denounced rebels, or outlawed, whereby their moveable estates are confiscated." Hence his Majesty, at the repeating that clause in the oath, did declare, that he did not mean by these words, that he was under any obligation to become a persecutor. To which the commissioners made answer, that neither the meaning of the oath, nor the law of Scotland, did import it. Then the King replied, that he took the oath in that sense, and called the commissioners there present, to be witnesses of his so doing.

On the 5th of June the Duke of Hamilton acquainted the Convention, that his Majesty had been pleased to appoint him his Commissioner; and that he was impowered to give his consent to an act for the turning the meeting of the States into a Parliament, in which his Majesty's farther pleasure was, that the Earl of Crawford should preside. This act was accordingly passed the same day; and the Parliament was prorogued to the 17th of June.

His Majesty being now King of Scotland, as well as of England, resolved to form a Ministry for that kingdom (1). He determined to rely chiefly for advice on Dalrymple the father, who

1689.

King William and Queen Mary take the coronation oath for Scotland

The Convention is changed into a Parliament.

A Ministry for Scotland. Burnet.

(1) "During the adjournment of the Convention, says the Earl of Belcarras, all appeared very quiet, though at that time humours and discontents began to arise among themselves, the Prince of Orange not being able to satisfy the pretensions and avarice of them all. And those, that had appeared early for his interest, and had been the chief instruments of raising the rabble in Edinburgh, and had shewn their zeal for him in the Convention, thought they had better pretensions than those, who came over with him, they having only acted what they had done out of necessity, being for the most part forfeited persons.

"The Prince of Orange, till he had got his business done, managed both parties, so that each believed he had all to expect; but after the Convention, they quickly found their mistake, for his own inclinations were entirely for those that came over with him, and he got the Lord Melville, a creature of his own, made sole Secretary of State for Scotland, and the council named as he had a mind, at least of such as he, if they could do him no good, they could signify as little against him, by which his power would be the greater. In it were named some, more for shew of their families, than any kindness for their persons or esteem for their parts; such as

1689. had been recommended to him, before he left the *Hague*, by the Pensioner *Fagel*. And though he had heard great complaints of him, (as indeed there was some ground for them,) yet since his son Sir *John Dalrymple* was one of the three commissioners from the States of *Scotland*, he concluded from thence, that the family was not so much hated, as he had been informed; and therefore continued still to be advised by him. The Episcopal party were afraid of Sir *James Montgomery's* being made Secretary of State, from whom they expected nothing but extreme severities; for which reason they used their utmost endeavours to prevent his preferment to that post; and the Lord *Melvil*, who had married the Duchess of *Monmouth's* sister, and had continued from the year 1660 firm to Presbytery, and had been of late forced to leave the kingdom, being looked on as an easy man, who would have credit enough to restrain the fury of that party, he was made sole Secretary. But this proved a very unhappy step; for as he was by his principles bigotted to Presbytery, and ready to sacrifice every thing to the humours of that party; so he proved to be in all respects a narrow-hearted man, who minded his own interests more than either that of the King or of his country. This choice gave a great distaste; and that was followed by a Ministry, in the framing of which he had the chief hand, who were weak and passionate men. All offices were split into commissions, that many might have some share; but it rendered them all contemptible. And though *Montgomery* had a considerable post offered him, yet his mistaking that, which he aimed at, sunk deep in his mind, and began to work in him an aversion to the King, which broke out afterward into much fury and plotting against him. Nor did the Duke of *Hamilton* think, that he was considered, in the new model of the Ministry, as he had deserved, and might justly have expected.

A session
raised in
Scotland.
Burnet.

The Parliament in *Scotland* was opened, on the seventeenth of *June* with much ill humour; and they resolved to carry the redress of grievances very far. Lord *Melvil* hoped to have gained the Presbyterian party, by sending instructions to the Duke of *Hamilton*, to open the session with an act in favour of Presbytery; but the majority resolved to begin with their temporal concerns, and the first grievance, to which redress was desired, was the power of the Lords of the articles, that relating so immediately to the Parliament itself. The King consented to a proper regulation, as that the number should be enlarged and changed, as often as the Parliament should desire it; and that the Parliament might bring matters before them, though they were rejected by the Lords of the Articles. This answered all the just complaints, that had been made of that part of the constitution; but

the King thought it was the interest of the crown to preserve it thus regulated. Yet it was pretended, that, if the name and shadow of that were still kept up, the Parliament would in some time be insensibly brought under all those restraints, that were now to be provided against; for which reason they moved to take it quite away. The Duke of *Hamilton* wrote long letters both to the King and to the Lord *Melvil*, giving a full account of the progress of an ill humour, that was got among them, and of the ill consequence it was like to have. But he had no answer from the King, and Lord *Melvil* wrote him back dark and doubtful orders; upon which the Duke took little care how matters went, and was not ill pleased to see them go wrong. The revenue was settled on the King for life; and they raised the money, which was necessary for maintaining a small force in *Scotland*, though the greatest part of an army of six thousand men was paid by *England*. But even the Presbyterians began to carry their demands high; they proposed to have the King's supremacy, and the right of patronage, taken away; and they asked to high an authority to their Church government, that the Duke of *Hamilton*, though of himself indifferent as to those matters, yet would not agree to them. He thought these broke in too much on their temporal concerns, and would establish a tyranny in Presbytery, that could not be easily borne. He wrote to Bishop *Burnet*, who spoke sometimes to the King on those subjects, his design being chiefly to shelter the Episcopal Clergy, and to keep the change, that was now to be made, on such a foot, that a door might still be kept open. But the torrent was so strong, that it was not possible for the King, had he been ever so zealous for Episcopacy, to have preserved it at that time, and yet all the king's enemies in *England*, continually charged him for the alterations then made in *Scotland*.

A new debate was likewise set on foot in that Parliament concerning the Judges. By the law there, when the King names a Judge, he ought to be examined by other Judges, whether he is qualified as the law directs. But in the year 1661, because the Bench was to be filled with a new set of Judges, so that there was none to examine the rest, the nomination, which the King then made, was read in Parliament; and no objection being made to any of them, they did upon that fit and act as Judges. It was expected, that the same method should be followed at this time. But, instead of that, the King continued such a number of the former Judges, as was sufficient to examine those, who were now to be advanced; so that was ordered to be done. Upon this, those, who opposed every thing, pretended, that the nomination ought to be made in Parliament; and they had prepared objections against

" Marquis of *D*—, Earl of *M*—, Earl *M*—, Earl of *E*—, and Earl of *E*—, who, though they were not fanatics, yet were sure not to contradict any thing, that was to be done. Yet this dissatisfied extremely the Presbyterians, who now thought none should have been admitted, but such as had given proof of their conversion, and so enraged several, that had pretensions, particularly Sir *James Montgomery*, who thought nothing less due to his merit than to be Secretary. Duke *Hamilton*

" was little better satisfied to see, that all the employments were neither at his disposal, nor given to his children and friends, for whom he had made so many fruitless attempts both in your brother's reign and in your own. But the discontents and jealousies were generally known, yet they did not publicly declare against one another till at the first session of the Parliament in *June* 1689 where Duke *Hamilton* was Commissioner and the Earl of *Cratcliffe* a President." *Act. of the Aff. of Scotland*. p. 96.

(1) " Your

1689. against every one, who was in the list; intending by this to put a publick affront on one of the first and most important acts of the King's government. But the Duke of Hamilton had a positive instruction sent him, not to suffer this matter to be brought into Parliament; yet he saw the party was so strong, that they had a clear majority. Nor did he himself very much approve of the nomination, especially that of the elder *Dalrymple*, soon after made Lord *Stair*, to be President. And therefore he discontinued the Parliament.

While these animosities were thus fomented, Viscount *Dundee* had got together a considerable body of Gentlemen, with some thousands of Highlanders. He sent several messengers over to *Ireland*, pressing King *James* to come either to the north of *England*, or to *Scotland*; but at the same time desired, that he would not bring the Lord *Melfort* over with him, or employ him in *Scots* business; and that he would be contented with the exercise of his own religion. It may be easily supposed, that all this was very disagreeable to King *James*; and that the Lord *Melfort* disparaged all the Viscounts undertakings. In this he was much supported by the *French* about that King, who had it given them in charge, as a main instruction, to keep him up to an high owning of his religion, and of all those, who were of it; and not to suffer him to enter into any treaty or conditions with his Protestant subjects, by which the Papists should in any fort suffer, or be so much as discouraged. The *Irish* were willing enough to cross the seas to *England*, but would not consent to the going over to *Scotland*. The Viscount therefore was only furnished from *Ireland* with some small store of arms and ammunition, and had kind promises encouraging him, and all, who joined with him.

Lieutenant General *Mackay* commanded the *English* forces in *Scotland*. He followed the Viscount *Dundee*'s motions, who was less encumbered with cannon and baggage, and so marched quicker than it was possible for *Mackay* to follow. His men were for the most part new levied, and without experience; but he had some old bodies, on whom he depended. The heads of the clans among the Highlanders promised to join him; but most of them went over to the Viscount *Dundee*. At last, after many marches and motions, they came to an engagement on the 26th of May, at *Killcranky*, some few miles above *Dunkell*. The ground was narrow, and Lord *Dundee* had the advantage. He broke *Dundee* through *Mackay*'s army, who fled; and probably, if the Viscount had outlived that day, the victory might have been pursued very far. But a random shot put an end to his life, and to the whole design (1); for *Mackay* rallied his men, and made such a stand, that the other side fell into great disorder, and could never be formed again into any considerable body. And a fort was soon after built at *Innerlochy*, which was called fort *William*, and served to cut off the communication between the northern and southern Highlanders.

The siege of *Edinburgh* was likewise carried on with such vigour, that the Duke of *Gordon* seeing his ammunition spent, his house entirely ruined by the bombs, great breaches made in the walls by the cannon, and the besiegers advanced to the ditch; and despairing of relief, since the Lords *Dunmore*, *Tarbat*, and *Lovat*, with whom he held intelligence, were secured, he delivered up that important fortress on the 13th of June to Sir *John Lamer*, and surrendered himself and his whole garrison to King *William*'s discretion, upon condition that their lives should be secured.

Thus

(1) "Your affairs, says the Earl of *Belcarras* to King *James*, suffered prejudice by the victory, considering the great loss of the Viscount of *Dundee*, who was the man the most proper for any such undertaking in the nation; for he well understood the different tempers of those he had to deal with, and knew well when and to whom it was fit to shew kindness. And though he was naturally more sparing of his money, than profuse, yet wherever your Majesty's service or ambition prompted, he stuck at nothing, but distributed frankly whatever he could command, which gained him intirely the hearts of those who followed him, and brought him into such a reputation, that if he were to be put in all private affairs, that the Prince of *Orange* could neither have gone nor sent into *Ireland*; by which, your Majesty would have been intire master of that Kingdom, and in a condition to have landed what forces you pleased in *Scotland*, which was the only thing all your friends most desired. Next day after the fight, an officer riding by the place, where my Lord *Dundee* fell, found lying there a bundle of papers and commissions, which he had about him. Those, who stripped him, thought them but of small concern, so they left them there lying. This officer a little after did shew them to several of our friends, among which there was one paper did no small prejudice to your affairs, and would have done much more, had it not been carefully suppressed. It was a letter of the Earl of *Melfort*'s to my Lord *Dundee*, when he sent him over your Majesty's Declaration, in which was contained not only an *Indemnity*, but a *Toleracion* for all persuasions. This the Earl of *Melfort* believed would be shocking to *Dundee*, con-

sidering his hatred to fanatics; for he writes, that notwithstanding of what was promised in your declaration, that you would be a toleracion to each other, so, that you would break them when you pleased; nor would you think yourself obliged to stand to them. This not only dissatisfied him, but also many of your friends, who thought a more ingenious way of dealing better both for your honour and interest.

"Never were men in such a consternation as Duke *Hamilton* and the rest of the Parliament then at *Edinburgh*, when they heard from those that fled, of the defeat of *Mackay*. Some were for retiring into *Ireland*; others into the *Western* shires of *Scotland*; nor knew they whether to abandon the government, or stay a few days, until they saw if my Lord *Dundee* came nearer, for they never imagined he was so near. Some were for making them more close; the last was resolved on. So we were all in great confusion, but a great liberty was granted to each other's friends, yet we never had to many visits of your enemies, all making excuse for their absence, protesting they always wished us well, as we should see, whenever they had the opportunity. The fright of those who fled, and the loss of Col. *L—* and several others, to excuse themselves, told all was cut off, when a few days after several came to *Edinburgh*, who, they said, had been killed; and there being no more of the Viscount *Dundee*, we were all much relieved, and to take a little more heart, and soon after they got notice of his death, which put them out of all apprehension; for they knew, that with the loss of him in the army could make use of the victory, which soon appeared." *Ann. of the Aff. of Scot.* p. 127.

(1) H2

1689.

Thus the whole island of *Great Britain* acknowledged the sovereignty of King *William*, and submitted to his government; but *Ireland* was far from following the example of *Scotland*, and it was more than two years before that kingdom was entirely reduced to obedience,

Affairs of
Ireland.
King.
Burnet.
Moyer.

The Earl of *Tyrconnel* had been made Lord Lieutenant of *Ireland* in the beginning of King *James's* reign, on purpose to carry on his designs for the establishment of Popery in that kingdom (1). The Earl of *Clarendon* (whom *Tyrconnel* succeeded) had given publick and solemn assurance that King *James* would maintain their act of settlement. But *Tyrconnel* went roundly to work. He turned all the *English* Protestant officers out of the army, and placed *Irish* Papists in their room. So an army paid by virtue of the act of settlement to secure it, was put into the hands of those who were engaged both in religion and interest to destroy the settlement, and those concerned in it, which was such a violation of the law, as could not be any way palliated. Upon this the Protestants of *Ireland* looked on themselves as in mercy, since the army was now made up of their enemies. *Fitzton*, a zealous Papist, and who knew no other law but the King's pleasure, was at the same time made Lord Chancellor. This struck all people with great terror, to see a man of *Tyrconnel's* temper, entirely depended on by the *Irish*, capable of the boldest undertakings, and of the most cruel execution, in full possession of the government. It was visible, father *Peter* and the Jesuits were throwing King *James* into desperate measures, and that in case all other methods failed, and his *English* army deserted him, he should think of accomplishing his designs by the assistance of *France* and an *Irish* army. In these circumstances was *Ireland*, when the Prince of *Orange* landed in *England*. *Tyrconnel* gave out new commissions for levying thirty thousand men; and reports were spread all over the Island, that a general massacre of the Protestants was designed in *November*. Terrified at this, the Protestants began to run together for their defence both in *Munster* and *Ulster*. They had no great strength in *Munster*, having been disarmed; nor any store of ammunition for the few arms they had. So despairing of defending themselves, great numbers came over to *England*, full of dismal apprehensions for those left behind. They moved earnestly that a speedy assistance might be sent them. In *Ulster* the Protestants had more strength, but they wanted a leader. The Lords of *Granard* and *Montjoy*, in whom they most confided, kept still such measures with *Tyrconnel*, that they would not take the conduct of them. However, *London-derry*, the chief town in the north of *Ireland*, had taken arms before the Prince of *Orange* reached *London*, as had also *Imiskillin*, *Slego*, *Coleraine*, *Kilmore*, and some others of less note. As soon as the Prince came to St. *James's*, the Nobility and Gentry of *Ireland*, who were then in *London*, met at the Duke of *Ormond's* house,

and drew up an address to be presented to him, with draughts of the chief ports of that kingdom, praying him to take them into his protection, which the Lords and Commons of *England* had before desired.

1689.

There was at this time, a great variety of opinions about the affairs of *Ireland*. Some thought that the leaving *Ireland* in so dangerous a state, might be a means to bring the Convention, to a more speedy settlement of *England*, and that therefore the Prince ought not to make too much haste to relieve *Ireland*. This advice was generally believed to be given, by the Marquis of *Hallifax*. The truth was, the Prince did not know whom to trust. The *English* army was discontented, and probably, if he had sent any of them they would have joined *Tyrconnel*: Nor could he send away any of his *Dutch* troops, on whom he chiefly trusted for maintaining the quiet of *England*. Then the magazines were so exhausted, that till new stores were provided, there was little ammunition, to spare. The raising new troops was a work of time, nor were there any ships of war in those seas to secure the transports. And to send a small company of officers with some ammunition, which was all that could be done on a sudden; seemed to be exposing them to the enemy. These considerations inclined him to take another method. It was thought by some, that *Ireland* would certainly follow the fate of *England*. This was managed by an artifice of *Tyrconnel's*, who, by deceiving and threatening the most eminent Protestants in *Dublin*, got them to write over to *London*, and give assurances that he would deliver up *Ireland*, if he might have good terms for himself. The Earl of *Clarendon* was much depended upon by the Protestants in *Ireland*, who made all their applications to the Prince by him. Those who were employed by *Tyrconnel* to deceive the Prince, said, *Tyrconnel* would never resign, unless he was assured, that *Clarendon* was not to succeed. Upon which the Prince avoided speaking to *Clarendon* about the *Irish* affairs, who having possessed himself with the hopes of *Tyrconnel's* post, and seeing them frustrated, became a violent opposer of the new settlement, reconciled himself to King *James*, and remained ever after a warm promoter of his interest. The Prince being under difficulties how to relieve *Ireland*, hearkened to a proposition made him; which was, to send over Lieutenant General *Hamilton*, one of the officers that belonged to *Ireland*, and a sort of prisoner of war to the Prince. *Hamilton* who had served in *France* with reputation, had great credit with *Tyrconnel*, and though a papist, was believed to be a man of honour. He undertook to prevail with *Tyrconnel* to resign, and promised to return, in case he did not succeed. But instead of persuading *Tyrconnel* to submit, *Hamilton* advised him to stand out, for that all things in *England* were turning very fast in favour of King *James*. This step had a very ill effect, for before *Hamilton* came to *Dublin*, *Tyrconnel*

was

1688.
Dec. 9.

(1) He had been named by *Oates*, in his *Narrative*, for that very employment; and therefore when the Protestants saw him put into it, many who believed nothing of a plot before, give credit now to that *Narrative*; and the common saying was, "that if *Oates* was an ill evidence, he was certainly a good Numb. VI. V o l. III.

"prophet." He exercised at the same time so much falsehood and barbarity, that if the army had not been the best principled with loyalty and obedience of any in the world, they would have murdered, or at least have dispatched him. *King's State of Protestants in Ireland*, p. 59.

X

(2) Sir

1682.

was in such despair, as looking on all as lost, that he seemed to be very near a full resolution of getting the best terms he could. This appears the more probable from what passed at an extraordinary council, to consider the state of affairs, held by *Tyrconnel* in the castle of *Dublin* the day after King *James* retired from *Rochester* into *France*, which he could not have heard of. At this council Chief Justice *Keating*, the only Protestant judge in the Kingdom, made a speech to this purpose; "That it would be in vain to contend with the forces, which the Prince of *Orange* had brought to *England*, and which had mastered all opposition, or rather had met none in their march from the *West* to *London*; and that they would certainly find their work as easy in *Ireland*. That they should call to mind the misfortunes they lay under by their last rebellion, and the consequences, that would attend another by the utter forfeiture of all their lands and estates. That in the *North* the Protestants were already in arms, and would readily join with any other Protestants, who should be sent to their assistance. That the government of *England* being in the Prince of *Orange's* hands, there was no succour to be expected from that Kingdom; nor had they any fund of money to maintain a war, the revenue of *Ireland* not being sufficient to discharge the publick expence; and that this revenue would decrease daily. Therefore, concluded he, as I am called to give my advice on this extraordinary occasion, so I will not be answerable for any of the miseries, that may ensue upon your non-compliance, but exhort your Excellency to make a wise, timely, and honourable accommodation, which I doubt not you may obtain for yourself and people. May Almighty God direct your intentions for the good of the publick."

St. of Pr.
in Ir. p.
1. 2.

Tyrconnel heard the Judge with patience, who was seconded by some of the more moderate *Papists*; and at length moved in council, that if they would stand by and declare for the King and the Protestant religion, he would immediately make the Earl of *Granard*, President of that council, Lieutenant General, and the Lord *Montjoy*, Major General of the army of that Kingdom; which the Earl of *Granard* declining, *Tyrconnel* left the council abruptly without coming to any resolution. But *Hamilton's* arrival and persuasions secured him to King *James*, though he saw he must manage so as to gain as much time as he could, that the Prince might not make too much haste before a fleet and supplies came from *France*. Accordingly several letters were sent over to *England* giving assurances that *Tyrconnel* was fully resolved to treat and submit.

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King *James* came into *France* in December 1688, where he was received with great civility by *Lewis XIV.*, but the meanness of his discourse and his whole appearance and behaviour soon gave disgust to that court; and his constant application to hunting made him considered as a Prince, who from a cowardly despair resigned himself up to fortune, and abandoned a crown, which he found himself too weak either to recover or even to wear. In short, the more the *French* saw of him, the less pity they had for his misfortunes. He was perpetually surrounded by the *Jesuits*, affecting to declare himself of their society; and his bigo-

try was so excessive, that it exposed him to contempt; so that the Archbishop of *Rheims*, brother to *Monfieur de Louvois*, seeing him come from mass, could not avoid saying with an ironical tone, there goes a very honest gentleman, who has abandoned three Kingdoms for a mass. However the King of *France* assured him, that as they had both the same interests, so he would never give over the war, till he had restored him to his Throne. The only prospect which King *James* now had, was to keep up his party in *Ireland* and *Scotland*. *Tyrconnel* sent him private messages, earnestly pressing him for speedy supplies, though at the same time to carry on his pretended design to submit to the Prince of *Orange*, and to disguise his real intentions, he persuaded the Lord *Montjoy* to go with the chief Baron *Rice*, to King *James*, to represent to him the weakness of *Ireland*, and the necessity of yielding to the time, and waiting a better opportunity of serving himself of his Irish subjects. He swore most solemnly, that he was in earnest in this message, and that he knew the Court of *France* would oppose it with all their power; for said he, that Court minds nothing but their own interest, and they would not care, if *Ireland* were sunk to the pit of Hell, so they could but give the Prince of *Orange* but three months diversion. But, added he, if the King be persuaded to ruin his faithful friends to do himself no service, only to gratify *France*, he is neither so merciful nor so wise as I believe him to be. If he recover *England*, *Ireland* will fall in course, but he can never expect to conquer *England* by *Ireland*. If he attempts it, he ruins *Ireland* to do himself no kindness, but rather to exasperate *England* the more against him, and make his restoration impossible. He intimated likewise, that if the King would not do it, he would look on his refusal to be forced on him by those, in whose power he was, and that he should think himself obliged to do it without his consent. Every body told the Lord *Montjoy*, that this was all an artifice to amuse the Protestants, and to get him, who was the likeliest man to head them, out of the way; notwithstanding which, he was prevailed upon, contrary to the general opinion of all the Protestants in *Ireland*, to undertake the business, having first had these concessions made him in behalf of the Protestants. 1. That no more Commissions should be given out, or new men raised. 2. That no more of the army should be sent into the *North*. 3. That none should be questioned for what was passed. 4. That no private house should be garrisoned or disturbed with soldiers. He was no sooner set out from *Dublin* with the Chief Baron *Rice*, but *Tyrconnel*, according to his usual method of falsehood, denied these Concessions, and refused to observe any of them; and the Lord *Montjoy*, immediately after his arrival at *Paris*, instead of being heard to deliver his message, was committed prisoner to the battile, on account of the great zeal, which he had lately shewn for the Protestant interest; and this further exasperated the Protestants of *Ireland* against King *James*, and made them look upon him as a violator of publick faith to his subjects. However *Tyrconnel* gained his point, which was a good deal of time. Those who advised the sending over of *Hamilton*, were now out of countenance, and the Earl of *Clarendon* loudly exclaimed against it. Sir *William Temple's* son, secretary at war, who had raised

1689.

State of Pr.
in Ir. p.
1. 2.

Jan. 10.

1689. raised in the Prince a high opinion of *Hamilton's* honour was terribly affected with his treachery, and soon after, without any other visible cause of melancholy, went in a boat on the *Thames* near the bridge, and leaped into the river and drowned himself.

Whatever disposition *Lewis XIV.* had to support King *James*, the *French Ministry* was at that time much divided. *Louvois* had the greatest credit, and was very successful in all his counsels; so that he was most considered. But *Seignelay* was believed to have more personal favour, and to be more entirely united to *Madam Maintenon*. These two were in a high competition for favour, and hated each other. *Seignelay* had the marine, as the other had the army, for his province. King *James* therefore having the most dependance on the marine, and looking on the Secretary for that post as the most powerful favourite, made his chief application to him; which induced *Louvois* to cross and retard every thing, which was proposed for his service; so that matters went on slowly and very defectively. There was likewise another circumstance in King *James's* affairs, that did him much hurt. The Count *de Lauzun*, (who was once designed for the husband of *Mademoiselle de Montpensier*, daughter of *Gaston Duke of Orleans*, though *Lewis XIV.* thought proper to break off the match, after he had consented to it) had come over to *England* to King *James*, and offered him his service, and had at-

tended on the Queen, when she retired to *France*. He had obtained a promise from King *James* of the command of such forces, as the King of *France* would assist him with. *Louvois* hated *Lauzun*; nor did the King of *France* like to employ him; and therefore *Louvois* sent to King *James*, desiring him to ask of the King of *France*, *Sourray*, a son of his, whom he was educating to serve in war, to command the *French* troops. But King *James* had so engaged himself to *Lauzun*, that he thought he could not in honour depart from it. From that moment therefore, it is said, *Louvois* studied by all the ways he could think of, to disparage him, and all the propositions he made. However, King *James* obtained about five thousand *Frenchmen* to be sent over with him to *Ireland* (1), but no considerable supplies of money. But when *Mem de Lauzun*, who was to have the command of these forces, was to depart, he demanded to be made a Duke of *France*, and proposed that affair first to *Seignelay*, who mentioning it to *Lewis XIV.*, the King was extremely angry with the demand, and when *Lauzun* spoke of it to him, expressed himself with great severity. Upon this *Lauzun* excused himself, by alledging, that King *James* had ordered him to solicit that honour; and he requested that King and his Queen to declare the same to the King of *France*, which they both did. But he being refused the title, thought proper to lay aside all thoughts of going to *Ireland*, though King *James* soon after made him a Knight

(1) Sir *John Reresby* tells us, that the *French King* furnished him with a squadron of fourteen men of war, six lesser frigates, and three fireships, all well manned and fitted; as also with a sum of two hundred thousand livres in ready money, and fifty thousand pistoles, as a present for his pocket, together with plate, tents, and a most royal and splendid equipage. He assisted him likewise with eight experienced field-officers, one hundred of inferior note, a guard of one hundred *Swiss*, a band of skilful pioneers, fifteen thousand of his own natural subjects, arms for forty thousand men more, cannon and ammunition in a great abundance, and over and above made him an offer of fifteen thousand of his *French* troops; but King *James* excused himself, saying, *He would succeed by the help of his own subjects, or perish in the attempt.* Sir *John* likewise informs us, that on the first of *March 1688-9*, a Lady of his acquaintance, who had been intrusted with some jewels of King *James's*, shewed him a letter from that King, dated the 17th of *February N. S.* intimating, that he was to set out next day for *Ireland*, and depended upon his old friends to assist him in his cause. This Lady, adds Sir *John*, told me, the *French King* had supplied him with a great treasure of money, and six thousand *Swiss* Protestants; that he intended to go though *Ireland* for *Scotland*, there to call a Parliament, instead of the proposed Convention; and that from thence he would march into *England*, and put himself entirely into the hands of the Protestant interest. She added, that as she had a friendship for the Lord *Privy Seal*, [the *Marquiss of Halifax*] she had a mind to disclose herself to him, if with any safety she so might do. I told her I would speak to his Lordship that very night, and let her know farther. Having an opportunity of speaking to him accordingly, I failed not to be as good as my word, though I must own, the topic being of so nice and tender a sort, I did it with great caution. However, I give him plainly to understand, that the chief motive, which induced the Lady to desire a meeting with him, was, to impart to him what might be for his own good, and the service of the publick. Hereupon he began to be

“ more free and open with me than he had hitherto
“ been on this chapter; and I told him in general,
“ that great designs were on foot. He said, he be-
“ lieved it; and that though men seemed to be for
“ the present interest as most prevalent, it was not al-
“ together discreet to venture too far: That if mat-
“ ters really were as I had said, it was but safe to car-
“ ry it fair with those in the opposition, and so let some
“ people know he spoke always with great respect of
“ King *James*: That if we came to blows, it was
“ uncertain who would strike hardest: and that he
“ should be glad to meet the Lady at my house, when-
“ ever she pleased. But his Lordship however said,
“ all imaginable care would be taken to ward off any
“ danger, that might threaten us: That an army of
“ twenty thousand men would be presently raised:
“ That all suspicious persons would be secured, the
“ Parliament intending to invest the King with a
“ power to imprison whom he pleased, and to keep
“ them in safe custody till they came to a trial; and
“ in fine, that the Parliament would most plentifully
“ furnish the King for the prosecution of the war. At
“ this time several Lords and Gentlemen of both
“ Houses withdrew to their several countries; and I
“ was told, that some, who were outwardly great
“ friends to the present government, were treating for
“ terms on the other side; which I particularly com-
“ municated to his Lordship, and particularly made
“ mention of some he little suspected. Whereupon
“ his Lordship said, that if King *James* was actually
“ driving on at the rate reported, the Papists would
“ certainly contrive some how or other to assassinate or
“ kill King *William*; well knowing, what a task it
“ would be to defend the crown on the head of a wo-
“ man; with much to the same effect.—On the
“ 3d of *March* Lord *Halifax* met the Lady I just
“ now mentioned to have received a letter from King
“ *James*. She dealt very frankly with him, but durst
“ not tell him all she knew. However, he desired
“ her to be his friend, if any alteration of affairs should
“ by any means be brought to pass.” *Reresby's Mem.*
p. 332, &c.

(1) This

1689. a Knight of the Garter; and *Rosen*, a German, was appointed to go in his room under the title of Lieutenant General. The rest of the officers were *Maumont*, Captain of the guards, in the post of Marechal de Camp; *Puiguan*, Colonel of the Regiment of *Languedoc*, as Brigadier of the foot; *Ley Gar*, Brigadier of the horse; and *Bosclaw*, Captain of the guards, as Major General. Besides these officers there were sent likewise an hundred Captains and an equal number of Lieutenants. When King *James* took his leave of the King of *France*, the latter told him; that the best thing he could wish him, was never to see him again. He took shipping at *Brest*, and landed at *King'sale* in *Ireland* on the 12th of *March* 1688-9. The next day he went, with a numerous attendance, to *Cork*, where he was received by the Earl of *Tyrconnel*, who caused one of the magistrates to be executed for declaring for the Prince of *Orange*. On the 24th of *March* King *James* entered *Dublin* in a triumphant manner, and the next morning having called a council turned out the Earl of *Granard* the Chairman, and Chief Justice *Keating*; and in their rooms, placed *Cartwright*, Bishop of *Chester*; and Lieutenant Colonel *Dorrington* and Count *D'Avaux* the French Ambassador, who under another title was Governor of *Ireland* for the King of *France*. In short the officers and domesticks of King *James*, were almost all French.

A secret Treaty with the King of France.

These circumstances gave some colour to a report then current, that there was a secret treaty between him and the French King, by which King *James* obliged himself, as soon as he should be restored to his Kingdoms, to renounce all claim to the title and arms of *France*; to resign the sovereignty of the narrow seas, and the honours of the flag: To furnish *France* at his own charge with thirty ships of the line, and twenty thousand land forces, when he should be required: To make no treaty or alliance, without the consent of the King of *France*; to have an army constantly on foot, and to keep in his pay ten thousand French, and five thousand Catholic Swiss; to yield up *Ireland* to *Lewis*, who in return, engaged to conquer for him *Sicily* and *Sardinia*; and lastly, in case the two Princesses King *James's* daughters, should become widows, to put them into the hands of the French King, in order to be married to whom he should think proper, upon condition, that the eldest son that should be born of such marriage, should be King of *Scotland* and *Ireland*, *England* and it's dominions in *America* remaining to the Prince of *Wales*. The French were to have as a security for the performance of these conditions a garrison in *Dover* castle, and at *Portsmouth* and *Plymouth*. And by the additional articles to this treaty, it was resolved to suppress the Protestant religion in *Ireland*. This treaty appeared so improbable, that the reality of it was doubted by many, but it must be owned that King *James's* conduct in *Ireland*, confirmed the suspicions of others that he had actually entered into such an engagement.

King James publishes five proclamations.

Boyer.

Kennet.

Upon his arrival at *Dublin*, he ordered five

proclamations to be published: one seemingly in favour of his Protestant subjects, who had lately left that Kingdom, requiring them to return home, with assurance of his protection; and further requiring all his subjects, of what persuasion soever, to join with him against the Prince of *Orange*. A second, commending all his Roman Catholic subjects for their vigilance and care in arming themselves; yet whereas it had encouraged some robberies, it required all but such, who were actually under command and pay in the army, to lay up their arms in their several abodes. A third, inviting the country to carry provision to his army. A fourth raising such monies, as were current in *Ireland*; and a fifth, calling a Parliament to meet at *Dublin* on the 7th of *May*. At the same time he created the Earl of *Tyrconnel* a Duke, and bestowed the Royal Regiment on Colonel *Dor-* a Duke. *ington* in the room of the Duke of *Ormond*.

The Protestants were so little inclined to trust King *James's* promises, that they chose to stand upon their defence; and gathering into one body, made a shew of oppoling his forces in the open field. But being routed by Lieutenant General *Hamilton* (1) at a place called *Drummore*, their resistance and defeat gave occasion to King *James* and *Tyrconnel* to use those in their power with redoubled severity, and to march towards the *North* with an army of about twenty thousand men, to force the rest out of their strong holds.

King *William* being sensible of the desperate condition of his Irish subjects, had already sent Capt. *James Hamilton*, with ammunition and arms to *Londonderry*, and named Col. *Lundee*, on whose fidelity he depended, Governor of that town. But it soon appeared, how much he was mistaken in his choice. On the 13th of *April* Mr. *George Walker*, Rector of *Donab-* *moore* in the county of *Tyrone*, who had raised a regiment for the defence of the Protestants, receiving intelligence, that King *James* having taken *Coleraine* and *Kilmore*, after a stout resistance, was drawing his forces towards *Londonderry*, hastened thither to give *Lundee* an account of it. The Governor at first believed it to be only a false alarm, but was soon convinced of the contrary, the enemy being advanced to *Cledysford*. *Walker* returned to *Lysford*, where he joined Col. *Crafton*, and afterwards according to *Lundee's* directions, took his post at the *Long Causey*, which he vigorously maintained a whole night; but being over-powered by the enemy's numbers, retreated to *Londonderry*, where he vainly endeavoured to persuade *Lundee* to take the field. On the 17th of *April* Col. *Lundee* thought fit to call a council of war, and that Col. *Cunningham* and Col. *Richards*, who two days before came into the river of *Lough-Foyle* with their regiments from *England*, should be members of it. Accordingly they met, and with other gentlemen either equally disaffected, or at best, as little acquainted with the condition of the town, or the inclination and resolution of the people, they at last concluded, "that there was no provision in the town of *Londonderry* for

(1) This Gentleman had been banished the Court of *France* for making love to the Princess of *Conti*, the King's daughter, who seemed on her part to be more

fond of his conversation than that of any other person. *Mem. de la Fayette*, p. 193.

(1) King

1689. "for the present garrison, and the two regiments on board, for above a week or ten days at most; and it appearing, that the place was not tenable against a well appointed army; therefore it was not convenient for his Majesty's service, but the contrary, to land the two regiments under Colonel *Cunningham*. That considering the present circumstances of affairs, and the likelihood the enemy would soon possess themselves of that place, it was thought most convenient, that the principal officers should withdraw themselves, as well for their own preservation, as in hopes, that the inhabitants, by a timely capitulation, might make terms the better with the enemy." After this resolution, an instrument was prepared to be subscribed by the Gentlemen of the Town-Council, and to be sent to King *James*, who was advanced in person with his army as far as *St. John's Town*; and it was recommended with this encouragement, that there was no doubt, but upon surrender of the town, King *James* would grant a general pardon, and order restitution of all that had been plundered from them. Some Gentlemen were influenced by these considerations to subscribe; others not only refused, but began to conceive some jealousies of their Governor; and some, though they did but guess at their proceedings, expressed themselves after a ruder manner, threatening to hang both the Governor and his Council. However, Captain *White* was sent out to the King to receive proposals from him; and it was at the same time agreed with Lieutenant-General *Hamilton*, that he should not march the army within four miles of the town. But contrary to this agreement, King *James*, upon the confidence given him, the town would surrender at the sight of his formidable army, advanced on the 18th of April at the head of it before the walls, where meeting with a warm reception, which put his men in some disorder, he retired to *St. John's Town*. In the mean time Mr. *Muckeridge* the Town-clerk, saw it absolutely necessary to give the people some intimation of the proceedings at the council of war; which discovery so enraged them against the Governor and his Council, that the latter finding themselves in danger, made their escape in confusion, though not without some hazard to their persons, from the soldiers themselves, who were under great discontent to be deserted by those, who had engaged them in difficulties, which they were then under. The Governor could not so easily retire, being more obnoxious than any of the rest, and therefore thought it convenient to keep his chamber. A council being appointed there, Mr. *Walker* and Major *Baker* endeavoured to persuade him to continue his government; but he positively refusing to concern himself, they, out of respect to his commission, thought it a duty to contribute to his safety, and suffered him to disguise himself, and in a sally for the relief of *Culmore*, to pass in a boat with a load of match on his back; from whence he went to *Scotland*, where he was secured, and sent to *London*, to answer for the miscarriages laid to his charge.

The garrison of *Londonderry* being thus effectually encouraged by Mr. *Walker* to maintain the town against King *James*, they unanimously resolved to chuse both him and Major *Baker* to be their Governors during the approaching siege. But these Gentlemen considering the importance as well as uncertainty of such an office, acquainted by letter Colonel *Cunningham*, (whose business they had reason to think it was to take care of them) with this matter, and desired him to undertake the charge; but he pretending, that by his instructions he was obliged to obey the orders of Colonel *Lundee*, refused the proposal, and return to *England*, where both he and Colonel *Richards* were deservedly cashiered. Upon this refusal Mr. *Walker* and Major *Baker* accepted the government of the garrison, and regimented the men in the town, to the number of seven thousand and twenty, under eight Colonels, and three hundred and thirty-three inferior officers.

It was certainly a bold undertaking in this *Dis-Boyer p. vine and Major Baker to maintain against a formidable army, commanded by a King in person, an ill-fortified town, with a garrison composed of poor people, frightened from their own homes, and without a proportionable number of horse to sally out, or engineers to instruct them in the necessary works. Besides, they had not above twenty guns, and not one of them well mounted; and not above ten days provision, in the opinion of the former Governor; so that several deserted every day; and others not only gave constant intelligence to the enemy, but industriously endeavoured to betray the Governors. On the 20th of April King James invested the place; and the next day began to batter it; of which the Governors sent advice to England by Mr. *Bennet*, acquainting his Majesty with their resolutions to defend themselves to the last, and imploring a speedy assistance. In the mean time several attacks were made by the besiegers, and as many sallies by the besieged, in both which the besieged had always the advantage; and they would have had less reason to fear either the number or rage of their enemies without, if they had not had within both famine and sickness to oppose.* 60.

On the 29th of April King *James* retired from the camp (1) to meet his Parliament at *Dublin*. King *James* and the besiegers finding their attempts still attended with ill success, removed their main body from *St. John's town*, and pitched their tents upon *Bely-warry hill* about two miles distant from *Londonderry*, for the closer guard of the town, to hinder the besieged from coming to the wells of Water. On the 17th of June the besiegers made an assault on that part of the place, which they thought most accessible, but were repulsed with great slaughter; and the next morning they began to batter the walls with the usual ill success. On the other hand the besieged began to be reduced to the last extremity, when they espied three ships, that fired at *Kilmore castle*, and attempted to come up the river, which however was prevented by the enemies shot. Not long after they discovered a fleet of thirty fail

(1) King *James* came in person to encourage the besiegers; but finding the siege went on very slowly, he is said to express himself thus, *Had his army been* N^o. 6. Vol. III.

English, they would have brought him the town stone by stone by that time. Story's Continuation of the war in Ireland, p. 5.

(1) The

1689. fail in the *Lough*, which they believed came from *England* to their relief, though they could not propose any method to get intelligence from them, the enemy watching them more narrowly, and having raised batteries opposite to the ships, lined both sides of the river with musketeers, and contrived in the narrow part of the river, where the ships were to pass, a fort of flaccado, being a boom of timber joined by iron chains, and strengthened by a cable of twelve inches thickness twisted round it. Notwithstanding these difficulties, one *Reck* boldly adventured to get to the water-side over against the town, and then swimming cross the river gave the besieged an account, that Major General *Kirk* (1) was come to their assistance with men, provision, and arms; and how much he desired to get with his ships up to the town. With this messenger *Kirk* had sent another, one *Crummy*, a *Scotsman*, to give them the same account, and to know the condition of the garrison; but he being taken by the enemy, was by them intrusted to frame a message much differing from the other. Thereupon the besiegers invited the garrison to a parley, telling them, that they were under great mistakes about the Major General, and their expectations from *England*, where things were all in confusion; and that they might have leave to inform themselves further from the messenger, whom they had taken. The besieged sent some to that purpose, who soon discovered the cheat, and returned with other particulars of his treachery. The Governors received further intelligence by a little boy, who with great ingenuity brought two letters from the Major General at *Inch*, the one tied in his garter, and the other within a cloth-button. By the latter the General assured Mr. *Walker*, "that he would endeavour all means imaginable for their relief, but found it impossible by the river, which made him send a party to *Inch*, whither he was going himself to try, if he could beat off the enemies camp, or divert them so, that they should not press the town. That he had sent officers, ammunition, arms, great guns; &c. to *Imiskillin*, who had 3000 foot and 1500 horse, and a regiment of Dragoons, that had promised to come to their relief; and at the same time he would attack the enemy by *Inch*. That he expected six thousand men from *England* every minute, they having been shipped eight days before. That he had stores and victuals for the town, and was resolved to relieve them. That *England* and *Scotland* were in a very good posture, and all things there very well settled. That they in the town should be good husbands of their victuals, and, by God's help, they should overcome those barbarous people. That several of the enemy had deserted to him, who all assured him they could not stay long."

All this while the besieged were not a little weakened by the raging famine; and though

many bold attempts were made to reach the ships in the river, they were still frustrated by the enemies shot. About this time Major *Baker* being taken very ill, and made incapable to act as Governor, Col. *Michelburn* was chosen to assist Mr. *Walker*, that if one should fall, the town might not be left without a government, and to the inconveniences of a contested election. On the other side the arrival of Marshal *Rosen*, the French General, who was appointed to command in chief in the Irish camp, very much spirited the besiegers. This General having viewed the fortifications of the town, and finding, how little his men had advanced in the siege, expressed himself with great fury against the besieged, and swore he would level the place with the ground, and bury those, who defended it in its ruins, putting all to the sword, without consideration of either age or sex, and would study the most exquisite torments to lengthen the misery of such, as he should find obstinate. But neither his threats nor his fair promises, of both which he was very liberal, had any effect upon those, who had so absolutely devoted themselves to the defence of their city, their religion, and the interest of King *William* and Queen *Mary*. And lest any should contrive to surrender the town, or move it to the garrison, the Governor made an order, that no such thing should be mentioned upon pain of death. On the 20th of June died Governor *Baker*, to the great loss and affliction of the besieged. Three days before Lieutenant-General *Hamilton* sent some plausible offers to the garrison, to which they seemed to hearken, till they had used that opportunity to search for provisions; and though they were reduced to the necessity of feeding upon horse-flesh, dogs, cats, rats, and mice, tallow, starch, dried and salted hides; in a word, on the most loathsome things, that men in their condition ever used for sustenance; yet they unanimously resolved to eat the Irish, and then one another, rather than surrender; and their answer to *Hamilton* was, "that they much wondered he should expect they should place any confidence in him, who had so unworthily broke faith with King *William*, their Sovereign: that he was once generously trusted, though an enemy, and yet betrayed his trust; and they could not believe he had learned more sincerity in an Irish camp." This bold answer so enraged the French General, that he published an order directed to the Governors and Garrison of *Londonderry*, importing, "that if they did not deliver the town to him by the first of July, according to Lieutenant-General *Hamilton*'s proposals, he would dispatch his orders as far as *Ballyshannon*, *Charlemont*, *Belfast*, and the Barony of *Imphoven*, and rob all, protected as well as unprotected, Protestants, that were either related to the garrison, or of their faction; and that they should be driven under the walls of *Londonderry*, where they should be suffered to starve.

"He

(1) The employing of him was not at all approved of. Though he had deserted King *James*, it was feared, that he was so conscious of his sanguinary conduct, after the defeat of the Duke of *Monmouth* at *Marston*, that, as the English Protestants would never be reconciled to him, so he must therefore do something to regain the good will of their enemies. However,

this is certain, that he lay six weeks in the *Lough* without attempting to relieve the garrison of *Londonderry*, who were all the while reduced to the utmost distress. *Oldmixon*, p. 21. This agrees with what Bishop *Burnet* says, that *Kirk* made not that haste to relieve them that was necessary, considering the misery they were in, II. 12.

(1) Colonel

1689. "He also threatened to ruin and lay waste all their country, if there should appear the least probability of any troops coming from England for their relief." But he concluded, "that if they would return to their obedience, and surrender the town upon any tolerable conditions, he would cause the capitulation to be punctually observed, and protect them from all injuries." But the besieged received this letter with the same contempt and indignation, as they had done Hamilton's proposals.

State of
Pr. in Ire-
land p.
107.
Walker
p. 36

The news of this order being brought to Dublin before it was executed, the Bishop of Meath went immediately to King James, to see, if he could prevail with him to prevent such a barbarous proceeding. The King very calmly said to the Bishop, *that he had heard of it before, and that he had sent orders to stop it: that General Rosen was a foreigner, and used to such proceedings, as were strange to us, though common in other places; and that if he had been his own subject, he would have called him to account for it.* Yet he continued that General still in employment, whose dragoons and folders executed his orders against the Protestants with the utmost rigour. They first stripped and drove the whole country for thirty miles round before them, not sparing nurses with their sucking children, women big with child, nor old decrepit persons; some women in labour, and some who were just brought to bed, were driven among the rest. The very popish officers, who executed the thing, confessed that it was the most dismal sight they had ever seen; and that the cries of the poor people seemed to be still in their ears. They owned, that they gathered above four thousand, others said, seven thousand; and that they kept many of them without meat or drink for a whole week; that several hundred died in the place before they were dismissed, and many more on the way as they went home again to their houses: Nor were they better, when they came there; for the straggling soldiers, rapparees, and pilferers, who followed the army, had left them neither meat, drink, household stuff, nor cattle, but had taken away all in their absence, so that the generality of them afterwards perished for want, and many of them were knocked on the head by these soldiers. This shocking proceeding confirmed the besieged in their resolution never to yield to such barbarous people; and it made them set up a gallows in view of the besiegers, and threaten to hang all the prisoners they had taken during the siege, if their friends were not immediately dismissed; and they acquainted the enemy, that they might send priests to their friends to prepare them for death after their own methods. The prisoners declared, they could not blame the garrison for putting them to death, since their own people exercised such cruelty on innocent persons, who were under their protection; but desired leave from the Governor to write a letter to Lieutenant General Hamilton, which being allowed, they sent him a letter signed by Netterville, Butler, Aylmer, Macdonel, Darcy &c. acquainting him, *that the lives of twenty prisoners lay at stake, and therefore, they made it their request, that he would represent their condition to the Marshal General Rosen. That they were all willing to die with swords in their hands for his Majesty, but it was hard to suffer like malefactors; nor could they lay their blood to the charge of the garrison, the gover-*

nor and the rest having treated them with all civility imaginable. To this letter the Lieutenant General answered, *that what those poor people were like to suffer, they might thank themselves for, being their own fault; which they might prevent by accepting the conditions, that had been offered them.* And if, added he, *you suffer in this, it cannot be helped, but shall be revenged on many thousands, of those people, as well innocent as others, within or without that city.* However the sight of the gallows, and the importunity of some friends of those, who were to suffer prevailed upon Hamilton; so that on the 4th of July the poor half starved Protestants had leave to return to their habitations, after they had been kept under the walls of the town three days without meat. The garrison now consisted of five thousand seven hundred and nine men; and to lessen that number yet more, the Governors crowded five hundred of their useless people among the Protestants under the walls, who passed undistinguished with them, though in exchange they got some able and strong men out of their numbers.

By this time the scarcity of the vilest eatables was increased to such a degree, that the garrison and inhabitants had nothing left, unless they could prey upon one another. And it is remarkable, that a certain gentleman, who had preserved himself in good case, whilst the generality were reduced to skeletons, conceived himself in the greatest danger, and fancying several of the soldiers looked upon him with a greedy eye, thought fit to hide himself for three days. Mr. Walker, the Governor, being with good reason apprehensive, that these discouragements might at length overcome that resolution, which the garrison had so long expressed, considered of all imaginable methods to support them; to this end he preached on the 30th of July, in the Cathedral, and endeavoured to confirm their constancy by reminding them of what "importance it was to the Protestant religion at that time; and told them that they need not doubt, but that God would at last deliver them from the difficulties they were under." In this he proved a true prophet, for about an hour after the sermon, the garrison discovered three ships, which Major General Kirk had sent, according to his promise, "that when they could hold out no longer, he would be sure to relieve them, to the hazard of himself, his men, and ships" The *Montjoy* of Londonderry, commanded by Captain Browning; and the *Phoenix* of Coleraine, commanded by Captain Douglas; both laden with provision, were conveyed by the *Dartmouth* frigate. The enemy made a most furious fire upon them from Culmore, and both sides of the river, which they received and returned with the greatest bravery. The *Montjoy* made a little stop at the boom, occasioned by her rebound, after striking and breaking it, so that she was run a ground. Upon this the enemy gave the loudest and most joyful shout, and the most dreadful to the besieged, fired all their guns upon her, and were preparing their boats to board her. The trouble and concern of the besieged to see their last hopes disappointed are not to be expressed; but the *Montjoy* firing a broad side, the shock loosened the ship so, that she got clear, and passed the boom. Captain Douglas all this while was engaged and the *Dartmouth* gave the enemy warm

1689.

Walker p.

36-40.

Walker

p. 40-42.

133. warm entertainment, till at length the three ships got up to the town to the inconceivable joy and transport of a garrison, which reckoned only upon two days life, having nothing left but nine lean horses, and a pint of meal to each man. Hunger and the fatigue of war had so far prevailed amongst them, that of seven thousand five hundred men regimented, they had now alive but four thousand three hundred, of whom at least a fourth part were rendered unserviceable. This brave and successful undertaking to discourage the enemy, that on the last of July they raised the siege in the night-time with great confusion, and in their retreat made a miserable havoc in the country, robbing and burning all before them for several miles. They lost between eight and nine thousand men before the walls of the town and an hundred of their best officers, most of whom fell by the sword, the rest of fevers and fluxes, and the French pox, which was very remarkable upon the bodies of several of their dead officers and soldiers. Upon their retreat they first incamped at *Strabone*; but hearing of the defeat of their forces under Lieutenant General *Mackarty* by the *Inniskillin* men, they removed their camp further off. Major General *Kirk* being come to *Londonderry* was received by the Governor and the whole garrison with the greatest joy and acclamations; and the next day Mr. *Walker* complimented him with his own regiment, *that after doing the King all the service in his power, he might return to his own profession*. But the Major General desired him to dispose of it as he pleased; and accordingly he bestowed it on Captain *White*, a Gentleman of experienced valour and known merit. The same day a Council was called at *Londonderry*, wherein Mr. *Walker* was desired and prevailed on immediately to embark for *England* with an address of thanks from the garrison and inhabitants to their Majesties; and upon his arrival at court received that welcome and reward, which his eminent services had merited (1).

Account of *Inniskillin*, another town in the north of Ireland, signalized itself no less than *Londonderry* in

the Protestant cause; for upon notice, that *Derry* 1689. had denied entrance to the Lord *Antrim's* regiment they resolved not to admit any *Irish* garrison; and having raised a regiment of twelve companies, gave the command of it to *Gustavus Hamilton*, a person of conduct and resolution, whom they likewise chose for their Governor. The townsmen being thus in some posture of defence, proclaimed King *William* and Queen *Mary* on the 11th of March; but the Lord *Gilmer* declaring for King *James* some time after his arrival at *Dublin*, summoned the Governor of *Inniskillin* to surrender that place to him, with a promise from the King to grant them better terms than they might ever expect from him afterwards. A Council being called, it was unanimously agreed to stand firm to their former resolutions of defending the Protestant religion, and maintaining King *William's* title. Whereupon the Lord *Gilmer* landed all his forces towards *Crom*, a castle sixteen miles from *Inniskillin*, and possessed by the Protestants, which was besieged sometime by part of his troops; but the *Inniskilliners* having thrown a relief of two hundred men into the castle, forced him to raise the siege, and to retreat to *Belturbet*. On the 24th of April a detachment of the garrison of *Inniskillin*, headed by Lieutenant-Colonel *Lloyd*, made an excursion into the enemies country, took and demolished the castle at *Angbor*, and returned home with a considerable booty. Several other skirmishes and encounters passed between the two parties, wherein the *Inniskilliners* always came off with advantage; but the most remarkable of those actions was that which happened, the day before *Londonderry* was relieved, wherein two thousand *Inniskilliners* fought and routed six thousand *Irish*, at a place called *Newton-Butler*, and took their commander *Mackarty* (commonly called Lord *Monestiel*) with the loss only of twenty men killed, and fifty wounded (2).

Pursuant to King *James's* proclamation, the *King* *Irish* Parliament met at *Dublin* (3) the 7th of *James's* *May*; and the same day he made a speech, wherein *speech to the Irish Parliament*.

(1) Colonel *Michellburn*, who commanded one of the regiments in *Londonderry* during the siege, claimed to himself a considerable share in the defence of that town, and drew up a memorial wherein he complained of the injustice done him both by Colonel *Baker* and Mr. *Walker*, in assuming to themselves all the honour of it, and taking little or no notice of him, who, according to that memorial, was from the first to the last of that siege as forward and as serviceable as they, and particularly in advancing considerable sums of money for the use of the garrison, which they were not so well able to do; and which he himself wanted afterwards so much, that in Mr. *Harley's* ministry he lay in the Fleet prison for a debt contracted while he was soliciting the payment of the arrears coming to him, which were paid at last, but in a manner far short of the merit of so gallant an action in the defence of *Londonderry*. *Oldmixon*.

(2) This is the account of *Story* in his *Continuation of the wars in Ireland*; and it is probable, that Mr. *Burchet* means the same action, when he tells us that "about the time of raising the siege of *Londonderry*, the King's forces commanded by Colonel *Berry*, near *Linaskea*, had a signal victory over the enemy, inasmuch that with the number killed by the army, and those which were knocked on the head by the country people, they lost not less than four thousand men; and their cannon, with most of

"their surviving officers, were taken, among whom "was Major-General *Mackarty*, who was shot through "the thigh, and run into the back." *Burchet*, B. IV. c. 2. p. 319.

(3) Bishop *King* observes, that every body foresaw, what a kind of Parliament that would be, and what was like to be done in it. "Our constitution," says he, lodges the legislative power in the King, Lords, and Commons: and each of these is a check on the other; that if any one attempt a thing pre-judicial to the kingdom, the other may oppose and stop it. But our enemies had made all these for their purpose; and therefore no law could signify any thing to oppose them, it being in their power to remove any laws when they pleased, by repealing it. "The King was their own, both inclined of himself, and easy to be prevailed on by them, to do what they would have him; so that we could promise ourselves no help from his negative vote." The Bishop then shows what methods were taken to fill the House of Lords with Popish Peers, so that there were only four or five Protestant Lords Temporal, and four Spiritual Lords in it; several acts being passed not by the consent of these last, though it was pretended in the preambles to them; and that the House of Commons was filled in such a manner, that only two Protestants, such as deserved that name, were in it. By this means "the Parliament openly proclaimed itself a "slave

1689. he told them, "That the exemplary loyalty, which that nation expressed to him, at a time when others of his subjects so undutifully misbehaved themselves to him, or so basely betrayed him; and their seconding their deputy, as they did, in this bold and resolute asserting of his right, in preserving that Kingdom for him, and putting it in a posture of defence, made him resolute to come to them and to venture his life with them, in defence of their liberties and his own right. That to his great satisfaction he had not only found them ready to serve him, but that their courage had equalled their zeal. That he had always been for liberty of conscience, and against invading any man's right or liberty, having still in mind that saying of holy writ, *Do you as you would be done unto, for this is the law and the prophets*. That it was this liberty of conscience he gave, which his enemies both at home and abroad dreaded to have established by law in all his dominions, and made them set themselves up against him, though for different reasons, seeing that if he had once settled it, his people, in the opinion of the one, would have been too happy, and in the opinion of the other, too great. That this argument was made use of to persuade their own people to join with them, and so many of his subjects to use him as they had done; but nothing should ever persuade him to change his mind as to that, and whereforever he was master, he designed, God willing, to establish it by law, and have no other test or distinction but that of loyalty, expecting their concurrence in so Christian a work, and in making laws against profaneness and against all sorts of debauchery. That he should most readily consent to the making such good and wholesome laws, as might be for the good of the nation, the improvement of trade, and relieving such as had been injured by the late act of settlement, as far forth as might be consistent with reason, justice, and the publick good of his people. That as he should do his part to make them happy and rich, he made no doubt of their assistance, by enabling him to oppose the unjust designs of his enemies, and to make the nation flourish. That to encourage them the more to it, they knew with how great generosity and kindness the most Christian King gave sure retreat to the Queen, his son, and himself, when they were forced out of England, and came to seek for protection and safety in his Kingdoms; how he embraced his interest, and gave him such supplies of all sorts, as enabled him to come to them, which without his obliging assistance he could not have done; and that this he did at a time, when he had so many considerable enemies to deal with, and still continued so to do." He concluded as he had begun, and assured them, that he was as sensible as they could desire of the signal loyalty they had expressed to him; and that he should make it his chief study, as it had always been, to make them and all his subjects happy."

This speech being ended, and the King withdrawn, Sir Richard Neagle Attorney General, who was chosen Speaker of the Commons, extolled to that house their obligations to the King of France and the Duke of Tyrconnel for that glorious meeting, and how proper it was for both houses to return his Majesty thanks for his gracious speech, and to desire Count D'Avaux, the French Ambassador, to do the same to his most Christian Majesty, on their behalf, for his generous assisting King James. These addresses were drawn up and presented immediately; and then a bill was brought in, containing a recognition of the King's title, and an abhorrence of the Prince of Orange's usurpation, and detection of the English. The next day his Majesty published the following Declaration, addressed to all his loving subjects in the Kingdom of England.

"James Rex.

"Altho' the many calumnies and dismal stories, by which our enemies have endeavoured to render us and our government odious to the world, do now appear to have been advanced by them, not only without any ground, but against their own certain knowledge, as is evident by their not daring to attempt to prove these charges to the world; which we cannot but hope hath opened the eyes of our good subjects, to see how they have been imposed upon by designing men, who, to promote their own ambitious ends, care not what slaughter they reduce our kingdoms to; yet we cannot but rejoice, that we have had an opportunity to demonstrate the falshood and malice of their pretences, since this our arrival in this our Kingdom of Ireland, by making it our chief concern to satisfy the minds of our Protestant subjects, the defence of their religion, privileges, and properties is equally our care with the recovery of our rights. To this end we have preferred such of them, of whose loyalty and affection we are satisfied, to places both of the highest honour and trust about our person, as well as in our army. We have, by granting our Royal protection to such, whose minds were shaken by the arts of our rebellious subjects, dispelled their apprehensions, and effectually secured them against the attempts even of their private enemies. Our ear hath always been open to their just complaints; and so far hath our royal mercy been extended to those, who were in arms against us, that we have actually pardoned several hundreds of them; and most notorious criminals are kept in an easy confinement, as they themselves acknowledge. We have taken care, that our subjects of the church of England be not disturbed in the exercise of their religion; and all Protestant dissenters enjoy liberty of their consciences without any molestation. And, out of our Royal care for the prosperity of our people, we have recommended to our Parliament as the first thing necessary to be dispatched, to settle such a security and liberty both in spiritual and temporal matters,

"as

"slave to the King's will, and he was looked on as factiously and rebelliously inclined, that would dare to move any thing after any favourite in the House No. 6. Vol. III.

"had affirmed, that it was contrary to the King's pleasure." *State of Protestants in Ireland*, p. 168—172.

as may put an end to these divisions, which have been the source of all our miseries; being resolved, as much as in us lies, to entail liberty and happiness upon our people, so far as to put it out of the power of our successors to invade the one, and infringe the other. And this, we take God to witness, was always our design, of which we see our good subjects here are more and more convinced by the great numbers of those, who having been seduced or frightened by the restless importunities of our enemies, are returned to their country and habitations, and who assure us daily more would follow, if the ports were open. But the *Usurpers* know too well the sincerity of our intentions to permit the repassage of our said subjects, fearing nothing more than that their experience should undeceive the rest, who are restrained more through ignorance than any ill intention; and therefore deny them that liberty, which we afford to all, whose designs, we are satisfied, tend not to the disturbance of the peace. By this our gracious and royal care of our *Protestant* subjects, where the greatest part of our nation is *Catholic*, and have, as well as we, received the highest provocation from their fellow-subjects of contrary persuasions, so that nothing but our inclination to justice, and desire to see our people flourish, could move us to such a proceeding, we hope our subjects in *England* will make a judgment of what they may expect from us; and we do hereby promise and declare, that nothing shall ever alter our resolutions to pursue such, and no other methods, as by our said subjects in Parliament shall be found proper for our common security, peace, and happiness. And that none may be debarred of assisting us in recovering our rights, and redeeming of our people from their present slavery, out of any apprehensions from past miscarriages, we do hereby assure all our subjects of what quality soever, let their crimes against us be ever so great, that if in twenty four days after our appearance in person in our kingdom of *England*, they return to their obedience, by deserting our enemies, and joining with us, we will grant them our full pardon, and all past miscarriages shall be forgot; so little do we delight in the blood or ruin of our peo-

ple. But if after this our gracious condescension they shall yet continue to assist our enemies and rebels, we do, before God, charge all the blood, which shall afterwards be shed, upon them and their adherents; and we doubt not, by the blessing of God upon our arms, to force the most obdurate to their duty; though, as we have made appear, in reducing our rebellious subjects in this Kingdom, we desire to use no other than lenity and mercy."

How ill King James's proceedings agreed with this declaration and speech was quickly seen, for on the 12th of May a bill was brought in to the house of commons by the Lord Chief Justice Nugent (1) for repealing the act of settlement; which, without any opposition, was read three times, and sent to the Lords. By this bill two thirds of the Protestants of the Kingdom, who held their estates by virtue of the acts of settlement and explanation, were deprived of them. There was no consideration had, how any man came to his estate; for though he purchased it at ever so dear a rate, he must lose it, and it was to be restored, without exception, to the proprietor or his descendant, who had it before October 22d 1641, upon what account soever he lost it; though they themselves did not deny, but many deserved to lose their estates; and even the son of Sir Phelim O Neile, the great murderer and rebel, was restored. In the upper house the Bishop of Meath very learnedly argued against this bill, alledging, among other objections, that no penalty was provided on such as should enter estates without injunctions; no considerations for improvements; no saving for remainders; no time given tenants and possessors to remove their flock and corn; no provision for protestant widows; and that it allowed only reprisals for original purchase-money, which was hard to make out, and was an injury to the second or third purchaser. He shewed likewise, that the bill was unjust, and not for the public, or even the King's advantage; but would ruin the Kingdom and destroy the public faith, as well as inconvenient in point of time. And he concluded with these words: "My Lords, either there was a rebellion in this Kingdom [in 1641], or there was not. If there was none, then we have been very unjust all this while in keeping so many innocent

1689.

Act of settlement repealed
State of
Justice Nugent (1) for repealing the act of settlement
174-
185.

(1) This Gentleman, who was afterwards created Baron of *Riverstown*, was the son of one, who had been Earl of *Wiltshire*, but had lost his honour and estate for being an actor in the rebellion begun in 1641. He had never been taken notice of at the bar, when he was advanced by King James to the post of Chief Justice of the King's Bench, and pitched upon to judge, whether the outlawries against his father and his fellow-rebels should be reversed; and whether the settlement of *Ireland* founded on those outlawries should stand good. It was a demonstration to the Protestants, what the King intended, when he assigned them such a Chief Justice; and indeed this Gentleman did not fail to answer the expectation conceived of him. He reversed the outlawries as fast as they came before him, notwithstanding a statute made in point against it; and in all causes, that ever came before him, wherein the plaintiffs and defendants were Papist and Protestant, he was observed always to give sentence for the former. Nay, it was shrewdly suspected, that he went farther in some considerable causes, and not only appeared for them

on the Bench, but also secretly encouraged and fomented them. Before him, a deed should be judged forged or not forged, according as it served a Popish interest. And a Protestant needed no more to gain a cause against another Protestant than to turn Papist. He signalized himself likewise in another respect, which was by committing and persecuting persons for feigned offences and treasons, and by countenancing and encouraging, and after discovery, protecting false witnesses against Protestants. Many were brought in danger of their lives by his contrivances; and when the accused were acquitted on trial, by a palpable demonstration that the witnesses were perjured, he declared that they neither could nor should be prosecuted, for they only swore for the King, and he believed the accused persons guilty, though it could not be proved. In short, he shewed all the venom and rigour against them he could; he was set up to destroy them, and he went as far in it as his power could reach; his weakness, not his inclination, hindered him from carrying it further." *King's State of Protestants*, p. 63, 69.

(1) i.e.

1689. "cents out of their estates; and God forbid, that I should open my mouth in defence of so gross an injustice. But then what shall we say to his Majesty's Royal father's declaration in his *Icon Basilike*, who there owns, that there was a rebellion; and in pursuance of that opinion, passed an act to secure such as should adventure money for the suppressing of it; Nay, what shall we say to the two *Bills*, that have been brought into this house, the one by an honourable Lord, which owns it fully; the latter from the Commons, which owns a rebellion, but extenuates it? I take it then for granted, there was a rebellion; and if so, it was either a total or a partial one. If it was a general one, then all were guilty of it, and none can pretend to be restored to his estate farther than the King in his mercy shall think fit to grant it him. If it was a partial one, then some discrimination ought to be made between the innocent and the guilty; the innocent should be restored, and the guilty excluded from their estates. But here is a bill, that makes no distinction between them, but innocent and nocent are to fare alike; the one is to be put in as good a condition as the other. And can your Lordships imagine, that it is reasonable to do this, when we all know, that there has been a *Court of Claims* erected for the trial of innocents; that several had put themselves upon the proof of their innocence; and after a full hearing of all that they could offer for themselves, have been adjudged nocent?" But notwithstanding the force and evidence of the Bishop's reasons, supported by an address in behalf of the purchasers under the act of settlement, presented to the King by the Earl of Granard, and drawn up by the Lord Chief Justice Keating; yet the Lord Chancellor Fitzton's (1) arguments prevailed, and the bill received his Royal assent, and passed into an act.

Nor indeed could it be expected otherwise, when the greatest part of both houses were Roman Catholics, and consisted of the sons and descendants of those persons, who had forfeited their estates by the rebellion in one thousand six hundred and forty one, men, who had no freeholds or estates in the Kingdom, but were purposely elected to make themselves estates by taking them away from Protestants. And by these means the *English* Protestants lost more in Ireland than all King James's party in England and Scotland at that time were worth.

But to make a final extirpation of the Protestants, there was an *Act of Attainder* passed in Parliament, by which all Protestants, whose names they could find, of both sexes, and all ages and degrees were attainted of high treason, and their estates vested in the King, upon pretence of their being out of the kingdom at the time of passing the act. And lest some should be forgotten of those, who were absent, and not put into the bill of *Attainder*, there was contrived a general clause in the act of repeal, by which the real estates of all, who dwelt or staid in any place of the three kingdoms, which did not own King James's power, or corresponded with any such as were termed rebels, or were any ways aiding, abetting, or assisting to them from the first day of August 1688, are declared to be forfeited and vested in his Majesty; and that without any office or inquisition found thereof. By which clause almost every Protestant, who could write, in the kingdom, had forfeited his estate; for the packets went from London to Dublin, and back again, constantly from August to March 1688, and few had friends in England, or in the north, but corresponded with them by letters; and every such letter is made by this clause a forfeiture of estate. They had intercepted and searched every packet, that went or came the latter part of this time, and kept vast heaps of letters, which were of no consequence at all to the government;

(1) He had been detected of forgery, not only at Westminster and Choster, but likewise fined by the House of Lords in Parliament, and laid many years in prison, whence he was taken by King James, and advanced to the office of Lord Chancellor of Ireland; though he wanted law and natural capacity, as well as honesty and courage, to discharge such a trust, and had no other quality to recommend him besides his being a convert Papist. But the mystery of this promotion was easily discovered. The Papists of Ireland had gone a great way to retrieve the estates, which they had forfeited by the rebellion in 1641, by counterfeit settlements, forgeries, and perjuries; and to do their business in a great measure, there needed no more than to find a judge, who would be favourable to and countenance such proceedings; and where could they find a more favourable judge than one, who was notoriously involved in the same guilt, and who probably in some cases did not esteem such arts unlawful? But besides this, there is requisite to a Chancellor a peculiar quickness of parts and dexterity, to penetrate into the contrivances of cheats and forgeries; for which Sir Alexander Fitton's natural slowness and heaviness incapacitated him. But this very defect, together with his zeal for Popery, fitted him to execute the King's design as effectually as any that could have been found. He could not understand the merit of a cause of any difficulty, and therefore never failed to give sentence according to his inclination, having no other rule to lead him. And how he was inclined towards Protestants, appeared from his declarations on all occasions against them. He did not flick, on a hearing, to declare, that they were all rogues, and that amongst forty

thousand there was not one, who was not a traitor, a rebel, and a villain. For this reason he would not allow the guardianship of a child to the Protestant mother, but gave it, against the positive words of the law, to the Popish relations. For this reason he refused to hear so much as a demurrer in the case of Mr. Strafford, the Popish Dean of Christ Church. For this cause he over-ruled both the common rules of practice of the courts, and the laws of the land, declaring in open court, "that the Chancery was above all laws, and that no law could bind his conscience;" and he acted accordingly in many cases, where the Protestants were concerned. After hearing a cause between one of them and a Papist, he would often declare, that he would consult a Divine before he gave a decree; that is, he would have the opinion of a Popish Priest, his Chaplain, educated in Spain, and furnished with distinctions to satisfy his conscience, how far he should do justice to Protestants. Many Papists came and made affidavits of being in possession, when they never were, and got injunctions and orders without any more trouble to quiet their possessions. But a Protestant though never so palpably disturbed, could not procure any order, but was sent to the common law to recover his possession by a Popish jury, returned by a Popish Sheriff, before a Popish Judge; that is, he must expect law from Judges and Officers who fate and acted in defiance of law. If at any time the Chancellor was forced to grant an injunction or a decree, it was with all the difficulties and delays that could be; and, often the thing was lost and destroyed before the order came for recovering it. King's State of the Protestants in Ireland, p. 65—67. &c.

1689. ment; and these letters were produced as evidences in the House of Commons against those, who appeared in behalf of their absent friends, or opposed the attainting of such Protestants, as they had some kindness for; and they were further reserved to prove a correspondence against the few men of estates, who were in the kingdom. Besides, it was the end of September 1688, before they heard any thing of the Prince of Orange's design to make a descent into England; and yet to have been in England or Scotland at any time in the month before, or to have corresponded with any there, was made a forfeiture of estate by this act. And left the children and descendants of the Protestants thus attainted, who had estates before 1641, should come in and claim them after the death of the attainted persons, by virtue of the settlement made on valuable considerations, and upon marriage, all such remainders and reversions were cut off. When this *Bill of Attainder* was presented to the King for his assent, Sir Richard Neagle, the Speaker of the House of Commons, told him, that many were attainted in that act upon such evidence, as satisfied the House; and the rest of them, upon common fame. By this act near three thousand Protestants were attainted, and among these two Archbishops, one Duke, seventeen Earls, seven Countesses, twenty-eight Viscounts, two Viscountesses, seven Bishops, eighteen Barons, thirty-three Baronets, fifty-one Knights, eighty-three Clergymen, two thousand one hundred and eighty-two Esquires and Gentlemen; and all of them declared traitors, and adjudged to suffer the pains of death and forfeiture.

The severity of this act exceeded even that of the famous proscription at Rome, during the last Triumvirate. For more were condemned in the little kingdom of Ireland, than were proscribed at that time through the vast extent of the Roman Empire. And to make this of Ireland yet the more terrible and unavoidable, the act left no room for the King to pardon after the last day of November 1689; and if the pardon was not enrolled before that time, it was declared absolutely void and null; and at the same time the act itself was concealed, and no Protestant allowed a copy of it till the time limited for pardons was past at least four months; so that the state of the persons attainted was desperate and irrecoverable, except an Irish Parliament should think proper to relieve them; for the King took care to put it out of the power of any English (as well as out of his own) to help them, by consenting to another act of this Parliament, intituled, *An act declaring, that the Parliaments of England cannot bind Ireland, and against writs of errors and repeals out of Ireland into England.*

The Parliament of Ireland having made some other acts, and among the rest, one for *Liberty of Conscience*, was prorogued on the 20th of July to the 12th of January ensuing; and so ended this Session, whose proceedings occasioned no less disturbance in that kingdom, than the war itself.

It was not thought enough, that Tyrconnel had stop'd the maintenance of the University of Dublin; but upon King James's arrival, the Vice-President, Fellows and Scholars, were all further proceeded against and ejected; their furniture, library, and communion-plate seized, and every thing that belonged to the college, and to the private Fellows and Scholars, taken away.

All this was done, notwithstanding that when 1689. they waited upon King James at his first coming to Dublin, he promised them, *That he would preserve them in their liberties and properties, and rather augment than diminish the privileges and immunities granted to them by his predecessors.* In the House they put a popish garrison, turned the chapel into a magazine, and many of the chambers into prisons for Protestants. One Moore, a Popish Priest, was nominated Provost, and one Macarty Library-Keeper, and the whole designed for them and their fraternity; and three of the former Collegians were forbid to meet together on pain of death. One Archbishopprick, several Bishopricks, and a great many other dignities and livings of the Church were designedly kept vacant; and the revenues first paid into the Exchequer, and afterwards disposed of to Popish Bishops and Priests, while in the mean time the cures lay neglected. So that it plainly appeared, that the design was to destroy the succession of the Protestant Clergy. At length things were carried to so great an height, that most of the churches in and about Dublin were seized upon by the government; and Colonel Luttrell, Governor of that city, on the 18th of June 1690, issued out an order, commanding all Protestants, who were not house-keepers, to depart out of the said city; and all such as were house-keepers, to deliver up their arms, both offensive and defensive; and likewise forbidding above five Protestants meeting any where upon pain of death, or such other punishment, as a Court-martial should think fit. And being asked, whether this was designed to hinder their meeting in churches? He answered, that it was intended to prevent their assembling there, as well as in other places, and accordingly all the churches were shut up, and all religious assemblies forbid throughout the kingdom, upon pain of death.

While King James was pursuing these violent measures, King William, among other objects of his care, was consulting the general good of Europe, and endeavouring to check the exorbitant power of France. It has been observed, *War declared* that the King of France had violated the peace *clared* of Nimeguen of 1678, and the twenty years truce *gainst* of 1684, by his sudden invasion of the Empire of 1688. The Diet of Ratisbon incensed at this invasion, and the cruel devastation of the Palatinate, unanimously resolved in March 1689, *By the* to make a vigorous war "upon the enemy, not of Ratisbon. "only of the Empire, but of all Christendom; "and even a greater than the Turk himself with "whom he was joined in a league against the "Emperor."

The United Provinces had in some measure By the U. proclaimed war against France, by their Manifesto- nited Pro- to which they had published October 28, 1688; containing the reasons of their assisting the Prince of Orange in his expedition to England, wherein they said, that having considered the good understanding between the Kings of Great-Britain and France, and that there was a strict and secret alliance between them, it was to be feared, if the King of Great-Britain should attain to an arbitrary power over his people, the two Kings, being united in interest and hatred of the Protestant religion, would endeavour to overturn, and if possible destroy their State; and therefore they had resolved to assist the Prince in his design of going over to England, not, as he declared, to invade the Kingdom, or dethrone the King, but

Boyer.
State of
Pr. in Ir.
p. 204.

Ibid. p.
206.

The session
ends July
20.

Proceed
ing against
the Uni-
versity of
Dublin.
State of
Pr. in Ir.

1689. but to preserve the laws and liberties of the nation, by obliging him to call a free Parliament. This Manifesto was followed March 9th 1689, by a formal declaration of war.

By Spain. On the 3d of May 1689, Spain provoked at the proceedings of the French King and his unjust declaration of war of April 15, ordered the Marquis of Castanaga, Governor of the Netherlands, to proclaim war against France, as the common disturber of Christianity. The Elector of Brandenburg had also declared war the 13th of April. In this situation of affairs, the Emperor's Envoy, the Spanish Ambassador, and the Dutch ministers earnestly pressed the King to proclaim war against the common enemy, especially as he had openly espoused the cause of King James, whom he had sent into Ireland with a considerable body of French forces. To these solicitations so agreeable to his inclinations, the King readily yielded, and Mr. Hampden made a motion in the House of Commons, for an address to his Majesty for a war with France; which address was voted unanimously by three hundred and fifty members, and presented by the House in a body in the following terms (1).

The Commons address for a war with France. Pr. H. C. 130 April 26. "WE your Majesty's most loyal and dutiful subjects, the Commons in this present Parliament assembled, most humbly lay before your Majesty our earnest desire, that your Majesty would be pleased to take into your serious consideration, the destructive methods of late taken by the French King against the trade, quiet, and interest of this your Kingdom; and particularly the present invasion of the Kingdom of Ireland, and supporting your Majesty's rebellious subjects there. Not doubting in the least, but that through your Majesty's wisdom, the alliances already made, with such as may hereafter be concluded on this occasion by your Majesty, may be effectual to reduce the French King to such a condition, that it may not be in his power hereafter to violate the peace of Christianity, nor prejudice the trade or prosperity of this your Majesty's kingdom.

"To this end we most humbly beseech your Majesty, to rest assured, upon this our solemn and hearty engagement, that when your Majesty shall think fit to enter into a War against the French King, we will give your Majesty such assistance in a Parliamentary way, as may enable your Majesty (under that protection and blessing God Almighty has ever afforded you,) to support and go through with the same."

To which address the King gave this answer.

The King's answer. Pr. H. C. P 305. "I receive this address as a mark of the confidence you have in me, which I take very kindly, and shall endeavour, by all my actions, to confirm you in it.

"I assure you, that my own ambition shall never be an argument to incline me to engage in a war, that may expose the nation either to damage or expence. But in the present case

"I look upon the war so much already declared, in effect, by France against England, that it is not so properly an act of choice, as an inevitable necessity in our own defence.

"I shall only tell you, that as I have ventured my life and all that is dear to me, to rescue this nation from what it suffered, I am ready still to do the same, in order to the preserving it from all its enemies. And as I do not doubt of such assistance from you, as shall be suitable to your advice to me, to declare war against a powerful enemy; so you may rely upon me, that no part of that, which you shall give for the carrying it on with success, shall be diverted by me to any other use."

Upon this resolution of a war with France, the King published *A Proclamation for the encouraging French Protestants to transport themselves into this Kingdom*; declaring, "that finding, in his subjects, a true and just sense of their deliverance from the persecution lately threatening them for their religion, and of the miseries and oppressions the French Protestants lay under; such of them as should seek their refuge in, and transport themselves into this kingdom of England, should not only have his royal protection, but he would so aid and assist them in their several trades and ways of livelihood, as that their being in this realm might be comfortable and easy to them." Some persons, who were absolutely divested of charity, were displeased with this invitation given to foreigners to settle here; but the generality highly applauded it, not only out of tenderness for their persecuted brethren, but also out of regard to the advantage of England; justly considering, that the kind entertainment, which Queen Elizabeth gave to the Walloons, whom the inquisition had driven out of the Low Countries, had vastly improved the woollen and silken manufactures of this nation; and that the Dutch daily increased in riches, and strength, by the favour which they shewed to the French refugees, some of whom were wealthy merchants, and the rest either laborious and industrious artificers, or brave and experienced officers and soldiers, who would cheerfully venture their lives in the defence of the Protestant religion, and of those States, which afforded them protection. At the same time another proclamation prohibited the importation of all sorts of manufactures and commodities whatsoever of the growth, production, or manufacture of France.

Not long after the French Papists, seeing the countenance given to the Protestants of their removing nation, became very insolent; publicly traducing the present government, and dispersing several sorts of libels and seditious papers. The House of Lords being informed of their audacious behaviour, and suspecting they might proceed to more dangerous attempts, ordered an address to be presented to his Majesty, desiring he would issue out a proclamation, that no

French

(1) Sir Thomas Clarges seconded Mr. Hampden, and another member spoke thus: "Mr. Speaker, I bear all the respect that I owe to crowned heads, but I cannot help saying, that it is of absolute necessity to No. 6. Vol. III.

"declare war with the most Christian Turk who ravages Christianity, and makes war more barbarously than the Turks themselves."

1689. "dom of *Ireland*, in support of our subjects in arms and in rebellion against us, he is promoting the utter extirpation of our good and loyal subjects in that our kingdom.

"Being therefore thus necessitated to take up arms, and relying on the help of Almighty God in our just undertaking, we have thought fit to declare, and do hereby declare war against the *French King*; and that we will, in conjunction with our allies, vigorously prosecute the same by sea and land, since he hath so unrighteously begun it; being assured of the hearty concurrence and assistance of our subjects in support of so good a cause; hereby willing and requiring our General of our forces, our Commissioners for executing the office of High Admiral, our Lieutenants of our several counties, Governors of our forts and garrisons, and all other officers and soldiers under them by sea and land, to do and execute all acts of hostility in the prosecution of this war against the *French King*, his vassals and subjects, and to oppose their attempts; willing and requiring all our subjects, to take notice of the same, whom we henceforth strictly forbid to hold any correspondence or communication with the said *French King* or his subjects. And because there are remaining in our Kingdoms many of the subjects of the *French King*, we do declare and give our royal word, that all such of the *French* nation, as shall demean themselves dutifully towards us, and not correspond with our enemies, shall be safe in their persons and estates, and free from all molestation and trouble of any kind.

"Given at our Court at *Hampton-Court*,
"the 7th day of *May* 1689, in the first
"year of our reign."

Treaty
with the
States for
a joint
fleet.
Ap. 29.
Col of Tr.
I. 269.

The King had just before made a treaty with the States, by which a joint fleet of fifty *English* and thirty *Dutch* men of war, besides frigates and fireships, was to be fitted out and equipped for one year. The fleet was to be divided into three squadrons, one to serve in the *Mediterranean*, another in the *Irish* seas and *Channel*, and the third consisting only of frigates, to cruise from between *Dover* and *Calais*, as far as *Yarmouth* on one side, and *Walcheren* in *Zealand* on the other.

Sea-fight
at Bantry-
Bay.
May 1.
Burchet,
p. 415.

Some days before this proclamation the war was more effectually declared by an engagement between the *English* and *French* fleets in *Bantry Bay*. For Admiral *Herbert* having received notice, that King *James* was landed in *Ireland*, hastened to that coast with all the strength, which could possibly be collected, in hopes to intercept the ships of war, which were his convoy, in their return; and commanded the rest of the fleet to follow him; and that they might lose no time, to sail singly, without waiting for one another, the places appointed for rendezvous being the coast of *Ireland*, or ten leagues west of *Scilly*. He came before *Cork* the 17th of *April* with only twelve ships of war, one fire ship, two yachts, and two smacks; and

was there informed, that King *James*, who had been conducted over by twenty two ships from *France*, had landed at *Kinsale* above a month (1). This induced him to cruise first before *Brest*, and then in the soundings, in hopes of meeting these ships. But not succeeding, he returned to the *Irish* coast the 29th of *April*, and discovered in the evening, near *Kinsale*, a fleet of forty four sail, of which he lost sight the next day; but judging them to be to the *Westward*, he bore away, with the wind *Easterly*, for *Cape Clear*, and in the evening saw them standing into *Bantry Bay*. He lay before the Bay until morning, and then stood towards them, having increased his strength to nineteen ships of war; but the *Dorimouth*, a small frigate, was one of the number. The *French* were at anchor, being twenty eight, most of them from sixty to seventy guns, and some larger, with five fire ships, and the transports which had carried to *Ireland* about five thousand men, were at some distance plying to windward. Upon sight of the *English* ships, those of the enemy got under sail, and when Admiral *Herbert* had, not without difficulty, worked up within two miles of them, they bore down on him in a very orderly line; and one of their ships being within musket-shot of the *Defiance*, which led the van of the *English* fleet, they two began the fight, and were followed by the rest as soon as possible. The Admiral endeavoured to gain the wind of the enemy, or at least to engage closer than they seemed willing to do; but finding he could not do either, and that it was not advisable to maintain in such a manner so unequal a fight, he stretched off to sea, not only to get his ships into a regular line, but to gain the wind, if possible. But the *French* were so very cautious in bearing down, that he could not meet with an opportunity of doing it; so that continuing the fight upon a stretch until about five in the afternoon, the *French* Admiral tacked and stood in towards the shore; and as the *English* ships had suffered so much in their masts and rigging, that above one half of them were unfit for farther action; so doubtless the *French* received considerable damage. How far their Admiral was restrained by orders, is not known; but it is certain, that he made very little use of the greatest advantages; for as he had the wind, so had he double the force, besides fireships. Considering therefore all circumstances, and that most of the *English* ships were very ill manned, they came off more fortunately than could reasonably have been expected; for there were no more than ninety men killed, and two hundred and seventy wounded, Captain *George Aylmer* of the *Portland* being the only Captain slain in the action. After the engagement, Admiral *Herbert* repaired to his rendezvous, ten leagues west from the Islands of *Scilly*, where he was in hopes of meeting with such an additional strength, as might have enabled him to proceed in search of the *French*; but being disappointed, he returned to *Spithead*. The *French* indeed assumed to themselves the honour of the day, and rejoicings were made on that account in *France*.
Father

1689.

(1) Mr. Burchet is mistaken in saying about two months, since King *James* landed on the 12th of *March*.

1689. Father Daniel tells us, that Count de Chateau Renaud, Lieutenant General of the French fleet, being ordered to carry to Ireland a considerable convoy of provisions and ammunition, with three thousand men, while he was landing them, received advice, that Admiral Herbert, was approaching to attack him. The two fleets were pretty near equal; and the Count advanced to receive the English, whom he defeated and pursued, till night gave them an opportunity of escaping. The Count returned to Brest, where he was welcomed with the loudest acclamations of joy, having landed his troops, defeated the English fleet, taken seven Dutch vessels richly laden, in his return; brought back his own fleet in as good condition as he carried it out, and all this within the space of eleven or twelve days. It is reported, that when King William received the news of this sea-fight, he said, *Such an action was necessary in the beginning of a war, but would have been rash in the course of it.*

The King
gave to
a wife.
mouth.
Boyer
Kennet.

A fortnight after the King went to Portsmouth, both to hasten the refitting of the fleet, and to distribute rewards to the officers and soldiers, who had distinguished themselves in the engagement. Admiral Herbert was soon after made Earl of Torrington; Captain John Ashby, commander of the *Defiance*, and Captain Cloudesly Shovel of the *Edgar*, received the honour of Knighthood; and each seaman a gratuity of ten shillings. And besides this donative to the living, the King's bounty extended to the relics of those, who had lost their lives in their country's service.

The King
buys Ken-
nington
House.
Boyer.

Being returned from Portsmouth, the King went with the Queen to view the Earl of Nottingham's house at Kennington, which he designed to purchase, and make his residence during the sitting of the Parliament, upon account of its situation in an healthful air, and in the neighbourhood of London. The house being approved of, the purchase was soon after agreed upon with the Earl for twenty thousand pounds.

To return to the proceedings of the Parliament. The rest of this session was chiefly employed in raising supplies for the wars in Ireland and with France, in reversing attainders and judgments passed in the late reigns, and inquiring after the authors of the late illegal proceedings and present misconduct of affairs.

The sub-
plicants
grant-
ed for the
wars, &c.
Pr. H. C.
II. 289.

As to the supplies, besides what has been already mentioned, six hundred thousand pounds was given for the maintenance of the forces to be employed in Ireland, and seven hundred thousand pounds towards the charge of the navy. For raising these sums, an additional excise of nine-pence a barrel was laid upon beer, ale, and other liquors, (which by a committee appointed

for that purpose was estimated at twelve hundred thousand pounds); and a tax was voted upon all ground-rents for new buildings, upon new foundations, within the bills of mortality, since March 25, 1660, except such as were within the walls of the city; and an estimate was ordered to be taken of them, and of the forfeited estates, which estates (not including Bedfordshire, Lincolnshire and Cardiganhire, from whence no lifts had been sent in) the committee stated at three hundred and forty-eight thousand pounds, but of the ground-rents they could not as yet make any estimate. A poll-tax was also passed, and in order to defray the extraordinary expenses of the French war, a supplemental bill to the poll-tax was voted by the Commons, and sent up to the Lords for their concurrence; but the Lords adding a clause to it for Peers to name commissioners to rate themselves, the Commons would not agree to it. After some debates, the Lords positively adhering to their clause, the bill was dropped, and instead of it another was passed for an aid of twelve-pence in the pound. The friends to the Revolution imagining the business would soon be at an end, gave in to the assessors the full value of their estates, which being made the standard in all future assessments, during both the French wars, they continued to pay to that value, whilst those who were not so zealous came much more easily off. The Speaker, upon presenting this bill to the King, made a speech, setting forth "the burden the French King had laid upon our manufactures, his attempts against our religion and liberties, by encouraging those that designed their subversion, and his devaluations in the countries of our allies." Another money-bill passed the Commons, for an additional duty on coffee, tea and chocolate; but the Lords adding a proviso for a draw-back on exportation, to warm a dispute arose between the two Houses, whether the Lords had power to alter and rate a tax given by the Commons, that the bill did not pass this session.

The attainders reversed this session were those of Lord Russell, grandfather to the present Duke of Bedford, (whose death is in the act declared a murder) of Algernon Sidney, Cornish, and Alicia Lisle, widow of John Lisle, who was one of the commissioners of the Great-Seal in the time of the Commonwealth, and was afterwards assassinated in Switzerland. She had been most unjustly condemned by *Jefferies*, contrary to three verdicts of the Jury.

The case of the Earl of Devonshire was also taken into consideration by a committee of privileges appointed by the Lords (1), who having examined the matter, reported, "That they

Pr. H. C.
II. 347.

The Duke
of Devon-
shire's case.
April 22.
Mem of
the Fam.
of Cavend.
p. 160

(1) The Duke had been a zealous promoter of the bill of Exclusion against the Duke of York; which rendered him extremely obnoxious to that Duke, who took occasion to make him feel the effects of his displeasure after he came to the crown. The Earl had been very rudely insulted within the verge of the court by Colonel Culpepper, for which he contained himself, and only worked out the satisfaction of giving him his pardon, upon condition, that he should never more appear in Whitehall. But immediately after the defeat of the Duke of Monmouth, the Colonel was encouraged to shew himself at court, and was rising into a creature of it. The Earl of Devonshire meeting him in the King's presence-chamber, and receiving from

him, as he thought, an insulting look, he took him by the nose, led him out of the room, and gave him a contemptuous blow with the head of his cane. For this bold act the Earl was prosecuted in the King's Bench upon an information, and had a fine of thirty thousand pounds imposed upon him, and was committed, though a Peer, to the King's Bench prison, till he should pay it. But he, who was never able to bear any confinement that he could break from, escaped only to go home to his seat at Clatsworth. Upon the news of his being there, the Sheriff of Derbyshire had a precept to apprehend him, and bring him with his posse to London. But he invited the Sheriff, and kept him a prisoner of honour, till he had compounded for his

1689. "were of opinion, that the proceedings against the Earl of *Devonshire* in the Court of the King's Bench in *Easter* term in the third year of King *James II.* (upon an information for an assault upon Mr. *Culpepper*, wherein his Lordship's plea of privilege of Parliament was over-ruled, and he was fined thirty thousand pounds, and thereupon committed to the King's bench in execution) was a great violation of the privileges of the peers of this realm. And those judges, who sat in the said court when the said judgments were given, and the said commitment made, should be required to attend at the bar of this House, to answer for the great offence, which they have committed thereby." Accordingly on the 6th of May, Sir *Robert Wright* and Sir *Richard Holloway* being brought to the bar, and Mr. Justice *Powell* being in his place, they were severally asked what they had to say for themselves in this business. Mr. Justice *Powell* said to this effect, "That it was his great misfortune, that he was misguided by some books, which he looked on as authorities, which he found by their Lordships judgment were not so: And he humbly begged their Lordships and the Earl of *Devonshire's* pardon. As to the fine, he looked upon three thousand pounds to be a fine enough; and that his silence in that business was his greatest fault, for which he also begged pardon."

Then Sir *Robert Wright* alleged, "That as to the breach of privilege, they were misguided by precedents. As to the fine, which is usually set according to the quality and estate of the person fined, it came from the puny judge thirty thousand pounds, and so to him last, according to the course of the court; and if he was mistaken, he begged pardon, for he never had the least disrespect to the Earl of *Devonshire*." Lastly, Sir *Richard Holloway* spoke to this effect; "That he as second Judge pronounced the fine thirty thousand pounds, which was *set nemine contradicente*; and if a lesser fine had been proposed, he should have accepted it; and did not justify the proceedings, but looked on it as an excessive fine, and begged my Lord *Devonshire's* pardon, and submitted all to their Lordships." The Lords asked them, whether they had no discourse together before,

concerning the said fine. Sir *Robert Wright* denied it, and Sir *Richard Holloway* declared, that he had no discourse from either the King or Lord Chancellor concerning the said fine. But Mr. Justice *Powell* appealed to the memory of Sir *Richard Holloway*, that there was a discourse of the fine, five or six days before at the Lord Chancellor's; where Sir *Robert Wright*, Sir *Richard Holloway*, Sir *Richard Allibone*, and himself were. This, Sir *Richard Holloway* pretended he did not remember, and Sir *Robert Wright* denied that they were there purposely about the said fine. These two being withdrawn, Mr. Justice *Powell* was asked, what discourse they had at the Lord Chancellor's? To which he answered, "That the Chancellor first proposed twenty thousand pounds, and afterwards said, it would be better, if thirty thousand pounds, and then the King might abate ten thousand pounds. And he declared his dislike of this to the other Judges, tho' not before the Lord Chancellor." After the examination, notice having been given to the King's council, that if they had any thing to offer, *Whether a Peer of this realm might by law be committed in execution for a fine?* They might propose it; but they offering nothing upon that question, the Lords Spiritual and Temporal, upon a full consideration of the several cases and precedents, wherein the privileges of Peers had been concerned, declared and adjudged on the 15th of May, "That the court of King's-bench, in over-ruling the Earl of *Devonshire's* plea of privilege of Parliament, and forcing him to plead over in chief, it being within the usual time of privilege, did thereby commit a manifest breach of privilege; and that the fine of thirty thousand pounds imposed by the court of King's-bench upon the said Earl was excessive and exorbitant, and against *Magna Charta*, the common right of the subject, and the law of the land; and that no Peer of this realm, at any time, ought to be committed for non-payment of a fine to the King."

The next judgment that was reversed, was that of Mr. *Samuel Johnson*, Chaplain to the unfortunate Lord *Russel*, and author of several traits which had given offence to the courts of King *Charles II.* and *James II.* His sufferings being reported to the House of Commons (1), it

was

his own liberty, by giving bond to pay the full sum of thirty thousand pounds; which bond being found among the papers of King *James* after his abdication, it was given up to the Earl by King *William*. It is said, that the Countess Dowager of *Devonshire*, his mother, being uneasy to see him under so great an hardship, waited on King *James* to beg her son's pardon; and, for the discharge of the fine, humbly desired, that his Majesty would accept of her delivering up bonds, and other acknowledgments, for above sixty thousand pounds lent by her husband and his mother to his royal father and brother in their greatest extremities; but this request was rejected. *Kennet's Memoirs of the family of Cavendish*, p. 136—138.

(1) This report was made by Mr. *Christy* on the 24th of June 1689, and was as follows:

That in *Trinity-Term*, *secundo Jacobi Regis*, information was exhibited against the said Mr. *Johnson* in the King's-Bench, in the name of Sir *Robert Sawyer*, the King's Attorney General, for making, printing, and publishing a scandalous and seditious libel, intitled, *An* Numb. VII. Vol. III.

humble and hearty address to all the Protestants in King James's army. That the same term they forced him to plead, procured a Jury to find him guilty, convicted him, and gave the judgment following, which was pronounced by Sir *Francis Withens*:

1. To pay five hundred marks to the King, and to lie in the prison of the King's-Bench till it be paid.
2. To stand in the pillory three days, in three several places, viz. the Palace-Yard Westminster, Temple-Bar, and the Old-Change.
3. To be whipt by the common hangman from Newgate to Tyburn.

That the Judges of the King's-Bench, who sat in the Court, were the Lord Chief Justice *Herbert*, Sir *Francis Withens*, Sir *Robert Wright*, and Sir *Richard Holloway*.

That the sentence was to be executed in November in the next *Michaelmas-Term*, but they desired, that Mr. *Johnson* might first be degraded, for it would be

B b

scandal

1689. was resolved, "That the judgment against Mr. *Johnson* was illegal and cruel. That the ecclesiastical commission was illegal, and consequently the suspension of the Bishop of *London*, and the authority committed to the three Bishops, null and illegal. That Mr. *Johnson's* not being degraded by his own Diocesan, if he had deserved it, was null and illegal. That a bill be brought in to reverse the judgment, and to declare all the proceedings before the three Bishops, null and illegal: And that an address be made to his Majesty to recommend Mr. *Johnson* to some ecclesiastical preferment suitable to his services and sufferings. (1)

Debates
about the
judgments
against
Oates.
Pr. H. L.
l. 364.

May 25.

Titus Oates likewise took the opportunity now of the indignation of the Parliament, against the illegal proceedings of the late reign, to apply to the Lords, for a reversal of the two judgments against him on the point of perjury; for which he had suffered more by the cruelty of the papists, than any other man ever endured with life. Whilst this business was depending, *Oates* printed a paper (which he owned before the Lords, and for which he was confined, being voted to contain matters tending to breach of privilege) wherein he alleged, "that in the year 1678, he had discovered a horrid Popish conspiracy for the destruction of the late King *Charles II.* his present Majesty, then Prince of *Orange*, and the Protestant religion, within these Kingdoms; and proved it so fully, that several Parliaments and Courts of justice, before whom he gave his testimony, declared their belief of it by public votes; and the condemnation of several of the conspirators, accused not only by him, but by several other witnesses. That the house of Lords being sensible of the great service of *Oates*, gave him their thanks in a most public manner, and addressed King *Charles II.* to grant his royal protection to the said *Oates*, and give him a subsistence, till the Parliament considered of a reward suitable to his great and pub-

lic service to the King and Kingdom. 1689.
"That the said *Oates* discovered the traitorous conspiracy, which *Coleman* held with *La Chaise*, Confessor to the French King, which gave both Houses of Parliament full satisfaction of the Popish Plot; and other letters were produced by a person of quality, by which the Government was satisfied of the under-hand dealing of a great minister of State at that time, in order to procure a sum of money to put off the Parliament, all which did still justify the said *Oates*, and did verify the truth of his discoveries. That the Duke of *York* having a great influence upon King *Charles II.*, as also several other of the Popish party, did prevail upon him to suffer the said *Oates* to be indicted of perjury, in two several indictments six or seven years after he had given his testimony concerning the Popish plot, and brought the same to a trial in 1685, in the reign of King *James II.*, with an addition of some other witnesses, but all Papists, and brought up at St. *Omer's*, excepting one, who had likewise his education at St. *Omer's*, but was turned Protestant, as he pretended, and was made a minister by the Bishop of St. *Ashaph*. That the Lord Chief Justice *Jefferies's* brow-beating *Oates's* witnesses, as several Peers could testify, and appearing so much *Oates's* enemy, the King's council perverting the testimony, and no council daring to appear for *Oates*, he was found guilty of perjury. That the aforesaid indictments he had removed into the Lords house by writs of error; and if their Lordships would be pleased to examine into the merits of the cause, he would produce three witnesses, yet alive, that would justify his being in town at the time, that St. *Omer's* witnesses swore him out of town; That he could produce Mr. *Jennison*, who would prove, that *Ireland* was in town in August 1670;

scandal to the Clergy to have so infamous a punishment inflicted upon a Minister. Whereupon he being a prisoner in the King's Bench, which is in *Surry*, and in the Diocese of the Bishop of *Winchester*, he was summoned the 19th of November 1686, to appear the next day, the 20th of November, in the Convocation-house of St. *Paul's*, in the Diocese of the Bishop of *London*, he being Rector of *Curringham* in *Essex* within that Diocese. Upon the 20th of November, a *Habeas Corpus* was brought to carry him from the King's Bench prison to the Convocation-house, where he found the Bishops of *Durham*, *Rocheſter*, and *Peterborough*, to exercise the authority and jurisdiction of the Bishop of *London* during his suspension, and some Clergymen, and many spectators, and a libel exhibited against him by one *Godfrey Lee*, a Proctor, dated that day, charging him of being guilty of great misdemeanors, but specified none, nor proved any; only referred to the record before the King's temporal Judges.

That Mr. *Johnson* demanded a copy of the libel, and an advocate; both which the Bishops denied him; but immediately proceeded to his sentence, which was,

1. That he should be declared an infamous person.
2. That he should be deprived of his Rectory of *Curringham* in *Essex*.
3. That he should be a mere Layman, and no Clergyman, and deprived of all right and privilege of Priesthood.
4. That he should be deprived thereof, and of all vestments and habits of Priesthood.
5. That he should undergo the punishment aforesaid.

Against which proceeding Mr. *Johnson* protested, as

being against law, and the 132d canon, not being done by the Bishop of *London*, his own Diocesan; but they refused his protestation.

That he appealed to the King in *Chancery*, but they refused to admit his appeal.

And immediately they proceeded to execute the said sentence, and to degrade him, by putting on a square-cap, and, then taking it off again; then they pulled off his gown, then his girdle; which he demanded as his own proper goods bought with his own money, which they promised him to send, but they cost him twenty shillings to have them again. After all, they put a bible into his hand, which he would not part with, but they took it from him by force. All this was done, the libel, sentence, and execution of it, in three hours space, on Saturday the 20th of November, having proceeded summarily as they did.

That on Monday the 22d of November, the judgment in the King's Bench was executed with rigour and cruelty, the whipping, being with a whip of nine cords, shewed to the committee, and Mr. *Rauſe* the Under-Sheriff, tore off his cassock upon the pillory, and put a frieze coat upon him.

That Mr. *Johnson's* wife had also an information exhibited against her in the King's Bench, for the like matter as that against her husband.

(1) Mr. *Johnson* could never obtain any Church preferment. The King gave him three hundred pounds a year, out of the Post Office, for his and his son's life; besides one thousand pounds in money, and likewise bestowed a place of one hundred pounds a year on his son. *Mem. of Mr. Sam. Johnson*, p. 15.

(1) The

1689. " 1678; which contradicted the *Staffordshire* witnesses. That the Papists themselves having justified *Oates's* testimony by their open and avowed violation of our laws, liberties, and religion, and executing those things in the reign of the late King, which he did discover them to be contriving in the reign of King *Charles II.* which was the substance of his testimony; he hoped the reputation of St. Omer's witnesses, who were bribed with places and offices in the army, and fums of money, should not prevail with the house of Lords from setting aside the judgments brought before their Lordships. All which was humbly offered to the consideration of the Lords and Commons."

The Lords, after hearing the opinion of all the Judges, and the council at the bar, did at last order, that the judgments given against him should be reversed; and accordingly a bill of reversal which had passed the Commons, was read twice in the House of Lords, who with some amendments inserted a Proviso, "That until the matters for which *Titus Oates* was committed for perjury, were heard and determined in Parliament; the said *Oates*, should not be received in any court or cause whatsoever to be a witness." A proviso, liable to

so many exceptions, was protested against by thirteen Lords; because (as they said) the other part of the bill reversed the judgments against *Oates*, whilst this proviso enacted him to be incapable of being a witness, which is more infamous than being a slave. The bill being sent down to the Commons, they disagreed to the proviso; which occasioned a memorable conference between the two Houses, and that begot such heats, as were like to come to a dangerous height, if they had not been allayed by the adjournment of the Parliament. And all that *Oates* was able to obtain in this session, was his discharge from confinement, and an address from the Lords, at the desire of the Commons, requesting the King to grant him his pardon. The King complied with their request, and moreover, allowed him a pension of three pounds a week.

In the beginning of the session, a close committee had been appointed by the Lords to examine and take informations concerning the death of the late Earl of *Essex*, which had been attended with many suspicious circumstances; and this committee was revived in the next session, but before the report was made to the house the Parliament was dissolved, and consequently a stop put to all proceedings (1).

The

(1) The substance of the evidence offered to the committee to prove that Earl to have been murdered, with the reasons why the inquiry was not resumed in the next Parliament in 1690, is related by *Laurence Braddon*, in his Book against *Burnet*, p. 186, &c. where he says, "I believe, that no prosecution of any murder, in the *British Annals* recorded, ever met with such opposition, as the prosecution of this murder did. And, first, from all the *Jacobite interest*, as well Protestant as Papist. And how great that interest ever since the Revolution hath been, the many treasonable conspiracies and open rebellions have sufficiently proved. Secondly, King *James II.* being father to the late Queen *Mary* and Queen *Anne*, it is natural to suppose, that neither of those two Queens would have had their father stigmatized with that most infamous character of being a murderer, and in more instances than one. And whether King *William*, out of respect to his Queen, might any ways hinder the fixing such an infamy upon his Queen's father, I cannot tell. But this I sensibly felt to be true, viz. that Queen *Anne* upon her first coming to the crown, struck me out of the civil list, because, as her Majesty then said, *I had thrown blood in her father's face*. Thirdly, the Countess Dowager of *Essex*, by the influence of Bishop *Burnet*, did desire the Lords Committees in 1689, not to proceed any farther in that inquiry; for the Countess, by the Bishop, did then endeavour to persuade the Lords Committees, and several other Lords, that my Lord of *Essex* murdered himself. Fourthly, there was a certain great man charged, as ordering this murder, who had been the main instrument, in the hand of Providence, of bringing about the Revolution; and by this very Gentleman's counsels King *William* was, for some years, very much influenced. What interest therefore that great man had with King *William*, or with any other persons whatsoever, was applied to hinder the prosecution of this murder. And, lastly, the late Bishop *Burnet* himself was not only the principal cause of hindering the Countess from engaging in this prosecution; but that Prelate did otherwise endeavour to blast the credit of this inquiry, by sometimes representing me (as in his late History) as an *Enthusiastical* man, and therefore no regard was to be had to what I said or did in relation to that inquiry. At other times that

"Bishop did represent me as a man of a very strong imagination, (a soft character for a madman) from whence I was easily inclined to take up a belief of things upon such evidence, as was not sufficient to prove the things to be; but I was so possessed of imaginary beings, there was no convincing me by any arguments of their non-existence." The same Gentleman likewise relates the following remarkable story of what was supposed to be one of the principal occasions of hastening the poisoning of King *Charles II.* Some short time before the death of that King, there was a pamphlet written and printed in *Holland*, intitled, *An inquiry into a detection of the barbarous murder of the late Earl of Essex*; and many hundred of these were brought to *England*. In this pamphlet there were many arguments given to prove the murder; and the author humbly besought his Majesty, that he would be graciously pleased to give his royal assurance of a pardon to him, who should prove that murder; and that then the Duke of *York* should be proved to have been the principal author and rewarder thereof. Several hundred of those books were, one night, about twenty days before King *Charles II.'s* death, dispersed by some Gentlemen, and for the most part laid at the doors of Privy Counsellors and of other Noblemen, and Justices of the Peace. One of these books was conveyed to the King, who read the same, and then sent for the Lord *Allington*, then Constable of the Tower; and charged his Lordship to read and consider the same, and in a short time to return the book, and to give his Majesty his opinion of it; and also what his Lordship thought as to the manner of the Earl of *Essex's* death. Lord *Allington* lent this book to Sir *Thomas Rowe*, but charged him to return it the next day, because his Lordship intended then to restore it to his Majesty. Sir *Thomas* read and returned the book accordingly, and shortly after waited again upon Lord *Allington*, who then informed Sir *Thomas*, that he had been again with the King, and returned the book; and that his Majesty asked his Lordship, whether he had read and considered it; which his Lordship having assured his Majesty he had done, the King commanded him to give his judgment as to the Earl of *Essex's* death. But his Lordship desiring his Majesty to excuse him from giving any judgment in that point, the King said to him, *I command you to deal very plainly and sincerely with me in relation thereto*. Sir, replied Lord *Allington*, if your Majesty commands me to deal therein sincerely

Aug 20:

Committee to inquire into the death of the Earl of Essex. Pr. H. L. 1. 35^a

1689. The Committee appointed in relation to the State prisoners having examined their cases, made a report of what they had discovered. After inspecting the accounts of *Graham* and *Burton*, (who had been the wicked solicitors of the illegal prosecutions, and had been confined some time before) it appeared, "that the said *Graham* and *Burton*, from the year 1679 to the year 1688, had received near forty eight thousand pounds out of the Exchequer, which they alleged to have paid to witnesses, jurors, solicitors, council, and themselves, and other persons concerned in their prosecutions of indictments, informations, and trials of persons in capital and other pretended criminal causes, and *Quo Warranto's* against corporations, and other proceedings in the name, and on behalf of the late King: That, for instance, in prosecuting for pretended constructive treasons, the Lord *Russel*, *Algernon Sidney*, Esq; Sir *Thomas Armstrong*, the Lords *Brandon* and *Delamere*, *John Hamden*, Esq; Alderman *Cornish*, and divers others; and in their presenting upon information, for supposed misdemeanors and crimes not capital, Sir *Samuel Bornadylson*, Sir *Patience Ward*, Sir *Thomas Pilkington*, *Slingsby Bethel*, Sir *William Williams*, Mr. *Samuel Johnson*, *Oates*, and many others, they charged their accounts with exorbitant expences. That there were several witnesses concurring with these accounts to make it manifest, that the said *Graham* and *Burton* were instrumental in most or all the illegal prosecutions for the taking away the lives and estates of those, that had suffered the loss of either, within eight years last past: And that they had, by their malicious indictments, informations, and prosecutions of *Quo Warranto's* openly endeavoured the subversion of the Protestant religion, and the government of the realm, and wasted many thousand pounds of the public revenue thereof in their undue prosecutions and solicitations."

Then they proceeded to the case of Sir *Robert Wright*, late Lord Chief Justice, and found him concerned in all the cruelties done in the West, after *Monmouth's* invasion; one of the ecclesiastical

commissioners; guilty of great enormities in the affair of *Magdalen* College, and one of the Judges that gave judgment in the case of *Hales*, that the King might legally dispense with the statutes of the kingdom.

The case of the late Lord *Jefferies* was also reported, whose crimes were so well known to all the world, that there was no need of other evidence. He had been instrumental in all the arbitrary proceedings of the late reign, but escaped the punishment which he might have justly expected, by dying in the Tower on the 18th of April. He is said to hasten his death, by *Drunk* of *spirited* liquors. Whilst he continued in prison, he was visited by Dr. *Sett*, the celebrated author of the *Christian Liberty*, and being urged by him to improve his present situation by a serious review of his past life, he expressed great concern upon the occasion; but with regard to one part of his conduct, which had exposed him to most censure, his behaviour in the West after the defeat of the Duke of *Monmouth*, he declared, that how cruel soever his proceedings might be thought, they had by no means come up to the severity, which King *James* expected from him, his Majesty being extremely displeased with him on that account: (1.)

As the illegal proceedings of the late reign and their authors were inquired into, so the miscarriages of the present were also discussed. The Lords, after addressing the King to put the late *Wright*, *Jeffery*, *Guernsey*, *Scilly*, *Dover-Castle*, and other places into a posture of defence, and to disarm the *Irish*, empowered a committee to look into the miscarriages in *Ireland*, and to send for persons and papers for their information. The committee having acquainted the House, that they could not come to a full discovery of the miscarriages in *Ireland*, without a sight of the minute-book of the committee for *Irish* affairs, to the first of May last, the Lords ordered an address to the King, that the said minute-book might be communicated to the committee. The King's answer to this address was *I will consider of it*; which obstructed the proceedings of the committee near a whole month (2). But upon the Commons voting, "that those per-

sonally with your Majesty, I must then say, that I am of opinion, that unfortunate Lord had very foul play. "Then, if I live, said the King, I will make a very strict inquiry into that matter; and I command you to come to me to-morrow." As soon as Lord *Alington* withdrew, the Duke of *York* came in whilst the King had the book in his hand; and, as the King next day informed his Lordship, the Duke asked his Majesty, who had brought him that villainous lying pamphlet. But the King then said, that he did not believe it to be a lying pamphlet, and he was resolved to make strict inquiry into the Earl of *Essex's* death; and that his *Higness* should go abroad before that inquisition was made. The Duke replied, that he had already travelled too much.

"The substance of what is abovementioned, says Mr. *Braddon*, relating to what passed between King *Charles II.* and Lord *Alington*, I had from Sir *Thomas Rowe*, soon after the Revolution. And some few days after that discourse between the King and the Duke, the King and the Lord *Alington* were seized with such illness, as was generally thought to be the effects of poison; and the Lord *Alington* died about three days before the King, and his Majesty died the 6th day of February 1684-5. And so by that King's being forced to travel too soon into the other

"world, King *James* delay'd his own travels in this, "until the just desertion of his own troops, forced him to become a fugitive and a pensioner to that great Monarch, whose arbitrary government he liked much better, than to be circumscribed by those good laws, which hindered him from ruining both "our Church and State." *Braddon*, p. 186, &c. *Burnet* says, this *Braddon* was an honest but enthusiastic man. He had, it seems, pickt up a great variety of circumstances, which he thought so convincing, that he believed himself bound to prosecute the matter; especially the evidence of a boy and girl, both at about ten or twelve years of age, who reported, the very day the deed was done, that they heard great crying in the Earl's lodgings, and saw a bloody razor hung out at the window, which was taken up by a woman that came out of the house where he was lodged. *Braddon* talked of these things so publicly, that he was tried for spreading false news to alienate people's hearts from the King, and was fined two thousand pounds. *Burnet*, l. 50.

(1) This account Sir *Joseph Telvell*, late Master of the Rolls, had from the mouth of Dr. *Scott* himself.

(2) This putting off the inspection of the minute-books, gave a handle to the enemies of the government, to insinuate that matters were not much mend-

1689. " sons, who had been the occasion of delaying
 " the sending relief to *Ireland*, and had advised
 " his Majesty to defer the giving leave for some
 " members of the House of Peers to inspect the
 " minute-book of the committee for *Irish* af-
 " fairs, were enemies to the King and king-
 " dom," he acquainted the Lords and Com-
 " mons, that he gave leave, that a committee of
 " the Upper-house might inspect the book, ac-
 " cording to their desire. However, this book
 " not being sufficient to discover the miscarriages
 " in *Ireland*, the Lords addressed the King, " that
 " he would please to direct, that the witnesses
 " in relation to *Ireland*, since his taking the ad-
 " ministration of the government upon him,
 " to the time when the council-books began,
 " might be communicated to the committee of
 " their House. To this the King answered,
 " That there were no minutes of the *Irish* affairs in
 " the time mentioned by their Lordships.

Aug. 3. After this the Commons, in a committee of
 the whole House, having considered the state of
 the nation, came at last to this resolution, that
 an address be presented to his Majesty upon these
 heads: First, That there had been delays in the
 succour of *Ireland*. Secondly, That there were
 not sufficient preparations to transport the forces
 to *Ireland*. And, thirdly, That several ships had
 been taken for want of guards and convoys to
 preserve them. As the delays of sending relief
 to *Ireland* were imputed to the Marquis of *Hal-
 lifax*, the question was put at the same time,
 whether it should be represented to his Majesty,
 that it was inconvenient to his affairs, that the
 Marquis of *Halifax* was in his Majesty's coun-
 cil? Which however was carried in the negative,
 seventy-six for an address, and ninety against it.

Motion for an address against Carmarthen and Halifax. A few weeks before Mr. *John Howe*, Vice-
 Chamberlain to the Queen, moved for an ad-
 dress to the King, to remove from his presence
 and councils such as had been impeached by Par-
 liament, and had betrayed the liberties of the
 nation. Though nobody was named, yet it was
 easy to perceive, that the persons, against whom
 this address was to be levelled, were the Mar-
 quises of *Carmarthen* and *Halifax*, the first of
 which had been formerly impeached of high-
 treason, and to the other was chiefly imputed
 the present ill-conduct of affairs. The matter
 was debated with great warmth; and because
 the contrary party were not prepared to oppose
 this unexpected motion, it would certainly have
 been carried in the affirmative, if those, who were
 zealous for it at first, had not cooled on the sud-
 den. Monsieur *Dyckvelt* discoursing with Mr.
Howe about this motion, the latter justified him-
 self by alledging, that " he did not think it to
 " be of any ill consequence to his Majesty: and
 " besides, that a place at court should never fi-
 " lence him, when the good of his country re-

quired him to speak." And the next day he
 renewed the motion, and was strongly support-
 ed in it; but the opposite side requiring the
 persons to be named, and nobody offering to do
 it, the motion came to nothing. Mr. *Howe*, it
 seems, had missed of some advantages that he
 had proposed to himself, upon which he went
 into the highest opposition that was made in the
 Parliament to the Court all this reign, not with-
 out indecent reflections on the King, and a most
 virulent attacking of all his Ministers. He was
 a man of some wit but of little judgment, and no
 great share of religion. He was member for *Gloucester* (1).

About this time certain treasonable papers and letters from King James, some of them written from King James intercepted. Pr. H. C. 333.
 with his own hand, and directed to divers per-
 sons in London and in the country, having been
 intercepted at *Liverpool* in *Lancashire*, and sent
 to court, his Majesty communicated them to
 the Parliament. And because, among other
 enigmatical expressions, mention was made in
 them of contraband goods ready to be shipped off in
 order to be run into such places, where they might
 not be seized by Custom-house Officers, which suffi-
 ciently discovered the design of an invasion; Mr.
Hampden the father, who at that time happened
 to be chairman of the committee of the whole
 house, represented the imminent danger that
 threatened the Kingdom, and what difficulties
 his Majesty lay under to prevent it for want of
 money, and therefore moved for a farther sup-
 ply. This motion, from a Privy Counsellor,
 and at a time, when the House was going to
 adjourn, was thought very impolitic, and was
 so far from being backed by any Member, not
 even by his own son, that it rather occasioned
 some sharp reflections (2). Mr. *Garraway*, though
 one of the well-affected, said, " That they had
 " given money enough for that year: That if
 " they had thought there had been occasion for
 " more, they would have prevented the King's
 " demands: That it was not the want of mo-
 " ney; but the ill conduct of those, that had
 " the management of affairs, that caused the
 " difficulties, which the government lay under:
 " That the miscarriages in assisting the Protec-
 " tants of *Ireland* had been of so ill consequence,
 " that if they were not speedily remedied, the
 " House would be obliged to take notice of
 " them." Mr. *Howe* stood up next, and said,
 " Their present dangers proceeded from their not ad-
 " dressing the King for removing his evil counsellors,
 " as he himself had moved not long before. How-
 " ever, the House having taken the intercepted
 letters into consideration, resolved to address the
 King to desire him to secure all Papists of note,
 and to disarm and take away their horses from the
 rest; and as a consequence of this affair, a bill
 was brought in for attainting several persons in re-
 bellion

ed by the revolution, and that the present courtiers
 were no better friends to the nation, than others had
 been. This was, it seems, the first answer of King
William that was not agreeable to both Houses.

(1) There was a report then current concerning
 Mr. *Howe*, that a certain builder applied to him for
 his interest to obtain a grant of the waste ground, on
 which now stands the street called the seven Dials. An-
 other had before applied to the Lord *Portland* for the
 same grant, who finding it to be worth about ten thou-
 sand pounds, fairly told the King the value of it.

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Mr. *Howe* coming soon after with his solicitation, the
 King asked, *What it might be worth?* He replied, *about*
one thousand pounds. The King said, *Is that all?* You
 shall have a thousand pound without so much trouble.

(2) Mr. *Hampden*, among the dangers to which the
 nation was exposed, having named that of falling into
 the hands of the French and Irish, Mr. S— moved
 to add the Dutch. And this shows how early the Dutch
 fell under the displeasure of those who were no well-
 wishers to the Revolution. *Oldmixon.*

1689. " with a bill, appointing certain duties of excise
" and customs, for the raising six hundred thou-
" sand pounds, which they desire may be ap-
" plied by your Majesty, for the satisfaction
" of the charges which have been expended by
" the States in this expedition.

" It is little more than an age since the il-
" lustrious Prince of *Orange*, your Majesty's
" great grand-father, whose name will ever be
" famous for his love to his country, did, by
" the assistance of the *English*, redeem those
" Provinces from the like oppressions; which
" shews how inseparable the interest of these
" two nations are. And since it was the po-
" licy of those that laboured our destruction to
" divide us, it ought to be the endeavour of
" all true lovers of their Country, to keep us
" firmly united in order to our preservation.

" The Commons have likewise considered of
" the great arrears, that were left due by King
" *Charles* the second to his servants, and have
" therefore made a provision of sixty thousand
" pounds for them, which they humbly desire
" your Majesty would please to distribute among
" them, in such proportions as your Majesty in
" your princely wisdom shall think most fit.

" And having proceeded thus far in the
" weighty affairs depending before them, they
" now become humble suitors to your Majesty
" for a recess, that thereby they may have the
" opportunity of repairing into their several
" counties, and promoting your Majesty's ser-
" vice; and what remains at present for want of
" time to dispatch, they doubt not but that they
" shall be able to perfect it at their next meet-
" ing, and, as they hope, to the entire satis-
" faction of your Majesty, and your whole
" kingdom."

Remark on this speech. That part of the speech which mentions the assistance given by the *English* to the *United Provinces* when under oppression, highly pleased those, who in their hearts were no friends to the *Dutch*; and it is said by several historians, to be a very artful reminding them of their former obligations to the *English*. The disaffected had already infused into weak minds a notion of the *Dutch*, being our enemies in point of commerce, and that we ought to be as jealous of them as of the *French*; a maxim that has all along been espoused and propagated by the enemies to the Revolution.

The Parliament adjourned. After passing these and some other bills (1), the two Houses adjourned to the 20th of Sep-
Aug. 20.
Pr. H. L.
I. 391.

tember, and afterwards to the 19th of October. 1689.

The affairs of *Ireland* had been a continual subject of complaint all this session; the dangerous condition of the Protestants in that Kingdom, and the necessity of a speedy relief, had been constantly represented by the King in his speeches, and urged by the Commons in their addresses. But whatever might be the cause, though King *James* had been six months in *Ireland*, though the distresses of the Protestants were so well known, and the whole nation impatient for their relief, yet no army had yet been sent thither. Commissions indeed had been issued for raising eighteen regiments of foot, and five of dragoons, for the reduction of *Ireland*; and the levies had gone on so successfully, that the regiments were complete in less than two months. But the like dispatch was not used in providing transports, a train of artillery and provisions. These things were managed with great slowness and neglect, and especially the provisions, which were not only long in getting ready, but very bad when they were got. Mr. *Harbord*, Pay-master of the forces intended for *Ireland*, was also Purveyor; so the fault both as to the expedition and the stores, were charged on him.

Duke *Schomberg*, to whom the King had given the command of the army, was very uneasy at the dilatory proceedings of the managers of both transports and provisions; and to prevent further inconveniences, laboured with Mr. *Harbord* to quit one of his employments, who, though unwillingly, was at last prevailed with to resign the Purveyorship, which was given to Mr. *Shales*. The Duke had proposed not to stay for the transports, but to march the forces directly to *Port-Patrick* in *Scotland*, from whence it was but a few hours passage into *Ireland*. Had this been done, it would have saved two or three months, and by that means prevented the rebellion of *Dundee*, relieved *Londonderry*, and hindered King *James* from forming so strong an army, and the *French* from landing in *Ireland*. But this design was opposed like the rest of the measures for hastening the relief of that kingdom. At length, upon the news of the raising of the siege of *Londonderry*, the new levies began to embark at *Chester* and *Liverpool*; and General *Schomberg*, having taken his leave of the Commons, thanked them for the present they had made him, and received assurances of their particular regard of himself and army, set out for *Chester* (2).

On

- (1) Some other acts passed this session were,
1. For the better preventing the exportation of wool, &c.
2. An act concerning tanned leather.
3. Naturalization-acts for Prince *George of Denmark*, *Frederick Count Schomberg*, *Henry de Nassau*, *Anne Aspley*, and others.
4. For regulating the salt works at *Droitwich* and other private acts.

(2) The Commons had given him one hundred thousand pounds, to be paid out of the civil list, which however the King never paid; but in lieu of it, five thousand a year, was settled upon him and his heirs as a reward for his services, and to make him amends for the like revenues he had lost in *France* and *Germany*. Two Peers and two Commoners were named trustees, for the making purchases in order thereto. But it was

afterwards paid out of the Post-office. When he was introduced into the house, he sat down covered in a chair, and after a short space he rose up, and, uncovered, told them " he had desired that honour, to make his just acknowledgments for their great favours, and to take his leave of them, being now going to *Ireland*, where he should freely expose his life in the King's service and theirs." The Speaker replied: " The services done by his Grace to the King and Kingdom were so great, that they could never be forgotten: That the Commons were extremely satisfied that the army was committed to his conduct, and that, at whatever distance he should be, they would have a particular regard of himself, and the army under his command." *Pr. of H. C. II. 344.*

How this promise was fulfilled will quickly appear.

(1) Namely,

1689.
Duke
Schom-
berg with
his army
falls for
Ireland.

Carrick-
fergus fur-
renders.
Aug. 26.
Boyer
Story p. 8.

On the 12th of *August* he sailed with about ninety vessels of all sorts, and near ten thousand men, horse and foot, and arrived the next day at *Carrickfergus*, where the army presently landed on *Bangor* side without opposition. The first thing he did was to send out parties to scour the adjacent country, and get intelligence of the enemy. This done, he marched his forces to *Belfast*, which the enemy had abandoned, retiring to *Carrickfergus*; and where several persons joined him, who durst not declare before. The army being sufficiently refreshed, several regiments were detached towards *Carrickfergus* with some cannon and mortars; upon whose approach the enemy beat a parley; but the General not allowing their demands, the town was ordered to be attacked. On the 22d the trenches were opened, some batteries raised, and the siege carried on in form. This made the besieged more eager to capitulate; but *Duke Schomberg* refusing to let them march out with the usual signs of honour, and they insisting upon it, the attacks were pursued with great vigour till the 26th of *August*, when considerable breaches being made, and all things ready for a general assault, the garrison was contented to accept what conditions the besiegers were pleased to grant; which were to be conducted with their arms, and as much baggage as they could carry on their backs, to the next *Irish* garrison, which was *Newry*.

Whilst the siege of *Carrickfergus* was carried on, the rest of the horse, foot, and dragoons, which for want of transports had staid behind, were embarked at *Higblake*, and safely landed in *Ireland*. On the 28th of *August* the General returned to *Belfast*, and two days after his own *French* regiment of horse joined the army; which being mustered on the last day of that month, was found to consist of four regiments of horse, one of dragoons, and eighteen of foot (1). The artillery horses being most of them yet at *Chester*, *Duke Schomberg* ordered the greatest part of the train to be shipped, and the fleet to sail with them and all other necessaries to *Carlingford*; while in the mean time he marched the army beyond *Lisburne*, and so through *Hillborough*, and pitched his camp at *Drummore*, the place where the Northern Protestants of *Ireland* were not long before routed by *Hamilton*. The day following he continued his march to *Loughbrilane*, where the *Irish* horse and dragoons joined him, and cheerfully offered themselves to be an advance-guard to the army. Upon their approach the *Irish* abandoned *Newry*, a very strong pass, having first set fire to the town; which news being brought to the General, he dispatched a trumpet to the Duke of *Berwick*, who commanded there, to acquaint him, "that if they went on to burn in this barbarous manner, he would not give any quarter." This message had so good an effect, that the *Irish* abandoned *Dundalk* without doing any harm to the town, where *Duke Schom-*

berg marched with his army, and encamped about a mile North of it in a low moist ground, having the town and the river towards the South, the *Newry* mountains to the East, and to the North, hills and bogs intermixed. The bad weather, long and constant marches, and scarcity of provisions, made his raw men already begin to faint; but here they met with some reinforcements, and on the 8th of *September* were reinforced by Major General *Kirke's*, Sir *John Hammer's*, and Brigadier *Stuart's* regiments. The Duke at first designed to have continued his progress; but the ships with the train of artillery, not being come up in time to *Carlingford*, according to his directions, was a great disappointment to him; and so much the more as he had intelligence by an engineer, who deserted the enemy, that General *Rosen* was then at *Drogheda* with about twenty thousand men. *Rosen* hearing that the *English* halted at *Dundalk*, said, he was sure *Schomberg* wanted joining; and therefore sent part of his forces to seize on *Ardee*, a small town between *Drogheda* and *Dundalk*.

Duke Schomberg continued in an uncertain posture till the 20th of *September*, when in the morning he had an account, that King *James* having assembled all his forces near *Drogheda*, advanced towards him; and that a party of two thousand foot, and fifteen hundred horse were gone beyond the mountains to attack the pass at *Newry*, and fall into his rear. Upon this he detached a party of horse against them, at the sight of whom they retreated towards *Sligo*. However the day following the enemy appeared in order of battle, and a great party of their horse advanced towards the intrenchments of the Duke's army. Several of the *English* officers were for engaging the enemy, but the Duke told them, *Let them alone; we will see what they will do*; and though he saw them coming within cannon shot of his camp, yet he said still, that he did not think they designed to fight. However, one day seeing them draw their army into two lines, he sent Lieutenant General *Douglass* to the camp, to order all the foot to stand to their arms, and the horse to return to the camp upon a certain signal, but till then to go on with their foraging. The soldiers, who were struggling with diseases and want in their tents, received these orders notwithstanding with the utmost cheerfulness; but in some time the *Irish* drew off, and so the affair ended to the great disappointment of the army, who hoped no less than to defeat the enemy, and by a victory to put an end to their miseries. But *Duke Schomberg* justly considered, that the enemy was much superior in horse; that his own men were undisciplined, and withal weakened by hunger and sickness, while the other army enjoyed health and plenty; and that the loss of a battle might be attended with the loss of *Ireland*.

In a day or two after the *Irish* marched away, there was a dangerous conspiracy discovered in the army, discovered by *Boyer*.

(1) Namely, horse: the Lord *Devonshire's* regiment, the Lord *Delamere's*, Colonel *Coy's*, *Duke Schomberg's*: dragoons, Colonel *Levinstone's* foot, one battalion of *Blue Dutch Guards*, *Carleton's* White *Dutch*, Colonel *Beaumont's*, Colonel *Wharton's*, Lord *Drogheda's*, Lord *Lisburne's*, Lord *Meath's*, Lord *Raf-*

common's, Lord *Lovelace's*, Lord *Kingston's*, Duke of *Norfolk's*, Colonel *Herbert's*, Sir *Edward Deering's*, Sir *Thomas Gower's*, Colonel *Earle's*, and the three *French* regiments of *la Miloniere*, *du Cambon*, and *la Gaillemine*. *Stor's* Continuation of the wars in *Ireland*. p. 8.

(1) The

1689. the *English* camp, which was carried on by some *French* Papists, who had inlisted themselves in the Protestant regiments of that nation, the officers having been obliged to raise their companies in so much haste, that they had no time to examine them very strictly. A Captain of one of these regiments being informed, that four of his soldiers and a drummer, who were *Roman* Catholics, designed to go over to the enemy, he caused them to be secured, and found letters about one of them to Monsieur d'Avaux, the *French* Ambassador. Upon stricter examination the fellow declared, he had letters from one du Pleffis, who was likewise a Papist, but now served as a private soldier in one of the *French* regiments, though he had formerly been a Captain of horse in *France*, whence he had been obliged to fly for murder. Du Pleffis being seized, freely confessed, that he had written to King James, and to the *French* Ambassador, and acquainted them, that there were divers Papists in the three *French* regiments, whom he promised to bring over to the *Irish* camp, upon condition he might have the command of them, and his pardon in *France*. He and his five accomplices were therefore brought to their trial, sentenced to death by a council of war, and accordingly executed; after which the *French* Colonels made strict inquiry what Papists there were in their regiments, and found about two hundred and fifty, who by order of the General were secured, disarmed, and sent over prisoners into *England*, and from thence to *Holland*, where they were set at liberty.

Though Duke Schomberg remained in his camp with the grofs of his army, he did not restrain the *Inniskilliners* from making excursions. Nor had he reason to repent this liberty, which he allowed them; for on the 27th of September he received an account, that about a thousand of them, headed by Colonel Lloyd, had routed a body of five thousand *Irish*, that were marching towards Sligo, of whom they killed seven hundred, took O Kelly their commander, and forty other officers prisoners, besides a great booty of cattle, with the loss of very few of their men. The Duke was so pleased with the news, that having ordered all the *Inniskillin* horse and foot in his camp to draw out, he rode all along their line with his hat off, and caused the *Dutch* guards, and the *Inniskillin* foot to make three running fires, which were answered by the *Inniskillin* horse, and by the cannon upon the works; as also from the ships, that lay at the mouth of the river.

The joy of this success was sometime after much abated by the loss of Sligo and James-Town. The *Irish* marching that way in a considerable body, commanded by Sarsfield, those of James-Town not thinking it tenable, abandoned it, and marched to Sligo, losing some of their men, and killing some of the *Irish* in their hasty retreat. Next day Sarsfield, with his detachment, advanced before Sligo; whereupon Colonel Ruessel retired to Ballyshannon, and advised the foot also to quit the place. But notwithstanding this, St. Sauveur, a resolute *French* Captain in Melloniere's regiment, with his own company of *French* grenadiers, and Colonel Lloyd with his bold *Inniskilliners* staid in the town, and upon the approach of Sarsfield retreated to the two forts, Lloyd into one, and St. Sauveur into the other. Lloyd not knowing

The *Inniskilliners* rout a body of *Irish*. Ibid.

Sligo taken by the *Irish*.

how to subsist his men, retired that night with some loss; but the *French* Captain having carried in some provisions, and finding some ammunition in the fort, resolved stoutly to maintain his post. The nights were then dark; and he fearing lest the enemy might make their approaches to the fort undiscovered, got a great many fir-deals, and dipping the end of them in tar, they gave such a light when set on fire, and hung over the walls, that he discovered the enemy advancing towards them with an engine called a *Sow*; but having killed the engineer, and two or three more, the rest retreated, and he burnt the engine. Day no sooner appeared, than the *Irish* were forced to quit a small field-piece, which they had planted in the street, being galled with shot from the fort, by St. Sauveur's men, who presently after sallied out, and killed many of the enemy.

1689. A brave action by a French Captain.

But at last their provision being spent, and there being little or no water in the fort, they surrendered it upon honourable terms; and at their marching over the bridge, Colonel Sarsfield, who would have purchased these brave soldiers at any rate, stood with a purse of gold, and offered every man, who would serve King James, horse and arms, with five guineas advance; yet they all made answer, *They would never fight for Papists*, except one, who the very next day after he had got horse, arms, and the gold, brought all off with him to Dundalk.

Though Duke Schomberg had prudently declined fighting with the *Irish* upon unequal terms; a raging sickness, occasioned by the unwholesomeness of the place, wet weather, and ill food, daily swept away, or at least disabled a great number of officers and soldiers. Among the rest died Sir Edward Deering, a gallant Gentleman, who had contributed more than any man in the county of Kent, towards bringing about the Revolution; Colonel Henry Wharton, a bold and active man, son to Philip Lord Wharton; Sir Thomas Gower, and Colonel Hungerford, two young Gentlemen of distinguished merit. As for the common soldiers, there perished at Dundalk about two thousand; and as many sick were shipped off to be transported to Belfast, but of them not above eleven hundred came ashore, the rest dying at sea. In short, so great was the mortality, that by the next spring above one half of the army, that was transported over, was lost. Winter approaching, both armies went into quarters, and Duke Schomberg renewed his instances for the coming over of the seven thousand auxilliary Danes, who about this time arrived in *England* and *Scotland*, pursuant to the treaty concluded with the King of Denmark on the 15th of August.

The General was censured by some persons for not putting things more to hazard. It was said, that he measured the *Irish* by their numbers, and not by their want of sense or courage; and such complaints were sent of this to the King, that he wrote twice to him, pressing him to put somewhat to the venture. But Duke Schomberg saw the enemy was well posted; well provided, and above thrice his number, and that they had several good officers among them. If he had pushed matters, and had met with a misfortune, his whole army, and consequently all *Ireland*, would have been lost; for he could not have made a regular retreat. The sure way was to preserve his army, and that would save Ul-

Reflection on this campaign. Burnet.

1689. *ster*, and keep matters intire for another year.

And therefore though this conduct of his was blamed by some, yet better judges thought, that the managing of this campaign, as he did, was one of the greatest parts of his life.

Affairs at sea not successful.
Boyer.
Burnet.
 King William's arms were not more successful at sea; for Admiral Torrington, with the Confederate English and Dutch fleet under his command, having made a shew of landing his men to surprize Cork, thought fit to abandon that enterprize upon a false intelligence, that the French were advancing towards him; and he was soon after obliged to put into Torbay, most of the English seamen being disabled by sickness. This misfortune was justly charged on those, who had victualled the fleet, for it was observable, that all this while the Dutch continued healthy. Admiral Torrington having taken in found provisions and refreshed his men, put to sea again; but not having an opportunity of engaging the enemy, the summer passed without any considerable action in the Channel; only the English had the misfortune to lose the *Dartmouth*, a man of war of forty guns, which, after a stout resistance, was taken by the French. Our trade likewise suffered considerably; for the French not setting out a fleet any more, sent out many cruizers and privateers into our seas, that England sustained great losses by them, there not being at that time a sufficient number of frigates to convoy and secure the merchantmen; so that though we seemed masters of the sea, we were great losers there.

The affairs abroad this summer, were a little more prosperous. Not only war was proclaimed against France by the Empire, Brandenburg, the States General, and Spain; but moreover an offensive and defensive alliance, between the Emperor and the States General, was concluded the 12th of May at Vienna. As this was the beginning of the grand alliance, it will be necessary to insert the substance of the principal articles:

I. and II. Perpetual friendship, and an alliance offensive and defensive against France.

III. and V. Neither party to make peace or truce, without consent of the other; and if any treaty be entered into by common consent, all particulars shall be communicated on both sides, and nothing concluded by one, without the consent of the other.

IV. No peace to be made till the treaties of *Westphalia*, *Osnaberg*, *Munster* and the *Pyrenean* shall be fully vindicated and restored.

VI. and VII. After the present war shall be ended, there shall remain a perpetual defensive alliance, between the Emperor and the States, against France; and if France should attack either, the other to assist with all his forces.

X. To this treaty shall be invited Spain by the Emperor, and England by the States, and all the Allies of either party shall also be admitted, if they shall think fit to accede.

The separate articles are:

"In case the King of Spain should die with-

out issue, the States General shall assist the Emperor with all their forces, to take possession of the Spanish monarchy, with all its dominions and rights, and to use their friendly endeavours with the Electors their Allies, that the Emperor's eldest son *Joseph*, King of Hungary, may be speedily chosen King of the Romans: And if France should by threats or arms oppose it, they will assist his Imperial Majesty with their utmost force. The Crown of England shall be likewise invited, to enter into these articles."

These articles were added, because France, notwithstanding the most solemn renunciation, was openly endeavouring to procure the succession of the Spanish monarchy, for his son the Dauphin, and also to make him King of the Romans, which would have been fatal not only to Holland, but to all Europe.

To this alliance and the separate articles, King William acceded the 9th of December this year.

The King also made a treaty with the States General in August, by which are confirmed former treaties of peace and commerce (1); particularly the defensive league, concluded at London, March 3, 1678; of which the chief articles are: "In case either party is attacked", &c.

"the other upon notice and demand, shall endeavour to cause hostilities to cease, and reparation to be made for any injuries received: And in case a war shall ensue, the Ally not attacked, shall be obliged to declare war two months after the notice and demand, and during the two months shall endeavour to mediate an accommodation. If the King of Great-Britain is attacked, the States shall assist him with six thousand foot and twenty men of war; if the States are attacked, the King shall assist them with ten thousand foot, and the same number of ships of war: These succours shall be supplied and maintained, by the party that sends them. It is left to the choice of the Ally in war, whether the other shall continue the succours, without declaring war also."

About the same time the King entered into a treaty with Christian V. King of Denmark; with Denmark, by virtue of which, the English army in Ireland was suddenly reinforced by seven thousand Danes, six thousand foot and one thousand horse.

Notwithstanding these confederacies against him, the King of France was not discouraged from pursuing his ambitious designs. However, the campaign in Flanders did not favour him this year. It was opened with Liege departing from the neutrality they had accepted, and declaring against France, which was done by delivering to the Dutch a great convoy of powder, bombs, and money designed for Bonne, and brought to Liege by a French officer. But this was followed by nothing considerable. The French had in Flanders an army of about eighty thousand men, commanded by Marshal d'Anumieres, whilst that of the Allies, under the Prince of Waldeck, was not above sixty thousand. The Prince of Waldeck was a man of great compass and true judgment;

(1) The treaty of Breda 1667. The treaty concluded at Westminster 1674. The marine treaty 1679. The late treaties concerning the fleets in April. And

for prohibiting any commerce with France, in August, this year.

1689. ment; equally able in the cabinet and in the camp. But he was generally unsuccessful, because he was never furnished in proportion to his schemes. The opinion the armies had of him as an unfortunate General, made him really so; for soldiers cannot have much heart, when they have no confidence in their leader. In the Prince of Waldeck's army were a body of troops, consisting of Dutch and English, sent over by King William to the assistance of the States. The English were commanded by the Earl of Marlborough. The two armies passed the summer without any remarkable action, except the battle of Walcourt, which was reckoned a rash undertaking in *d'Humieres*. This action happened about the middle of August, in the following manner. The Marshal *d'Humieres* hearing that a great number of Dutch horse were gone out to forage, made a motion with his whole army in order to surprize them. The Prince of Waldeck had no sooner notice of it, but he gave the foragers a signal to return to the camp; but that did not prevent their being vigorously charged by the French, who killed some of them. Their vanguard advancing attacked the village of Forge, where eight hundred foot were posted to countenance the foragers, being commanded by the English Colonel *Lodges*, Lieutenant Colonel *Goer*, and the Major of a regiment of horse, who for above two hours maintained their ground with extraordinary resolution, but had been overpowered by numbers, had not *Roe*, Major-General of the cavalry, (who was sent to bring back the Lieutenant-Generals *Webbenum*, *Marlborough*, and *d'Hubi*) come in with their horse timely to their relief. With that reinforcement they made a retreating fight against the main force of the enemy, till they came to a rising ground near Walcourt, where they joined a battalion of *Lunenburghers*, which had been reinforced by another of Colonel *Hales*. The French attacked the town with their usual vigour upon a first onset, which lasted near an hour and half; during which time Prince Waldeck ordered Lieutenant-General *Alva* to march with three regiments to their relief, which were supported by the guards, and two English regiments headed by the Earl of Marlborough, while Major-General *Staugeburg* advanced almost at the same time with some other battalions of foot, to the other side of the town. By all these motions, and the stout resistance of those in the town, the French perceived they had engaged themselves too far, and began to think of a retreat; which they performed in great haste and disorder, and consequently with considerable loss, leaving behind them some cannon and ammunition, and near two thousand officers and soldiers killed and wounded. This was the allies computation, who on their side owned the loss of above three hundred men, amongst whom were Lieutenant-Colonel *Grimes* of the English, the Major of the dragoons of Zell, and some inferior officers. And thus ended the campaign in Flanders, without any other memorable action, except that of the Spaniards, who acted in a separate body towards Courtray, levelled a great part of the French lines, and raised considerable contributions on the enemies territories.

The battle
of Wal-
court,
Aug. 15.

Campaign
in Germa-
ny.

The success of the allies in Germany, was much greater. The French by their sudden invasion of Germany, were masters of almost all the three ecclesiastical Electorates. In Treves, Mont Royal

(where *Montal* commanded) on one side, and *Bonne*, in Cologne on the other, left a large space at their discretion, and they only wanted *Coblentz*. They had also *Keiserwert* in Cologne, where Cardinal *Furstemberg* had placed a German garrison under *Marcogney*. *Mentz* was likewise in their possession, where the Marquis *d'Uxelles* commanded with twelve battalions of the best troops of France, the regiment of bombardiers the company of miners, a regiment of horse and another of dragoons. He had under him *Chobisy*, an able engineer who had defended *Mastricht*, and fortified the town. The same care was taken of *Philipsburg* and *Landau*.

As to the Palatinate, nothing was to be seen there, but the lamentable remains of the avarice and fury or fears of the French. In *Heidelberg*, the capital, the castle was blown up, and half the city burnt. They had destroyed *Manheim*, and thrown even the ruins into the Rhine and the *Nekker*. *Worms* and *Spires* as bordering too near upon *Alsatia*, were reduced to ashes, and *Frankendahl* and several castles were demolished.

All these conquests as well as the frontiers of France, were covered with a numerous army, under Marshal *de Duras*. He had for Lieutenant Generals the Counts of *Choiseul* and *d'Auvergne*, the Duke of *Villeroy*, Baron *de Monclaire*, Marquis *de Boufflers*, Duke of *Vendome*, Marquis *de Genlis*, and Count *de la Feuillie*. His Marshals de Camp were the Counts of *Teffé* and *de Tallard*, and the Marquises *d'Harcourt*, *de Vivans*, and *de Neubelle*. Besides these, the Marquises *de Bissy* commanded in *Lorraine*, *de Sourdis* in *Cologne*, *de Chamilly* at *Straßbourg*, and Monsieur *Catinat*, afterwards Marshal of France, in *Luxemburg*. These Generals were all good officers. But with all this, the arms of France did not prevail this summer. Three considerable armies rose up against her at once. One of fifty thousand men, under the Duke of *Bavaria*; one of forty-seven thousand, under the Elector of *Saxony*; and the third of fifty-one thousand, commanded by the Elector of *Brandenburg*. The Duke of *Lorraine* was at the head of the Imperial troops, who after a siege of about two months, took *Mentz* by capitulation. The French, by their own confession, had above nine hundred men slain, and fourteen hundred wounded. The Duke sensible of the merit and bravery of the Marquis *d'Uxelles*, left him master of the articles of capitulation. By the taking of *Mentz*, *Franconia*, which before lay exposed, was now covered. The Elector of June, *Brandenburg* laid siege to *Keiserwert*, and was pursuing the attacks with vigour, when the garrison, partly French and partly Germans, dividing themselves, demanded to capitulate, and surrendered upon articles. Flushed with this success, the Elector besieged *Bonne*, where Baron *d'Asfeld* commanded with very good officers under him. He had eight battalions of foot, a regiment of horse, and another of dragoons. The siege, by reason of several interruptions, proved very tedious; but at last the counter-scarp, and some outworks being taken by storm, the garrison surrendered after fifty-five days blockade, and twenty-six days close siege. The taking of *Bonne*, which laid the Rhine open as far as to *Mentz*, was partly owing to the Duke of *Lorraine*, who after the surrender of *Mentz*, led part of his army to the assistance of the Elector of *Brandenburg*. The Duke showed a

Mentz
and *Bonne*
taken
Septem.

gene-

1689. generous regard for Baron d'Asfeld who had so long and so bravely defended the place against himself and the Electors of Bavaria and Brandenburg. With this siege ended the campaign on the Rhine.

Campaign
in Catalo-
nia.

France seemed to have a fair opportunity of repairing these losses in Catalonia, the Spaniards having no army there, nor able to send one. But Lewis only ordering the Duke de Noailles to advance with nine battalions, three regiments of horse, twelve pieces of cannon, and two mortars; all that Noailles could do was to besiege Campredon, which he took in five days. He afterwards held out a siege against the Spaniards and forced them to retire. The campaign ended with the demolition of that town and citadel.

Pope In-
nocent
XI dies.
Fr. Cont.
Barnet.
The bat-
tles.

The only event that France could consider this year as an advantage, was the death of Pope Innocent XI. His family name was Odescalchi. He was born at Como, in Milan; of a family that was become rich, by dealing in Banks. He bore arms when young in Flanders, in the service of Spain; and tis said, that an affront put upon him by a Frenchman in the war, was the cause of his hatred to France. He afterwards became first Secretary to the Apostolical chamber, Bishop of Navarra, Legate of Bologna and Cardinal. It is affirmed, he arrived at these honours by losing on purpose, large sums of money at gaming with Donna Olympia niece of Innocent X. and making her magnificent presents. It was known, that he did not so much as understand Latin, and had a master when he was made Cardinal to teach him to pronounce that little he had occasion for at high masses. Of divinity he understood nothing. However this be, his advancement to the Papal chair was applauded at Rome, as every one expected to live easy and happy under his government. As he was very knowing in money matters, the vast debts the papacy was involved in by his wasteful predecessors, were by his frugal management discharged. To these talents he joined an exemplary piety, a constant opposition to whatever favoured of superstition, an ardent zeal for reformation of manners, a disinterestedness uncommon, and perhaps too great with regard to his relations, who got nothing by his pontificate, but the bare honour of having a Pope in their family. His opposition to, and sufferings from France, (which have been mentioned) are reckoned by her enemies, as so many virtues, and even the Protestants themselves are full of his praises. It is certain, they were greatly indebted to him: For, had he but favoured the postulation of Cardinal Fursberg, the King of France, with an Elector of Cologne at his devotion, would have forced Germany to hide her resentments, and by that means have been able to sustain King James on the Throne, and more than ever weakened the protestant interest. The Pope did the contrary, and gave occasion to the saying, that it were to be wished for the Church of Rome, that the Pope had turned Catholic and King James become Huguenot. He died the 2d of August after a Pontificate of about thirteen years, and was succeeded by Cardinal Ottoboni a Venetian, who sat in the papal chair but a year and half. The King of France renounced his pretension to the Franchises, but had no other return for it, than the promotion of Fourbin and some others, he recommended to be Cardi-

nals. For the new Pope, who took the name of Alexander VIII. would not yield the Point of the Regale, nor would he grant the Bulls, for those who were named by the King of France to the vacant Bishopricks, and had signed the Formulary of 1682, declaring the Pope fallible and subject to a general council. And when Alexander felt himself near death, he passed a Bull in form, which confirmed all Innocent's Bulls, and by this put a new stop to a reconciliation with the Court of France.

But to return to the affairs of England, during the recess. The King went this year to the races at New-market. The concourse of people there upon this occasion was extraordinary great; nor did the University of Cambridge omit this opportunity of waiting upon the King, being introduced by the Duke of Somerset, their Chancellor. Dr. Covel the Vice-Chancellor, who had been Chaplain to the Queen in Holland, addressed himself to the King in an eloquent speech, congratulating him upon the glorious successes, with which he had been blessed in his endeavours to rescue the Church and Nation from the imminent dangers, that threatened both, and which were more particularly pointed against the Universities; and concluded with an humble recommendation of themselves to his Majesty's protection. To this the King answered, "That as God had blessed him in this undertaking, so he would faithfully discharge his trust in preserving the Church of England, and giving all protection and favour to the Universities." The day following, the King made a visit to the University of Cambridge, where he was received and entertained with demonstrations of joy, duty, and loyalty. Three days after that, he returned to Hampton-Court from New-Market.

This was not the only time the King appeared in publick this season. The Lord Mayor's day being at hand, Sir Thomas Pilkington, who was continued for the year 1690, invited to dinner the King and Queen, the Prince and Princess of Denmark, and both Houses of Parliament. The King accepting the invitation, their Majesties, attended by their Royal Highnesses, and a numerous train of the Nobility and Gentry, went first to a balcony prepared for them in Cheapside to see the procession; which for the great numbers of the citizens of the several Guilds, the full appearance of the artillery, the richness of the pageants, and the splendor and good order of the whole, proceeding, surpassed all that had been seen before on the like occasion. But that, which deserves to be particularly mentioned, was the royal city regiment of volunteer horse, which being richly accoutred, and led by the Earl of Monmouth, attended their Majesties from Whitehall into the city. The cavalcade being passed by, the King and Queen were conducted by the two Sheriffs to Guildhall, where they and their retinue were entertained with a magnificent feast. His Majesty, to express his satisfaction, conferred the honour of Knighthood on Christopher Leibulter, and John Houlton, the two Sheriffs, and on Edward Clarke and Francis Child, two of the Aldermen. Five days before, the King having been pleased to permit the Grocers of London to chuse him Sovereign Master of that company, the Wardens, with some of the principal members, presented to him a copy of their election, and instrument of his freedom of the said company, in a golden

The King
comes to
New-
Market
and Cam-
bridge.

The King
dines with
the Lord
Mayor.

1689. box; for which his Majesty thanked them, and as a mark of his royal favour, made *Ralph Box*, their chief Warden, a Knight. Not many days after, an indignity was offered to the King's picture in the *Guild-hall of London*, by cutting away the scepter and crown thereof; which occasioned the Lord-Mayor and Court of Aldermen to promise a reward of five hundred pounds to any person, who should discover the author of that infolence.

Vacant fees filled. The day appointed for the Parliament to meet drawing near, at which time the King designed likewise to summon a Convocation, he thought fit to fill up the vacant fees of *Worcester*, *Chichester*, (1) and *Bristol*, which were bestowed, the first on *Dr. Edward Stillingfleet*, Dean of *St. Paul's*; the second on *Dr. Simon Patrick*, Dean of *Peterborough*; and the third on *Dr. Gilbert Ironside*, Warden of *Wadham College in Oxford*, who were consecrated on the 13th of *October* at *Fulham* by the Bishops of *London*, *St. Asaph*, and *Rocheſter*, commissioned for that purpose.

The oaths refused by some of the Clergy, but generally taken, tho' with reservations. Now the time allowed by act of Parliament for the Clergy to take the oaths being expired, several of them refused to qualify themselves, some of whom were suspended *ab officio*, particularly the Archbishop of *Canterbury*, and the Bishops of *Gloceſter*, *Ely*, *Norwich*, *Bath and Wells*, and *Peterborough*; and tho' the generality of the Clergy took the oaths, it was (as has been observed) by the help of reservations and distinctions, and not out of a persuasion that their allegiance was due to the King. Besides he was suspected by them, on account of the favour shewn to Dissenters, but chiefly for his abolishing episcopacy in *Scotland*, and his consenting to the setting up Presbytery there. This gave some credit to the reports, that were with great industry infused into many of them, of the King's coldness at best, if not his aversion, to the Church of *England*. The leading men in both Universities, especially *Oxford*, were possessed with this; and it began to have very ill effects over all *England*. Those, who did not carry this so far as to think, as some said they did, that the Church was to be demolished; yet said, that a latitudinarian party was like to prevail, and to engross all preferments. These were thought less bigotted to outward ceremonies; for which reason it was generally spread about, that men zealous for the Church would be neglected, and those, who were more indifferent in such matters, would be preferred. Many of the latter had managed the controversies with the Church of *Rome* with so much clearness, and with that success, that the Papists, to revenge themselves, and to blast those, whom they considered as their most formidable enemies, had cast aspersions on them as *Socinians*, and as men, who denied all mysteries. And now some angry men at *Oxford*, who apprehended, that those Divines were likely to be most considered in this reign, took up the same method of calumny, and began to treat them as *Socinians*. The Earl of *Clarendon*, and some of the Bishops, who had incurred the suspension for not taking the oaths to the government,

took much pains to spread these slanders. Besides this, the proceedings in *Scotland* cast a great load on the King, though it was certain he could not hinder the change of the government of that Church, without putting all his affairs into great disorder. For the episcopal party had gone almost universally into King *James's* interests; so that the Presbyterians were the only party, that the King had in that Kingdom. He did indeed assure many persons, that he would restrain and moderate the violence of the Presbyterians; and Lord *Melville*, the Secretary of State for *Scotland*, promised the same thing very solemnly, and at first seemed much determined upon it. But when that Lord saw so great a party formed against himself, and that many of the Presbyterians inclined to favour that party, and to set themselves in an opposition to the Court, he thought it was the King's interest, or at least his own, to engage that party intirely, which he found no method so effectual to do, as by abandoning the Ministers of the episcopal persuasion to their fury. He set up therefore the Earl of *Crawford* as the head of his party, who was passionate in his temper, and out of measure zealous in his principles, and was now chosen President of the Parliament. He received and encouraged all the complaints, that were made of the Episcopal Ministers. The Convention, when they passed the votes, declaring the King and Queen, had ordered a proclamation to be read the next Sunday in all the Churches in *Edinburgh*, and in all the other Churches in the Kingdom by a certain prefixed day, but which was so near at hand, that it was scarce possible to lay proclamations all round the nation within the time; and it was absolutely impossible for the Clergy to meet together, and to come to any resolution among themselves. For the most part the proclamations were not brought to the Ministers till the morning of the Sunday, in which they were ordered to be read; so this having the face of a great change of principles, many could not on the sudden resolve to submit to it. Some had not the proclamations brought to them till the day was past. Many of these read it the Sunday following. Some of those, who did not think fit to read the proclamation, yet obeyed it, and continued after that to pray for the King and Queen. Complaints were brought to the Council of all those, who had not read nor obeyed the proclamation; and they were in a summary way deprived of their benefices. In the executing this, the Earl of *Crawford* shewed much eagerness and violence. Those, who did not read the proclamation on the day appointed, had no favour, though they did it afterwards; and upon any word, that fell from them, either in their extemporary prayers, or sermons, that shewed disaffection to the government, they were also deprived. All these things were published throughout *England*, and much aggravated, and raised the aversion, that the friends of the Church had to the Presbyterians so high, that they began to repent their having granted

(1) *Lake*, the Non-juring Bishop of *Chichester*, who died about this time, declared on his death-bed for the doctrine of *Passive-obedience* and *Non-resistance*, and signed his declaration in the presence of *Dr. Green*, the Parish-Minister, *Dr. Hicks* Dean of *Worcester*, Mr. No. 7. Vol. III.

Jenkin his Chaplain, and two others who all communicated with him. And this seemed to lay the foundation for that schism in the Church, which broke out afterwards, and still subsists.

1689. granted a toleration to a party, that, where they prevailed, shewed his great fury against those of the Episcopal persuasion. So that those, who had laboured to excuse the change, which the King was forced to consent to, and had promised in his name great moderation towards their friends in *Scotland*, were much out of countenance, when they saw the violence, with which matters were carried there. These things concurred to give the Clergy such ill impressions of the King, that there was little reason to look for success in a design, which was then preparing for the Convocation, for which a summons was issued out to meet, during the next session of Parliament.

A comprehension projected.

Wake's speech at Sacheverell's trial. State Tri. V. 840. Burnet.

Though the King had failed in his design of uniting his Protestant subjects, by the admission of those that were willing and able to serve, into employments and benefices, yet so desirous was he of this union, that he was resolved to try to obtain by the Convocation, what he had in vain endeavoured to establish by the Parliament. Accordingly, the project of a comprehension was set on foot, of which some foundation had been laid even before the Revolution. In the preceding reign, the Clergy, when under the influence of their fears of popery, had expressed an inclination to come to a temper with relation to the Presbyterians, and such other Dissenters, as could be brought into a comprehension with the established Church. The Bishops had mentioned it in their petition to King *James*, for which they were tried; and Dr. *Sanctus*, Archbishop of *Canterbury*, towards the end of that reign, foreseeing some such revolution, as soon after was brought about, began to consider, how utterly unprepared they had been at the Restoration of King *Charles II.*, to settle many things to the advantage of the Church, and what a happy opportunity had been lost for want of such a previous care, as he was therefore desirous should be now taken for the better and more perfect establishment of it; and as it was visible to all the nation, that the more moderate Dissenters were generally so well satisfied with that stand, which the Church Divines had made against Popery, and the many unanswerable treatises they had published in confutation of it, as to express an unusual readiness to come into the Church; it was thought worth the while, when they were deliberating about those other matters, to consider at the same time what might be done to gain the Dissenters, without doing any prejudice to the Church. The scheme was laid out, and the several parts of it were committed, not only with the Archbishop's approbation, but direction, to such Divines of the Church, as were thought most proper to be intrusted with it. The Archbishop took one part to himself; another was committed to Dr. *Patrick*, afterwards Bishop of *Ely*; and the reviewing of the daily service and the communion book was referred to a select number of Divines, of whom Dr. *Sharp*, afterwards Archbishop of *York*, and Dr. *Patrick* were two. The design was to improve and enforce

the discipline of the Church, to review and enlarge the Liturgy, by correcting of some things, and adding of others; and, if it should be thought advisable by authority, when this matter should come to be legally considered, first in Convocation, and then in Parliament, by leaving out some few ceremonies, confessed to be indifferent in their nature, as indifferent in their usage, so as not necessarily to be observed by such, as should make a scruple of them. And this design was known to and approved by the other Bishops. King *William* therefore, who had promised the Dissenters not only in his declaration, but when they addressed him at his first coming, to endeavour an union between them and the Church, resolved to resume the affair, and to promote it to the utmost of his power. As it was thought necessary to prepare and digest matters before they should be offered to the Convocation, a special commission under the Great Seal was given to ten Bishops and twenty Divines, to draw up a scheme of the whole affair (1). Great care was taken to name these so impartially, that no exceptions could lie against them. The commission was as follows:

"Whereas the particular forms of divine worship, and the rites and ceremonies appointed to be used therein, are things in their own nature indifferent and alterable, and so acknowledged; it is but reasonable, that upon weighty and important considerations, according to the various exigencies of time and occasions, such changes and alterations should be made therein, as to those that are in place and authority, should from time to time seem either necessary or expedient.

"And whereas the book of Canons is fit to be reviewed, and made more suitable to the state of the Church; And whereas there are defects and abuses in the Ecclesiastical courts and jurisdictions, and particularly there is not sufficient provision made for the removing of scandalous ministers, and reforming of manners either in ministers or people; And whereas it is most fit, that there should be a most strict method prescribed for the examination of such persons as desire to be admitted into holy orders, both as to their learning and manners.

"We therefore, out of our pious and princely care for the good order, and edification, and unity of the Church of *England*, committed to our charge and care; and for the reconciling, as much as is possible, of all differences among our good subjects, and to take away all occasions of the like for the future, have thought fit to authorize and empower you, &c. and any nine of you, whereof three to be Bishops to meet from time to time, as often as shall be needful, and to prepare such alterations of the Liturgy and Canons, and such proposals for the reformation of ecclesiastical courts, and to consider of such other matters, as in your judgments may most conduce to the ends abovementioned." (2).

The

(1) This method was become necessary, since by the submission which the Clergy in Convocation made to Henry VIII. and which was confirmed in Parliament, they bound themselves not to attempt any new canons, without obtaining the King's leave first, and that under a *Premunure*.

(2) The names of the commissioners were as follow:

Thomas Lamplugh, Lord Archbishop of *York*.
Henry Compton, Lord Bishop of *London*.
Peter Mew, Lord Bishop of *Winchester*.
William Lloyd, Lord Bishop of *St. Asaph*.

Thomas

1689. The Commissioners sat closely upon the affair for several weeks. They had before them all the exceptions, that either the Puritans before the civil war, or the Nonconformists since the Restoration, had made to any part of the Church-service. They had also many propo-

1689. ons and advices, that had been offered, at several times, by many Bishops and Divines upon those heads. Matters were well considered, and freely and calmly debated; and all was digested into an intire correction of every thing, that seemed liable to any just objection (1). The point,

Thomas Sprat, Lord Bishop of Rochester.
 Thomas Smith, Lord Bishop of Carlisle.
 Jonathan Trelawney, Lord Bishop of Exeter.
 Gilbert Burnet, Lord Bishop of Salisbury.
 Humphrey Humphreys, Lord Bishop of Bangor.
 Nicholas Stratford, Lord Bishop of Chester.
 Edward Stillingfleet, late Dean of St. Paul's, London, now Bishop of Worcester.
 Simon Patrick, late Dean of Peterborough, now Bishop of Chichester.
 John Tillotson, D. D. late Dean of Canterbury, now Dean of St. Paul's, London.
 Richard Meggot, D. D. Dean of Winchester.
 John Sharp, D. D. late Dean of Norwich, now Dean of Canterbury.
 Richard Kidder, D. D. Dean of Peterborough.
 Henry Aldrich, D. D. Dean of Christ-Church, Oxford.
 William Jone, D. D. Regius Professor of Divinity in the University of Oxford.
 John Hall, D. D. Margaret Professor of Divinity in the University of Oxford.
 Joseph Beaumont, D. D. Regius Professor of Divinity in the University of Cambridge.
 John Montagu, D. D. and Master of Trinity College in the University of Cambridge.
 John Goodman, D. D. Archdeacon of Middlesex.
 William Beveridge, D. D. Archdeacon of Colchester.
 John Bately, D. D. Archdeacon of Canterbury.
 Charles Aylmer, D. D. Archdeacon of Essex.
 Thomas Tension, D. D. Archdeacon of London.
 John Scott, D. D. Prebendary of St. Paul's, London.
 Edward Fowler, D. D. Prebendary of Gloucester.
 Robert Groote, D. D. Prebendary of St. Paul's, London.
 John Williams, D. D. Prebendary of St. Paul's, London.

(1) Dr. Nichols gives the following account of the proceedings of the Commissioners. "They began with reviewing the Liturgy; and first they examined the calendar; in which, in the room of Apocryphal lessons, they ordered certain chapters of canonical scripture to be read, that were to the people's advantage. Athanasius's creed being disliked by many because of the *damnatory clause*, it was left to the Minister's choice to use it, or change it for the Apostles Creed. New Collects were drawn up, more agreeable to the Epistles and Gospels, for the whole course of the year; and these were composed with that elegance and propriety of expression, and such a flame of devotion, that nothing could more affect the hearts of the hearers, and elevate their minds towards God. They were first drawn up by Dr. Patrick, who was reckoned to have great skill in Liturgical compositions. Bishop Burnet added to them yet farther force and spirit. Dr. Stillingfleet afterwards examined them with great judgment, carefully weighing every word in them; and Dr. Tillotson had the last hand, giving them some free and masterly strokes of his easy and flowing eloquence. Dr. Kidder, who was well versed in the oriental tongues, made a new version of the *Psalms* more agreeable to the original. Dr. Tension made a collection of the words and expressions throughout the Liturgy, which had been excepted to, and proposed others in their room, that were clear and plain, and less liable to objection. Other things also were proposed, that were left to be determined by the Convocation: As, 1. That the Cross in Baptism might be either used or omitted at the choice of the parents. 2. That a Nonconformist Minister going over to the Church should not be

"ordained according to the common form, but conditionally, much in the same manner as the baptizing of infants is ordered in the Church, if there be not evidence of their being baptized before, with the addition of the episcopal benediction, as was customary in the ancient Church, when Clerks were received, who had been ordained by Heretics. "Dionys. Alex. apud Euseb. Hist. Eccles. l. vii. cap. 2. "Concil. Nic. I. Canon. 8. Justin. five Anth. Respons. "ad Oribod. Resp. 18. Theod. Hist. Eccles. lib. 1. "cap. 8. of which way of ordaining, Archbishop Bramhall had given a precedent, when he received some Scots Presbyters into the Church." Nichols Appar. ad Defens. Eccles. Anglic. p. 95.

But the most complete account of this affair is published by Dr. Edmund Calamy, in his abridgment of Baxter's *History of his own Time*. The Committee (says he) being met in the Jerusalem Chamber, a dispute arose about the authority and legality of the Court; the Bishop of Rochester, though he had so lately acted in an illegal one, being one of those that questioned it. The grounds of this scruple were the obligations the Clergy lay under by act of Parliament of King Henry VIII, not to enter into any debates about making any alterations in Church affairs, without the King's special and immediate privacy, and direction first given concerning such alterations. It was answered, that that must be done either by an act of the King's own judgment, or by a private cabal, (both which ways would be very exceptionable) or else by his Majesty's commission to a certain number of Ecclesiastics, to consult about, and prepare what was necessary to be altered, as it was in the present case. For, moreover, the Commissioners pretended not to make these alterations obligatory by virtue of a law, but only to get them ready to lay before the Convocation; the very reports being not so much as to be referred to the Privy Council, lest they might be subject to be canvassed and modelled by lay hands. However the Bishops of Winchester and Rochester, and Dr. Jone and Dr. Aldrich withdrew dissatisfied; and the rest, after a list of all that seemed fit to be changed, was read over, proceeded very unanimously, and without any heats, in determining, as follows, (each article, as soon as agreed on, being signed by the Bishop of London) viz.

That the chaunting of divine service in Cathedral Churches shall be laid aside, that the whole may be rendered intelligible to the common people.

That besides the *Psalms*, being read in their course as before, some proper and devout ones be selected for *Sundays*.

That the Apocryphal lessons, and those of the Old Testament, which are too *natural*, be thrown out, and others appointed in their stead by a new calendar, which is already fully settled, and out of which are omitted all the legendary Saints days, and others not directly referred to in the service book.

That not to send the vulgar to search the Canons, which few of them ever saw, a Rubric be made, setting forth the usefulness of the cross in baptism, not as an essential part of that sacrament, but only a fit and decent ceremony. However, if any do, after all, in conscience scruple it, it may be omitted by the Priest.

That likewise if any refuse to receive the sacrament of the Lord's Supper kneeling, it may be administered to them in their pews.

That a Rubric be made, declaring the intention of the *Lent-fasts*, to consist only in extraordinary acts of devotion, not in distinction of meats; and another to state the meaning of *Rogation Sundays* and *Ember weeks*; and appoint, that those ordained within the *quatuor tempora* do exercise strict devotion.

That

1689. point, which created the greatest difficulty, was about the admitting of Dissenting Ministers to officiate in the Church, when duly reconciled to it. Some of the Commissioners were inclined not to insist on the re-ordination of them, alleging, that they ought not to show less regard to the vocation of Presbyterian Ministers, than to that of Roman Catholic Priests, whose ordination was never questioned upon their joining in communion with the Church of England. But the majority thought it more proper to keep a middle course, which was, first with respect to Roman Priests, to leave it undecided, whether their ordination was good or not. But because they were not obliged to give credit to their certificates, that therefore such of them, as for the future should turn Protestants, should live in lay-communion only, unless they were re-ordained to a legal title of any Church or Cure. And, secondly, that though they did not determine the ordination of Presbyterians to be altogether invalid, yet they thought it necessary for their Ministers to receive orders from a Bishop, who, in conferring the same, might add a clause to the common form, as the Church had already ordained in the case of uncertain baptism, to this effect, *If thou art not already ordained, I ordain thee*, &c. And this was the greatest concession, that was made by the Commissioners. Among these Commissioners were some very rigid men, the principal of whom was Dr. Jane (1); but they either never came to their meetings, or soon withdrew from them, declaring themselves dissatisfied with the design, some owning plainly, that they were against all alterations whatsoever. They thought, too much was already done for

the Dissenters in the toleration, which was granted them; but that they would do nothing to make that still easier. They said farther, that the altering the customs and constitution of the Church, to gratify a peevish and obstinate party, was like to have no other effect on them, but to make them more insolent; as if the Church, by offering these alterations, seemed to confess, that she had been hitherto in the wrong. They thought, this attempt would divide the Clergy among themselves, and make their people lose their esteem for the Liturgy, if it appeared, that it wanted correction. They also excepted to the manner of preparing matters by a special commission, as limiting the Convocation, and imposing upon it. And to load this with a word of an ill sound, they called this a *new Ecclesiastical commission*. But in answer to all this it was said, that if by a few corrections or explanations all just satisfaction was offered to the chief objections of the Dissenters, there was reason to hope, that this would bring over many of them, at least of the people, if not of the teachers among them; or, if the prejudices of education wrought too strongly upon the present age, yet, if some more sensible objections were put out of the way, it might justly be hoped, that this would have a great effect on the next generation. If these concessions were made so, as to own, in the way of offering them, that the Nonconformists had been in the right, that might turn to the reproach of the Church: but such offers being made only in regard to their weakness, the reproach fell on them, as the honour accrued to the Church, who shewed herself a true mother, by her care to preserve her children. It was

That the Rubric, which obliges ministers to read or hear Common Prayer, publicly or privately every day, be changed to an exhortation to the people to frequent those prayers.

That the Abolution in morning and evening prayer may be read by a Deacon, the word *Priest* in the Rubric being changed into *Minister*, and those words, *and Remission*, be put out as not very intelligible.

That the *Gloria Patri* shall not be repeated at the end of every Psalm, but of all appointed for morning and evening prayer.

That those words in the *Te Deum*, *thine honourable, true, and only son*, be thus turned, *thine only begotten son*, honourable being only a civil term, and no where used in *scriptis*.

The *Benedicite* shall be changed into the 128th Psalm; and other Psalms likewise appointed for the *Benedictus* and *Nunc dimittis*.

The Versicles after the Lord's Prayer, &c. shall be read kneeling, to avoid the trouble and inconveniences of so often varying postures in the worship. And after these words, *give peace in our time, O Lord*, shall follow an answer promissory of somewhat on the people's part, of keeping God's laws, or the like; the old response being grounded on the predestinating doctrine, taken in too strict an acceptance.

All high titles of appellations of the King, Queen, &c. shall be left out of the prayers, such as *most illustrious, religious, mighty*, &c. and only the word *sovereign* retained for the King and Queen.

Those words in the prayer for the King, *grant that he may vanquish and overcome all his enemies*, as of too large extent, if the King engage in an unjust war, shall be turned thus; *preserve all his righteous undertakings against thy enemies*, or after some such manner.

Those words in the prayer for the Clergy, *who alone workst great marvels*, as subject to be ill interpreted by persons vainly disposed, shall be thus, *who alone art the author of all good gifts*; and those words, *the healthful*

spirit of thy grace, shall be, *the holy spirit of thy grace*, healthful being an obsolete word.

The prayer, which begins, *O God, whose nature and property*, shall be thrown out, as full of strange and impertinent expressions, and besides not in the original, but foisted in since by another hand.

The Collects for the most part are to be changed for those the Bishop of *Chichester* has prepared, being a review of the old ones with enlargements, to render them more sensible and affecting; and what particular expressions are needful, to be retrenched.

If any minister refuse the surplice, the Bishop, if the people desire it, and the living will bear it, may substitute one in his place, that will officiate in it; but the whole thing is left to the discretion of the Bishops.

If any desire to have godfathers and godmothers omitted, and their children presented in their own names to baptism, it may be granted.

About the *Albanian Creed*, they came at last to this conclusion, that left the wholly rejecting it should by unreasonable persons be imputed to them as *Socinianism*, a Rubric should be made, setting forth or declaring the curses denounced therein, not to be restrained to every particular article, but intended against those, that deny the substance of the Christian religion in general.

Whether the amendment of the translation of the reading Psalms (as they are called) made by the Bishop of *St. Asaph* and Dr. *Kieller*, or that in the Bible, shall be inserted in the Prayer-book, is wholly left to the Convocation to consider of and determine.

In the *Litany*, and *Communion Service*, &c. were likewise some alterations made, as also in the Canons.

(1) The rest of the rigid ones were, *Mew, Sprat, Aldrich, Beaumont, Montague, Goodman, Beveridge, & Aston*. Most of these were so far from thinking of a comprehension, that they would hardly own the reformed abroad to be true churches, much less the Dissenters at home.

1689. was not offered, that the ordinary posture of receiving the sacrament kneeling should be changed: that was still to be the received and favoured posture; only such, as declared they could not overcome their scruples in that matter, were to be admitted to it in another posture. Ritual matters were of their own nature indifferent, and had been always declared to be so: All the necessity of them arose only from the authority in Church and State, that had enacted them. It was therefore an unreasonable stiffness to deny any abatement in such matters, in order to the healing of the wounds of the Church. Great alterations have been made in such things in all ages of the Church. Even the Church of Rome was still making some alterations in her rituals; and changes had been made in that of England often since the reformation in the reigns of King Edward VI, Queen Elizabeth, King James I, and King Charles II. These changes were always made upon some great turn; critical times being the most proper for designs of that kind. The toleration, now granted, seemed to render it more necessary than formerly, to make the terms of Communion with the Church as large as might be, that so it might draw over to it the greater number from those, who might now leave it more safely; and therefore the greater care ought to be used in order to the gaining of them. And as for the manner of preparing these overtures, the King's supremacy signified little, if he could not appoint a select number to consider of such matters, as he might think fit to lay before the Convocation. This did no way break in upon their full freedom of debate, it being free to them to reject, as well as to accept, of the propositions to be offered to them. But while they were arguing this matter on both sides, the party, that was now at work for King James, took hold of this occasion to inflame men's minds. It was said, the Church was to be pulled down, and Presbytery was to be set up: that all this now in debate was only intended to divide and distract the Church, and to render it by that means both weaker and more ridiculous, while it went off from its former grounds, in offering such concessions. The Universities took fire upon this, and began to declare against it, and against all who promoted it, as men, who intended to undermine the Church. Severe reflections were cast on the King, as being in a contrary interest to the Church; for the Church was as the word given out by the Jacobite party, under which they thought they might more safely shelter themselves. There were great canvassings every where in the elections of Convocation-men; a thing not known in former times; so that it was soon very visible, that the Clergy were not in a temper cool or calm enough to encourage the further prosecution of such a design.

When the Convocation met, the Lower House immediately discovered their disposition, by their choice of a Prolocutor. The Person designed by the Bishop of London and most of his brethren, and the moderate part of the Clergy, was Dr. Tillotson, Dean of Canterbury, whom the King had lately made Clerk of his closet, and used to call the *honestest man, and the best friend, that ever he had in his life*. But it was carried by a great majority of votes for Dr. Jene of Oxford, a professed enemy of the Dissenters, who being presented to the Bishop

of London as President for his approbation, made a customary speech in *Latin*, wherein he extolled the excellency of the Liturgy of the Church of England as established by law, above that of all Christian communities, and intimated, that it wanted no amendments; and then ended with the application of this sentence by way of triumph, *nolumus leges Angliæ mutari*. The Bishop of London, to whom the Prolocutor had been Chaplain, made a speech in the same language with great moderation and candour. He told the Clergy, "that they ought to endeavour a temper in those things, that are not essential to religion, thereby to open the door of salvation to a multitude of straying Christians: That it must needs be their duty to shew the same indulgence and charity to the Dissenters under King William, which some of the Bishops and Clergy had promised to them in their addresses to King James." And he concluded with a pathetic exhortation to unanimity and concord. Many of the Members being absent, the Convocation adjourned to the next day, without debating any thing of moment.

At the next meeting, the Bishop of London being sensible, that the majority of the Lower House were resolved to oppose the intended union with the Dissenters, acquainted the Convocation, "That having communicated the Royal Commission, by which they were empowered to act, to an eminent civilian, he had found it defective in not having the Great Seal; and therefore he should prorogue them till that was procured." During this interval, many arguments were used to bring the most rigid of the inferior Clergy to a charitable condescension, and the desired union; but to very little purpose. There was a jealousy and a distrust not to be conquered; though there could be but two arguments of any force to justify their averfeness to enter upon the terms of accommodation. One was, that it seemed to derogate from the dignity of the Church of England, to make any step towards the altering of her constitution, till it did appear, that the Dissenters themselves did desire a reconciliation, and were ready to offer some proposals, or to accept of others. A second argument might be, that the Archbishop of Canterbury, and some of his suffragans, and some other Divines, would not own the present government, and were therefore ready to fall into a new separation from their brethren; so that at this juncture it might be dangerous to make any change, that might give a pretence of being for the old Church, as well as the old King.

On the 4th of December, while both Houses of Convocation were sitting together in Henry VII's Chapel, the Earl of Nottingham brought in the King's commission, which was read to the assembly, there being present twelve Bishops and a good number of the inferior Clergy. This done, the King's message was also read;

1689.

The King's commission read.

"William R.

"HIS Majesty has summoned this Convocation, not only because it is usual upon holding a Parliament, but out of a pious zeal to do every thing, that may tend to the best establishment of the Church of England, which is so eminent a part of the Reformation, and is

F f

"certainly

The Convocation met.
Nov. 21.
Kennet.
Boyer.
Vox Cler.
P. 72.

1689. "certainly the best suited to the constitution of this government; and therefore does most signally deserve, and shall always have both his favour and protection. And he doubts not but that you will assist him in promoting the welfare of it, so that no prejudices, with which some men may have laboured to possess you, shall disappoint his good intentions, or deprive the Church of any benefit from your consultations. His Majesty therefore expects, that the things, that shall be proposed, shall be calmly and impartially considered by you; and assures you, that he will offer nothing to you, but what shall be for the honour, peace, and advantage both of the Protestant religion in general, and particularly of the Church of England."

At the same time the Earl of Nottingham made a speech to the assembly, exhorting them to lay aside all partial prepossessions and animosities in their proceedings.

The message being read, the Bishops went to the Jerusalem Chamber, from whence they sent a copy of it to the Lower House, and also the following form of an address to the King, to which they desired their concurrence.

Address to the King as proposed by the Bishops.

"WE the Bishops &c. in convocation assembled having received your Majesty's gracious message, together with a commission from your Majesty, by the Earl of Nottingham, hold our selves bound in gratitude and duty, to return our most humble thanks and acknowledgments of the grace and goodness expressed in your Majesty's message, and the zeal you shew in it for the Protestant religion in general, and the Church of England in particular; and of the trust and confidence reposed in us by this commission. We look on these marks of your Majesty's care and favour as the continuance of the great deliverance Almighty God wrought for us by your means, in making you the blessed instrument of preserving us from falling under the cruelty of Popish tyranny; for which as we have often thanked Almighty God, so we cannot forget that high obligation and duty, which we owe to your Majesty; and on these new assurances of your protection and favour to our Church, we beg leave to renew the assurance of our constant fidelity and obedience to your Majesty, whom we pray God to continue long and happily to reign over us."

Division in the Lower House.

The Lower House, which seemed resolved to do nothing, would not consent to this address; but first pleaded for the privilege of presenting a separate address of their own drawing up; and then dropping that pretension, they fell to making amendments, and gave a reason, why they could not concur with the Bishops, in their form, in these words: *We are desirous to confine our address to his Majesty's most gracious message, and to those things only therein, which concern the Church of England.* Hereupon a conference was desired, which was managed chiefly between the Bishop of Salisbury and the Prolocutor; and these reasons were reported, why their Lordships insisted on the express mention of the Protestant religion: "1. Because it is the known denomination of the common doctrine of the

Western part of Christendom, in opposition to the errors and corruptions of the Church of Rome. 2. Because the leaving out this may have ill consequences, and be liable to strange constructions both at home and abroad, among protestants as well as papists. 3. Because it agrees with the general reason offered by the Clergy for their amendment, since this is expressly mentioned in the King's message; and in this the Church of England being so much concerned, the Bishops think it ought to stand in the address." The Lower House debated these reasons, and disagreed to them, and then resolved, "that instead of the *Protestant Religion*, they would rather say, *Protestant Churches.*" Their Lordships desired a reason of this alteration: which was returned in these words: "We being the representatives of a formed established Church, do not think fit to mention the word *Religion* any farther than it is the religion of some formed established Church." The Lords returned the amendments with this alteration: "The Interest of the Protestant Religion in this and all other Protestant Churches." The Lower House thinking it a diminution to the Church of England to join it with *foreign Protestant churches*, would have the words [*this and*] to be omitted; and at last, with great difficulty, the following address was agreed on, and presented to the King on Thursday, Decemb. 12.

"WE your Majesty's most loyal and most dutiful subjects, the Bishops and Clergy of the province of Canterbury, in Convocation assembled, having received a most gracious message from your Majesty by the Earl of Nottingham, hold ourselves bound in duty and gratitude, to return our most humble acknowledgments for the same; and for the pious zeal and care your Majesty is pleased to express therein, for the honour, peace, advantage, and establishment of the Church of England: Whereby, we doubt not, the interest of the Protestant religion in all other Protestant churches, which is dear to us, will be the better secured under the influence of your Majesty's government and protection. And we crave leave to assure your Majesty, that in pursuance of that trust and confidence you repose in us, we will consider whatsoever shall be offered to us from your Majesty, without prejudice, and with all calmness and impartiality; and that we will constantly pay the fidelity and allegiance, which we have all sworn to your Majesty and the Queen; whom we pray God to continue long and happily to reign over us."

The King well understood, why this address omitted the thanks, which the Bishops had returned for his royal commission, and the zeal, which he had shewn for the Protestant religion; and why there was no expression of tenderness to the Dissenters, and but a cool regard to other Protestant churches. However, he returned this gracious answer, addressed to the Bishops:

My Lords,

"I take this address very kindly from the Convocation. You may depend upon it, that all I have promised, and all I can do for

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1689. "the service of the Church of England, I will do; and I give you this new assurance, that I will improve all occasions and opportunities for its service."

Proceedings of the Lower-House. By all their proceedings hitherto, the Lower-House of Convocation had shown an utter dislike to the business for which they were chiefly assembled, and by what followed, their aversion to the union so earnestly desired by the King, was no less manifest. For instead of taking any measures for a comprehension in favour of the moderate Dissenters, they turned their thoughts to their Non-juring brethren, and a zealous speech was made in behalf of the Bishops under suspension, "That something might be done to qualify them to sit in Convocation; yet so, as that the Convocation might not incur any danger thereby." But this being a point of great difficulty, it was left to farther consideration; whilst they laboured to find out some other business to divert them from that, for which they were called together. To that end the Prolocutor attended the President and Bishops, and in the name of the House represented to their Lordships, "that there were several books of very dangerous consequence to the Christian religion and the Church of England; particularly *Notes upon Athanasius's Creed*, and two letters relating to the present Convocation, lately come abroad; and desired their Lordships advice, in what way, and how far, safely, and without incurring the penalty of Stat. 25. Hen. VIII. the Convocation may proceed, in the preventing the publishing the like scandalous books for the future, and inflicting the censure of the Church, according to the Canons provided in that behalf, upon the authors of them." Upon which the Prolocutor soon after acquainted the house, "that the President had declared his sense of the ill consequence of those books, that were sent up from this house to their Lordships; and that, upon inquiry, he could not receive any satisfaction, how far the Convocation might proceed in that affair; but he would, as far as lay in him, take farther order about it."

When the President and his brethren saw the disposition of the Lower House, they found it was to no purpose to communicate any proposals to them; and therefore the King was advised to suffer the session to be discontinued. And thus as the Convocation was not disposed to enter upon business, they were kept from doing mischief by prorogations, for a course of ten years. This was in reality a favour to them; for, ever since the year

1662, the Convocation had indeed continued to sit, but to do no business: So that they were kept at no small expence in town, to do nothing, but only to meet and read a *Latin Litany*. It was therefore an ease to be freed from such an attendance to no purpose.

The ill reception which the lower House had given the King's message, raised a great clamour against them, since all the promises made in King James's reign, were now entirely forgot. But however, their proceedings were a great disappointment to the Non-juring Clergy who were under suspension. They were it seems designing to make a schism in the Church, whenever they should be turned out, and their places filled up by others. They saw, it would not be easy to make a separation upon a private and personal account, and therefore wished to be furnished with more specious pretences. And if alterations had been made in the Rubric, and other parts of the Common-Prayer, they would have pretended that they still adhered to the ancient Church of England, in opposition to those who were altering it, and setting up new models (1). Thus was lost a fair opportunity not only of revising the Liturgy, Rubrics and Canons, but also of reconciling the moderate Dissenters to the Church, who with the rest have been forced to be contented with the act of Toleration, under the exclusion from all offices and employments, by means of a Test which was primarily intended to keep out the Roman Catholics, and to which the Dissenters made no opposition in hopes of being relieved from it (2).

The Parliament, pursuant to the late adjournment, met the 19th of October, when the King made the following speech to both Houses:

My Lords and Gentlemen,

"Though the last sitting continued so long, that perhaps it might have been more agreeable to you, in relation to your private concerns, not to have met again so soon; yet the interest of the publick lays an indispensable obligation upon me to call you together at this time."

"In your last meeting you gave me so many testimonies of your affection, as well as confidence in me, that I do not at all question, but in this I shall receive fresh proofs of both."

"I esteem it one of the greatest misfortunes can befall me, that in the beginning of my reign I am forced to ask such large supplies; though I have this satisfaction, that they are desired for no other purposes, than the carrying

(1) Bishop Burnet call this a happy direction of Providence. Strange, that one who thought a reformation in the Rubric, Canons, and Courts was much wanted, should believe the particular interposition of heaven to prevent it on account of an ill use that might have been made of it by a few Non-juring Clergy; whereas the reformation intended, would have been of infinite advantage to the Church, as it would have removed all the exceptionable parts of her worship and discipline, and thereby enlarged the bounds of Communion. But thus it is, that some of our wisest writers and speakers use the words, *Providence, Judgments and Mercies!*

(2) When the Test (IV. 1672), against the Catholics

was debating, the Court, in hopes of diverting the bill, had it proposed, that some regard should be had to Protestant Dissenters. Love, member for London, and a p. XIV. Dissenter, seeing into this artifice, moved, that an effectual security might be found against Popery, and that nothing might interpose till that was done; that then the Dissenters would try to deserve some favour, but at present were willing to lie under the severity of the law, rather than clog a more necessary work with their concerns. To this the friends of the Dissenters agreed, and the Test was passed. Though it was voted, that a bill should be brought in, to give ease to the Dissenters, no act ever passed in their favour, nor has the Test been removed to this day.

(1) The

1689. "ing on these wars, in which I entered with your advice, and assurance of your assistance. "Nor can I doubt of the blessing of God upon an undertaking, wherein I did not engage out of a vain ambition, but from the necessity of opposing their designs of destroying our religion and liberties. "It is well known, how far I have exposed myself to rescue this nation from the dangers that threatened, not only your liberty, but the Protestant religion in general, of which the Church of England is one of the greatest supports, and for the defence whereof I am ready again to venture my life.

My Lords and Gentlemen,

"That which I have to ask of you at present is, that what you think fit to give towards the charges of the war for the next year, may be done without delay. And there is one reason, which more particularly obliges me to press you to a speedy determination in this matter, because the next month there is appointed at the Hague, a general meeting of all the princes and states concerned in this war against France, in order to concert the measures, for the next campaign; and till I know your intentions, I shall not only be uncertain my self what resolutions to take, but our allies will be under the same doubts, unless they see me supported by your assistance. Besides, if I know not in time what you will do; I cannot make such provisions, as will be requisite, but shall be exposed to the same inconveniences the next year, which were the cause, that the preparations for this were neither so effectual or expeditious as was necessary. The charge will be also considerably lessened by giving time to provide things in their proper season, and without confusion.

"I have no other aim in this but to be in a condition to attack our enemies in so vigorous a manner, as by the help of God may, in a little time, bring us to a lasting and honorable peace; by which my subjects may be freed from the extraordinary expence of a lingering war. And that I can have no greater satisfaction than in contributing to their ease, I hope I have already given proof. That you may be satisfied, how the money has been laid out, which you have already given, I have directed the accounts to be laid before you, whenever you shall think fit to call for them.

My Lords and Gentlemen,

"I have one thing more to recommend to you, which is the dispatch of a bill of indemnity, that the minds of my good subjects being quieted, we may all unanimously concur to promote the welfare and honour of the Kingdom."

It is remarkable, that this speech which met with universal applause, was composed by the King himself,---who the day before produced it

to the Council, written with his own hand, telling them, *He knew most of his predecessors were used to commit the drawing up of such speeches to their ministers, who generally had their private aims and interests in view; to prevent which he had thought fit to write it himself in French, because he was not so great a master of the English tongue. He desired them therefore to look it over, and change what they found amiss, that it might be translated into English (1).*

At the same council the Marquis of Halifax desired for several reasons, which he forbore to mention, to be excused from the office of Speaker of the House of Lords, which was readily granted him, and a commission was given to Sir Robert Atkyns, Chief Baron of the Exchequer, to supply his place.

The business of Oates, and some other matters, which had raised such heats between the two houses, being only superseeded by the repeated adjournment of the Parliament, it was moved in council to put a final end to them by a prorogation. But the King thought fit to do nothing in an affair of such a nature, without the advice of both houses. The Lords readily consented to it; and as for the Commons, though some of their Members pretended, that such a prorogation was irregular, after the King had made a speech, wherein he had proposed new matters to their consideration, yet the contrary opinion carried it by a great majority; so that the King being come to the House of Lords on Monday the 21st of October, Sir Robert Atkyns the new Speaker, acquainted both Houses, that it was his Majesty's pleasure, that the Parliament should be prorogued, to the Wednesday following. Before this prorogation, Dr. Crew Bishop of Durham, contrary to the expectation of most people, took the oaths, and subscribed the declaration appointed by law. He had been one of the Ecclesiastical Commissioners, and upon King James's abdication, had absconded himself for some time. He had endeavoured to get beyond sea, and offered to compound by resigning his Bishoprick, but at last he was prevailed on to merit a pardon for what he had done by submitting to the Government.

The Parliament being met on the 23d of October, the King declared to them from the throne, "That having spoke so lately to them, he need not say any thing now, matters not having been altered since that time; and therefore referred to what he had said last to both houses, and desired, that speedy resolutions might be taken." Whereupon the Commons unanimously resolved, "that they would stand by and assist his Majesty in reducing Ireland, and joining with his allies abroad in a vigorous prosecution of a war against France."

Accordingly, when the King at their request had laid before them the necessary charges of the next year's service, with the accounts of the last summer's expences, they unanimously voted a supply of two millions for those purposes (2).

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(1) The speech was approved by all the board except the Earl of Monmouth, who objected against the expression, *L'Eglise Anglicane étoit le principal appui de la religion Protestante*; i. e. *The Church of England is the chief support of the Protestant religion*. So it was altered to, *The Church of England is one of the greatest*

supports of the Protestant religion. Sir Thomas Clarges, a Member of the House of Commons, found fault that his Majesty had not said the *Church of England*, as by law established.

(2) The funds for raising this supply were a Land-tax of two shillings, and another of one shilling in the pound,

1689. The Parliament this session was chiefly employed about the State-prisoners, the instruments of the illegal proceedings in the late reigns, and the miscarriages in *Jifib* and other affairs.

Proceed- As to the State-prisoners, the act for detain- ings a- ing suspected persons in prison being expired, and several of those persons having petitioned the House to be tried at the King's Bench, a committee was appointed to inquire into the informations which had been given against them; and the misdemeanors of *Burton* and *Grabam*, the great oppressors in the late reign, were again reported to the House. The case likewise of Baron *Jenner* was reported, who was charged with declaring for the dispensing power, and acting in the affair of *Magdalen* College. These three were ordered to be brought before the House to be examined, but *Jenner* having been bailed and released, before the warrant was served, the serjeant at arms was ordered to take him into custody, and likewise *Burton* and *Grabam*, who were brought before the House, and not giving satisfaction, a committee was appointed to prepare a charge against them. At the same time were released upon bail, the Lords *Preslon* (1), *Forbes* and Sir *John Fenwick*. But the Commons resolved to impeach the Earls of *Peterborough*, *Salisbury*, and *Castlemain*, Sir *Edward Hales* and *Obadiab Walker*, of High-treason, for being reconciled to the Church of *Rome* contrary to law, and others crimes. A bill was also ordered to be brought in to declare the late Lord Chancellor *Jefferies*'s estate forfeited to the crown, and to attain his blood. But this bill met with so much opposition that no progress was made in it. However for a terror to all the late instruments of Popery, and arbitrary power, the House agreed "that the pecuniary penalties incurred by "all Privy Counsellors, Lord Lieutenants, Deputy Lieutenants, and Militia officers, Justices of the peace, and by any other persons, "who had accepted or exercised any office or "place of profit, either military or civil, (other "than such as are now officers, in their Majesties army or fleet) contrary to the laws against "Popish recusants, should be speedily levied, and "applied to the public service."

Proceed- The Lord *Griffin*, who was made a Peer about ings a- 1689. Pro H L. 1. 352.

a fortnight before King *James*'s abdication, having been often required by letters and otherwise to attend the House of Lords, and still refusing to appear, their Lordships desired the King by an address to summon him by proclamation to surrender himself, at such a day as his Majesty should appoint to their House, if then actually sitting, or to one of the Secretaries of State. His Lordship being accordingly summoned, surrendered himself to the Earl of *Nottingham*, and having made his appearance before the House of Lords, the Speaker told him, that he knew what he had to do before his sitting in that house; whereupon his Lordship desired time to consider of taking the oaths, he not being prepared for it; which was readily granted.

The same day the Parliament was prorogued, a packet was intercepted, which plainly discovered how little the Lord *Griffin* was inclined to own the present government. This discovery happened in the following manner. His Lordship having caused a large pewter bottle to be made with a double bottom, ordered his cook to go to a pewterer's at an unreasonable hour of the night, to get the false bottom soldered. The pewterer finding a packet between the two bottoms of the bottle, began to suspect something; and the cook not giving him a satisfactory answer about the contents, he made bold to open it. The superscription of several letters directed to King *James*, the Duke of *Perwick*, &c. justified the pewterer's suspicion, who immediately seized the Lord *Griffin*'s cook, and carried him to one of the Secretaries of State, but he being gone to bed, and his servants refusing to admit the Pewterer to his master's presence, the Lord *Griffin*, who by this time began to apprehend what had befallen his messenger, took this opportunity to make his escape. Besides the letters there was found an account of some private resolutions of the council, and an exact list of all the land and sea forces of *England*. Whereupon the Lord *Griffin*'s House and papers were searched, his Lady committed to the Tower, several suspected persons arrested, and the Custom-house officers ordered to stop all unknown persons, who offered to cross the seas without passes. The Lord *Griffin* having abandoned

pound, in which the Quakers are excused from double taxes, additional duties upon coffee, tea and chocolate, after the following rates:

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Upon every hundred weight of coffee	05	12	00
Upon every hundred weight of cocoa-nut	08	08	00
Upon every pound of tea	00	05	00

This is the same bill that had been dropped the last session, upon a dispute whether the Peers can alter a money-bill or tax. It was now passed with the alteration proposed by the Lords of a draw-back upon exportation. An additional poll-tax was also passed, by which twenty shillings a head was laid upon every shop-keeper, tradesman, and artificer, worth three hundred pounds personal estate. This bill had also been dropped the last session, upon a debate, whether the Lords should appoint commissioners of their own to tax themselves. A tax of 100,000 *l.* was moved (by Sir *Edward Seymour*, it is said) to be laid on the *Jews*; but the motion came to nothing.

(1) The Lord *Preslon* presenting to the House of Lords a patent from King *James*, dated from *Verfailles* the 21st of *January* 1688-9, by which he was created

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a Baron of *England*, their Lordships voted him guilty of High-Treason. However, they thought fit to refer the examination of that matter to the Judges their assistants. The Lord *Preslon* pretended, that the patent being dated one day before the meeting of the Convention, which had voted the throne vacant, it ought therefore to be valid. To which it was answered, that the vacancy was supposed to begin from the moment King *James* left the kingdom, whereby he abdicated the government. The next day the Judges brought in the Lord *Preslon* guilty of a high misdemeanor, for which he was committed to the Tower. Not long after he acknowledged, and begged pardon for his fault by a petition to the Lords, which was rejected upon his subscribing himself Viscount *Preslon*, without expressing of what kingdom. The next day he presented another, wherein he stiled himself Viscount of *Scotland*; and it being likewise alleged in his behalf, that by accepting a patent from King *James*, he never meant an affront to King *William*, but only to secure his own person from imprisonment, (being at that time prosecuted at law by the Lord *Montagu* for a considerable sum of money) he was released from his confinement.

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(1) This

1689. scolded himself some few days and finding it difficult to go out of the Kingdom, surrendered himself to the Earl of *Shrewsbury*, Secretary of State, who having examined him, committed him to the custody of a messenger, from whence he was sent to the Tower. The Commons upon this appointed a committee to inquire how the Lord *Griffin* came to know a resolution, which the King had communicated to four persons only; and the Lords addressed his Majesty to let him understand, that the said Lord being one of their Members, they were consequently his proper Judges. The King having left the cognizance of this affair to the Peers, they began to examine the papers intercepted in the Pewter bottle, which were the only evidence against the Lord *Griffin*. And because some few days before it had been resolved in that House, that Colonel *Algernon Sidney* was unjustly condemned, nothing but writings found in his closet having been produced against him, the Earl of *Rochester* argued, from a parity of reason in favour of Lord *Griffin*, who, after several warm debates, was set at liberty upon bail.

Proceedings about the authors of the executions in the late reigns. &c. Pr. H. L. I. 394. Burnett.

As to the instruments of the illegal proceedings of the late reigns, the Lords as well as the Commons, appointed a committee to examine who were the advisers and prosecutors of the murders of the Lord *Russel*, Colonel *Sidney*, Sir *Thomas Armstrong*, Alderman *Cornish* and others, and who had the chief hand in the *Two Warrants* and delivering up of charters. This committee was appointed, at the motion of the Duke of *Bolton*, and it was desired by the Lords, that Mr. *John Hampden* and Mr. *John Trenchard*, Members to the House of Commons, might attend the committee, to inform them what they knew of these matters. These two Gentlemen had been accused, for being concerned with the Duke of *Monmouth* and the Lord

Russel in the Plot of 1683. *Trenchard* had been 1689. charged with undertaking to raise a body of men at *Taunton*, but he had denied every thing. And 'twas then well known his greatest crime, was the being the first man, that had moved the exclusion in the House of Commons. Mr. *Hampden* was let into all the Duke of *Monmouth's* secrets, and knew the whole affair. Upon Lord *Howard's* evidence, he was brought in guilty of a misdemeanour, and fined 40,000*l.* the most extravagant fine, that had ever been set for a misdemeanour, and which amounted to an imprisonment for life. He was afterwards concerned in *Monmouth's* rebellion, and upon pleading guilty and begging his life, was pardoned.

He is said to have been so ashamed of this, that it gave his spirits such a disorder, he could never master, and which had a terrible conclusion, for about ten years after he cut his own throat. He was grandson of him that pleaded the cause of *England*, in the point of ship-money; his father was an eminent man, and zealous in the exclusion. He himself was a man of great parts, and a critic in *Latin*, *Greek* and *Hebrew*, of great heat and vivacity, but too unequal in his temper.

Mr. *Hampden* appeared before the committee, and, as it is said, made a long speech, tending rather to extol his own services, than to discover the authors of Lord *Russel's* death (1). However this be, though this inquiry lasted some weeks, and gave occasion to much heat, nothing could be proved, upon which votes or addresses could have been grounded: yet the Lord *Hallifax*, having concurred with the Ministry and Council in the severities and executions in the end of King *Charles's* reign, and in the *Two Warrants*, and surrendering the charters, saw it was necessary for him to withdraw now and quit the court. And soon after he reconciled himself to the Tories and upon all occasions protected

(1) This matter is thus related by *Kennet* after *Boyer*. It is certain, (say they) that Mr. *Hampden* was able to give the Lords a great light into that affair, having been involved in the like danger himself, and out of which he disengaged himself not without difficulty. But this enquiry was not so much intended against Mr. *Hampden*, as against the Marquis of *Hallifax*, who had endeavoured Mr. *Hampden's* ruin, by procuring a note from the late Duke of *Monmouth*, which represented Mr. *Hampden* as the chief accomplice with the Lord *Russel*. But the Duke afterwards repenting of having accused one of his best friends, earnestly demanded his note from King *Charles II.*, to whom the Marquis had delivered it, and at last obtained it on this condition, never to return into his Majesty's presence. Mr. *Hampden* appeared before the committee of the Lords, and made a long speech, in which he rather aimed at justifying himself, than at discovering the authors of the Lord *Russel's* death. He extolled his services to the present government, insinuating, that the whole intrigue in inviting over the Prince of *Orange* had been managed by himself, and Mr. *Johnston*, (a *Scotsman*, son of the Lord of *Warriestoun*, who had been executed in 1663, and first cousin of Bishop *Burnet*) whom he had employed to gather the results of the several consultations in private houses. He urged, that by his concern in this affair he had exposed himself to imminent danger; for had *Johnston* been suspected, he would have been sent into *Scotland*, and forced by the rack (which is allowed in that kingdom) to discover those who set him at work. Upon this account it was that Mr. *Hampden*, after the Revolution, made several officers at being Secretary of

State; but the King thought him of too hot a temper for a place that requires a settled head. One day Mr. *Hampden*, with design to remind the King of his own services, represented to him, that those of Mr. *Johnston* were still left unrewarded; to which the King replied, that he had not forgot either Mr. *Hampden* or Mr. *Johnston*. However, neither of them had much reason to complain; the King having named the first to be his Envoy into *Spain*, and the other into *Switzerland*; which employments they both refused.

Great part of this relation seems to be taken from uncertain memoirs; for as it is not true that the inviting over the Prince of *Orange* was managed by him and *Johnston*, Mr. *Hampden* cannot be justly supposed to say so. Nor is the dialogue with the King any more likely. Neither could they with justice say, that an Envoyship to *Spain* was a sufficient reward for the service Mr. *Hampden* had done the King; since, by their own confession, he had contributed so much towards the Revolution. However, it must be owned, Mr. *Hampden* thought himself neglected, and was so far disgusted as to say, *I think I deserve to have something offered me at least*. This is the worst that those who knew him intimately, heard him ever say. However this be, Mr. *Cox*, upon Mr. *Hampden's* recommendation was sent to *Switzerland*, and Mr. *Stenhope* brother to the Lord *Chichester*, was dispatched to *Munster*. About the same time, the Lord *Paget* was sent envoy to the Emperor, and the Lord *Dursey*, afterwards Earl of *Berkley* to *Holland*, to shew the Earl of *Pembroke*, who was made a Privy-counsellor, and not long after first Commissioner of the Admiralty, upon the resignation of the Lord *Torrington*.

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1689. protected the whole party. The Privy-Seal was put in commission after the Lord Halifax had resigned, and given to *William Cheney*, Sir *John Knatchbull*, and Sir *William Pulteney*.

Miscar-
riages in
Ireland
examined
into.
Nov. 11.
Pr. H. C.
R. 358.

As to the miscarriages in the *Irish* affairs, which had been a continual subject of complaint, the Commons being informed that Duke *Schomberg's* army was scarce fourteen thousand strong, though there were twenty-three thousand upon the establishment, they desired the King to appoint commissioners to go over and inquire into the condition of the army in *Ireland*. Though the King assured the House, that he would comply with their address, yet some members moved, that the Commons should send commissioners of their own nomination, both to look into the expence, and to prevent false musters; which seemed to be an encroachment on the royal prerogative. Others said, that Duke *Schomberg* would have done well to have come himself in person, to acquaint the House with the causes of the weakness of his army, in order to secure his own reputation. And others went farther, reflecting on that General for not fighting King *James's* forces. Though the Duke wanted no apology among those, who knew his capacity, yet being informed, that his conduct was called in question, even in the Parliament itself, he acquainted the King with the reasons, that had obliged him not to stir from his camp upon the approach of King *James*; alledging, that his army had never exceeded twelve thousand effective men, most of them newly raised, and little better than those of the late King, who had double that number: That he had waited for artillery, horses and carriages above a month: That the army had all along wanted bread; the horses, shoes and provender; and the surgeons and apothecaries, proper medicines for the sick. This account was confirmed by Mr. *Lumley*, brother to the Lord *Lumley*, and by Count *Salmes*, who at this time arrived from *Ireland*, and reported further, that the army was cantoned in pretty good winter-quarters; that abundance of men and horse had been swept away by sickness, and want of food or clothing; but that the sick now recovered very fast; and as for the officers, that several of them had killed themselves with drinking too plentifully *Irish* Usquebaugh, particularly Sir *Edward Deering*, Colonel *Wharton*, and Sir *Thomas Gower*: That the miscarriages of *Ireland* were wholly to be charged on Mr. *John Shales*, Purveyor-General to the army; and that upon Duke *Schomberg's* landing at *Dundalk*, there was so general a consternation among the *Irish*, that he might have marched directly to *Dublin*, if he had not wanted provisions and a train of artillery. Dr. *Walker* also acquainted the Commons with these things, whereupon they addressed the King that *Shales* might be taken into custody, and all his accounts, papers, and stores secured; and that Duke *Schomberg* might be empowered to appoint an abler person. Next day Major *Wildman* brought the King's answer: "That he had some time since taken order therein, being informed of Captain *Shales's* misdemeanors in his employment, and had written to Duke *Schomberg* for that purpose; and believed what was desired was already done, though the wind being contrary, he had not yet received any account from *Ireland*." But the Commons still eager upon this affair, resolved upon another address, to re-

quest his Majesty to name those, who had recommended *Shales* to his service, which however the King declined to do, because, as he said, *Shales* had been proposed in full council. This *Shales* had been Purveyor to King *James's* army, whilst encamped on *Hounslow-Heath*; and upon that account was greatly suspected of dishonest practices under King *William*. A few days after the King sent the following message to the Commons in writing:

William R.

"HIS Majesty having already declared his message
resolutions to prosecute the war in *Ire-*
land with the utmost vigour; and being desir-
ous to use the means, that may be most fatig-
factory and effectual in order to it, is graciously
pleased, that this House do recommend a
number of persons, not exceeding seven, to
be commissioned by his Majesty to take care
of the provisions, and such other preparati-
ons, as shall be necessary for that service,
His Majesty is further pleased to let the
House know, that upon consideration of the
address of the 11th of November, he gives
them leave to nominate some persons to go
over into *Ireland*, to take an account of the
number of the army there, and the state and
condition of it, who shall receive his Ma-
jesty's orders accordingly."

This condescending message was so well received by the House, that both these affairs were left to the King. However they took this opportunity to press him to discover those, who had recommended *Shales*; to which he replied, *it is impossible for me to give an answer to this question*, but promised to take all possible care, to carry on the war in *Ireland* with vigour, and to employ such persons, as might be most proper for the service. But the complaints of mis-
management were so great, that on the 15th of
December, the Commons resolved, "that an address
humble address be presented to his Majesty, of affairs.
to lay before him the ill conduct and success
of affairs in reference to *Ireland*, the armies
and fleet; and humbly to desire his Majesty,
that he will please to take it into his conside-
ration, and, in his wisdom, to find out the
authors of these miscarriages, and to appoint
affairs to be managed by persons unsuspected,
and more to the safety of his Majesty, and
satisfaction of his subjects." The House like-
wise having been informed, that the miscarriages
of the fleet proceeded from a raging sickness a-
mongst the seamen, occasioned by great quanti-
ties of corrupt and unwholesome provisions, which
had been furnished to the Navy, the last sum-
mer, and the same being attested by several
Members of the House upon their own know-
ledge, it was resolved, on the 23d of November,
"that Sir *John Parsons*, Sir *Richard Haddock*,
Alderman *Sturt*, and Mr. *Nicholas Fenn*, vic-
tuallers of the fleet, should be sent for in
custody of the Serjeant at arms, to answer to
the said complaints. And within a few days
after, the King appointed *Thomas Papillon*, *Simon*
Mayne, *John Agar*, *Humphrey Ayles*, and *James*
Hew, Commissioners for victualling the navy.

About the same time the Commons took in-Hamp-
to consideration the state of the nation, and se-
veral Members made complaints of the late mis-
carriages Kennet.

carriages, and charged them on the ministry. Mr. *Hampden* made a speech wherein he urged, "that he could not but wonder to see those very persons in the ministry, whom the late King *James* had employed, even when his affairs were most desperate, to treat with the then Prince of *Orange*," and moved for an address to desire the King to remove the persons, whom he had marked out, from his presence and councils. This speech (says a certain historian) might have made greater impression, had he not at the same time complained, that several Commonwealth's-men were then employed by the government; upon which the House, who knew, that both he, his father, and their predecessors had ever adhered to the republican party, broke out into a general laughter. As soon as the House was composed, several Members stood up in defence of the persons, on whom Mr. *Hampden* had reflected, alleging, "that the reason why they had been deputed to the Prince of *Orange*, was not because they were in King *James's* interest, but rather because they had all along disapproved that King's conduct, and, as such, had the general approbation of the nation, and were most likely to be agreeable to his Highness." However the House voted an address, to represent to the King the miscarriages of *Ireland* and of the fleet, and to desire, that he would discover the authors of them, that they might be brought to punishment. Mr. *Hampden*, with some others, being named to draw up this address, gave some people occasion to think that his principal aim was to have the Earl of *Nottingham* removed, that he might himself step into his place of Secretary of State.

This address was accordingly presented to the House on the 23d of *December*, by Mr. *Hampden*, and because it contained a long detail of the miscarriages, and ill successes both at sea and land; it was spoke against by several Members, and even by his own father, who insisted to have it drawn up again. But others were of another opinion, and said, instead of contradicting, it

ought to be enlarged. In this debate it was remarkable to see Mr. *Hampden* and Sir *Edward Seymour*, Sir *John Gifford* and Sir *Christopher Maygrave*, Sir *Francis Winnington* and Mr. *Francis Gwyn*, on the same side of the question.

In *December* a question was put in the House of Commons, "Whether a person having a place at Court, or any dependance on the King, should be a member of that House?" The debate was warm and obstinate; for, as it always happens on such occasions, the disgusted and disappointed joined with the enemies of the government, to keep others out of places, since they themselves could not get into them. The question was however carried for the Place-men, and this reason given, "because otherwise the fittest persons for publick employments would remain excluded, and be debarred the opportunity of serving either the King or the Country."

During these proceedings in the Parliament, the Whigs began to lose much of the King's good opinion, not only by the heat which they showed in both Houses against their enemies, but by the coldness that appeared in every thing that related to the publick, as well as to himself, and particularly in the affair of his revenue. For though he had expressed an earnest desire to have it settled for life, alleging, he was not a King till that was done, since without it the title of a King was only a pageant, the civil list was nevertheless granted but for one year (1). For a jealousy was now infused into many, that he would grow arbitrary in his government, if he once had the revenue, and would strain for a high stretch of prerogative, as soon as he was out of difficulties and necessities. Those of the Whigs, who had lived some years at *Amsterdam*, had got together a great many stories, that went about the city, of his fullness and imperious way of dictating. The *Scots* likewise, who were now come up to give an account of the proceedings in Parliament, set about many things, that heightened their apprehensions (2). One *Simpson*, a *Scots* Presbyterian, was recommended

(1) He spoke of this with more than ordinary vehemence. So that sometimes he said he would not stay and hold an empty name, unless he had a revenue for life. He said once to Bishop *Burnet*, that he understood the good of a Commonwealth as well as of a kingly government, and it was hard to determine which was the best; but he was sure, the worst of all governments was that of a King, without treasure and without power. *Burnet*, II. 34.

(2) The Earl of *Belvoir* observes, that the Session of Parliament ended with so little satisfaction to all parties in it, that most of them ran to *London*, some to complain, that those things had not been performed, that the Prince of *Orange* promised, when he came to the crown; others to defend themselves; for there were great animosities among them, particularly against the Lord *S—r*, who, though he always had been a fanatic, yet was generally abhorred among them, as they said, being a man neither of religion, nor honour: besides he had complied with all governments, and had taken all oaths and engagements, that were a going for fifty years before, and was the contriver of several of them, yet never was faithful to any party. The favours done by the Prince of *Orange*, to the Lord *S—r* and his son, and those other things not done in Parliament, which were expected, made many dissatisfied. But to take off the odium of the last,

and to shew he was not to blame for their not having all they desired in Parliament, he caused to be printed all his instructions to Duke *Hamilton*, and laid all the fault on him, which he most patiently suffered, and might very well have justified it, since all he neglected to do was to satisfy the most bigotted fanatics, in not settling religion, as they would have it, and whereabout they could not agree, among themselves; so it was delayed. The next thing was the not restoring the forfeited estates, which indeed Duke *Hamilton* thought unjust, but not the less, that his son and brother were so much concerned, being in possession of two of the best of them by a gift from your Majesty. But to do him justice, he was not for going such a length of extravagances and cruelty, as those enraged fanatic rebels, who came over with the Prince of *Orange*, which made the most part of his enemies, until they took a general hatred at the Lord *M—r*. This made them join together more for interest than inclination; others went up to get the rewards of their services; but finding themselves disappointed of those employments, which they thought due to their merit, quite broke off from the rest, though to cover their designs the better, they caused Bill the most bigotted of the party. The chief of these were Sir *James Montgomery*, Earl of *A—r*, Lord *R—r*, Mr. *William Innes*, and Mr. *James O—r*, who

1689. mended to the Earl of *Portland*, as a man, whom he might trust, and who would bring him good intelligence; upon which account he was often admitted, and was entertained as a good spy. But he was in a secret confidence with one *Nevill Payne*, the most active and dextrous of all King *James's* agents, who had indeed lost the reputation of an honest man entirely, and yet had such arts of management, that even those who knew what he was, were willing to employ him. *Simpson* and he were in a close league together, and *Payne* discovered so much of the secret intelligence of his party to *Simpson*, that he might carry it to the Earl of *Portland*, as made him pass for the best spy the Court had. When he had gained a considerable share of credit, he made use of it to infuse into the Earl of *Portland's* jealousies of the King's best friends; and as the Earl hearkened too attentively to these, so by other hands it was conveyed to some of them, that the Court was now become jealous of them, and was seeking evidence against them.

Conspiracy
against the
government.
Burnet.

Sir *James Montgomery*, who had been very instrumental in settling the crown of *Scotland* upon King *William*, was easily possessed with these reports; and he and some others, by *Payne's* management, entered into a correspondence with King *James's* party in *England*. They demanded an assurance for the settlement of *Presbytery* in *Scotland*, and to have the chief posts of the government shared among them. Princes in exile are apt to grant every thing, that is asked of them; for they know, that, if they are restored, they shall have every thing in their power. Upon this they entered into a close treaty for the way of bringing all this about. At first they only asked money for furnishing themselves with arms and ammunition; but afterwards they insisted on demanding three thousand men, to be sent over from *Dunkirk*; because by Duke *Schomberg's* being posted in *Ulster*, their communication with *Ireland* was cut off. In order to the carrying on this design, they reconciled themselves to the Duke of *Queensberry*, and the other Lords of the episcopal party; and on both sides it was given out, that this union of those, who were formerly such violent enemies, was only to secure and strengthen their interest in *Parliament*; the episcopal party pretending, that since the King was not able to protect them, they, who saw themselves marked out for destruction, were to be excused for joining with

those, who could secure them. *Simpson* brought, 1689.
an account of all this to the Earl of *Portland*, and was pressed by him to find out witnesses to prove it against Sir *James Montgomery*. He carried this to them, and told them that the whole business was discovered, and that great rewards were offered to such as would merit them by swearing against them. With this they alarmed many of their party, who did not know what was at the bottom, and thought, that nothing was designed but an opposition to Lord *Melville* and the elder *Dalrymple*, now created Lord *Stair*; and they were possessed with a fear, that a new bloody scene of sham-plots and suborned witnesses was to be opened. And when it began to be whispered about, that they were in treaty with King *James*, that appeared to be so little credible, that it was said by some discontented men, what could be expected from a government, that was so soon contriving the ruin of its best friends? Some feared, that the King himself might too easily receive such reports: and that the common practices of ministers, who study to make their masters believe, that all their own enemies are likewise his, were like to prevail in this reign, as much as they had formerly done. *Montgomery* came to have great credit with some of the Whigs in *England*, particularly with the Earl of *Monmouth* and the Duke of *Bolton*; and he employed it all, to persuade them not to trust the King, and to animate them against the Earl of *Portland*. This wrought so much, that many were disposed to think, that they would have good terms from King *James*; and that he was now so convinced of his former errors, that they might safely trust him. The Earl of *Monmouth* intimated this to Bishop *Burnet* twice, but in such a manner, as if he was afraid of it, and endeavoured to prevent it; but he set forth the reasons for it with great advantage, and those against it very faintly. Matters were trusted to *Montgomery* and *Payne*; and *Ferguson*, who had been very deeply engaged with the enemies to the Court in the two preceding reigns, was taken into it, as a man, who naturally loved to embroil things. Thus a design was formed, first to alienate the city of *London* so entirely from the King, that no loans might be advanced on the money-bills, which, without credit upon them, could not answer the end, for which they were given. It was spread about, that King *James* would give a full indemnity for all that was past; and that, for the future, he would

“ who at first in the Convention had behaved himself very well, but by great promises made him by Duke *Hamilton*, he went over to him; and finding himself disappointed, joined again at *London* in all, that was proposed to him for your Majesty's service by Sir *James Montgomery*, who managed the rest as he pleased, and having got acquainted with Mr. *Ferguson* Mr. *Payne*, Capt. *W—*, and some others, that were in your interest, engaged not only for himself, but for the others without their knowledge, trusting to his power over them. The first of his own set he proposed his design to, was the Earl of *A—*, his brother in-law, whom he found very frank, as he always was, when the change of a party was offered, then the Lord *R—*; and laid before them two the ingratitude of the Prince of *Orange* in not giving them employments, and the great offers made by your friends, if they would return to their duty. He wanted not encouragement to say

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“ so, for Mr. *Payne* had promised him all that his ambition, vanity, or avarice could suggest; nor were there ever two better matched than Mr. *Payne* and Sir *James Montgomery*; for Mr. *Payne* made him believe, that he could dispose both of titles of honor, employments and money, as he pleased; and the other imposed so far upon him, as to make him believe, he was able to turn the whole nation with a speech, to do whatsoever he proposed.
“ After they had conferred their affairs together, and disposed of every thing according to their fancy, they proposed their resolutions of serving you to the Earl of *A—*, then prisoner in the Tower of *London* who embraced it most willingly, judging it, that to get those, who had been most eminent against you, to come over, could not but make a considerable interest. The next step they made was to send one over to your Majesty, with the offer of their service, and advise how all things
H h “ should

1689. would separate himself intirely from the French interest, and be contented with a secret connivance at those of his own religion. It was said, that he was weary of the insolence of the French Court, and saw his error in trusting to it so much as he had done. The corrupted party had gone so far, that they seemed to fancy, that the restoring him would be not only safe, but happy to the nation. Bishop Burnet owns, that it was long before he could suffer himself to think, that the matter was gone so far; but he was at last convinced of it. He received a letter from an unknown hand, with a direction, how to answer it. The substance of it was, that the writer of it could discover a plot deeply laid against the King, if he might be assured not to be made a witness, and have his friends, who were in it, pardoned. That prelate, by the King's order, engaged for the first; but as an indefinite promise of pardon was thought too much, the informer was told that he might, as to that, trust to the King's mercy. Upon this he came to the Bishop, who found him to be Sir James Montgomery's brother. He acquainted the Bishop, that a treaty was settled with King James; that articles were agreed on; and an invitation subscribed by the whole cabal, to King James to come over, which was to be sent to the Court of France, both because the communication was easier and less watched when it went through Flanders than with Ireland; and to let that Court see, how strong a party he had, and by that means to obtain the supplies and force that was desired. He said, that he saw the writing, and some hands to it; but that he knew many more were to sign it; and he undertook to put the Bishop in a method to seize on the original paper. The King could not easily believe the affair had gone so far; yet he ordered the Earl of Shrewsbury to receive such advices, as the Bishop should bring him, and immediately to do what was proper. A few days after this, Montgomery told the Bishop that one Williamson was that day gone to Dover with the original invitation. The Bishop found the Earl of Shrewsbury inclined enough to suspect

Discovered
by Bishop
Burnet.
Ibid.

Williamson, who had for some days solicited a pass for Flanders, and had got some persons, of whom it was not proper to shew a suspicion, to answer for him. A person was therefore sent post after him, with orders to seize him in his bed, and to take his clothes and portmanteau from him, which were strictly examined, but nothing found. Yet upon the news of this, the party was extremely affrighted, but soon recovered themselves; the true secret of which was afterwards discovered. Simpson was it seems, to go over with Williamson, but first to ride to some houses, which were in the way to Dover; whereas the other went directly in the stage-coach. It was thought safest for Simpson to carry those papers, for there were many different invitations, as they would not trust their hands to one common paper. Simpson came to the House at Dover, where Williamson was in the messengers hands; upon which he went away immediately to Deal, and hired a boat, and got safe to France with his letters. Montgomery finding that nothing was discovered by the way, which he had directed Bishop Burnet to imagine, that he should be despised by King William's friends, and perhaps suspected by his own party; and therefore went over to France soon after, and turned Papist. The fear of this discovery went presently off; and Simpson came back with large assurances; and twelve thousand pounds were sent to the Scots, who undertook to do great matters.

All pretended discoveries were laughed at, and looked upon as fictions of the court; and upon this the city of London were generally possessed with a very ill opinion of the King.

In this situation of affairs, the Whigs discovered that the Tories were treating with the Court about the dissolution of the Parliament. Though the Commons had granted the supplies that were demanded for the reduction of Ireland, and for the quota to which the King was obliged by his alliances, yet the remoteness of the funds making it necessary to offer great premiums to those who advanced the money upon a security that was thought so hazardous, since few believed the govern-

A bill concerning corporations.
Pr. H. C.
II 369.
Burnet.

“ should be despised. Though they found a messenger fit for their affair, called Mr. J——, yet they had great difficulty, how to get their commissions, titles of honour, and instructions to the Parliament, worded according to form; for none of them knew any thing of the matter. But Sir Andrew F——, gave doubles of all they desired, to Mr. Ferguson, without knowing any thing of them, believing it could not be but for your Majesty's service, since the Earl of A——n was concerned in it. After they had dispatched their messenger with all his instructions, and having nothing to do till his return, Sir James and Mr. Ferguson being openly declared enemies to the Lord Melville, wrote a pamphlet, which they called, *the grievances*. It gave great offence, and broke Sir James Montgomery for ever with the Prince of Orange and all his favourites; in which was laid open all their follies and breach of promises, with all the bitterness, which Mr. Ferguson's pen was capable of, who had been in constant use of such undertakings for many years.

“ The winter 1689 was thus spent at London in their private councils, which made the Prince of Orange so weary of both sides, that he told Duke Hamilton, that he was so much troubled about their debates, that he wished he were a thousand miles from Scotland, and that he were never King

“ of it. Duke Hamilton, though he was extremely both the Lord Melville's and Lord Stair's enemy, who were the chief cause of those debates, yet went not publicly to the meetings of your enemies, which was then called the club, but lived in outward civility with all, till the spring that Lord Melville came down Commissioner.

“ While they were thus hot upon their debates at London, the council of Scotland, where the Earl of Crawford constantly presided, without any commission, was very busy with the Episcopal clergy, who had not prayed for the Prince of Orange, as was ordered by the last session of Parliament. A great many were summoned before the council; and upon their refusal turned out. Others, who would have complied, and also made it appear by their defences, that it was impossible for them to be informed of the order in so short a time, were likewise turned out. His zeal carrying all things before him, and the rest complying with all that he proposed; so that by the council, the rabble, and the new levied dragoons the worst of either, there were but very few in their churches before the next spring, save some, that were willing to comply with every thing; which rendered them contemptible even to their enemies.” *Acc. of the Aff. of Scot.* p. 114.

1689. vernment would last so long, the supplies, tho' seemingly great, brought not in the half of what they were estimated at. This the Tories perceived, and seeing the Whigs grow fullen, and that they would make no advance of money, they applied to the Court, and promised great advances of money if the Parliament might be dissolved, and a new one summoned. Upon this the Commons prepared a bill, "for restoring Corporations to their antient rights and privileges," by which they hoped to have made sure of all future Parliaments; for in it was inserted the following clause, "That every Mayor, Recorder, Sheriff, Common-Council-Man, Town-Clerk, Magistrate, or Officer, who did take upon him to consent to, or join in the surrender of any charters, or instrument purporting such surrender, did solicit, procure, prosecute, or did pay or contribute to the charge of prosecuting any *Scire Facias*, *Quo Warranto*, or information in the nature of *Quo Warranto*, by this act declared unlawful, shall be, and is declared, adjudged, and enacted to be, for the space of seven years, incapable and disabled to all intents and purposes, to bear or execute any office, employment, or place of trust, as a member of such respective body corporate, or in or for such respective city, town, borough, or cinque-port, whereof or wherein he was member at or before the time of making such surrender or instrument purporting such surrender, or the suing out, or prosecuting such *Scire Facias*, *Quo Warranto*, or information in the nature of *Quo Warranto*; any thing in this act contained, or any other case, statute, or any ordinance, charter, custom, or any thing to the contrary, in any wise notwithstanding." This was opposed in the House by the whole strength of the Tory party; for they saw, that the carrying of it would be the total ruin of their interest through the whole kingdom. They said a great deal against the declaratory part of the bill; but whatever there might be in that, they urged, that since the thing had been so universal, it seemed hard to punish it with such severity: and that by this means the party for the Church would be disgraced, and the corporations cast into the hands of Dissenters. And now both parties made their court to the King. The Whigs promised every thing, that he desired, if he would help them to get this bill passed; and the Tories were not wanting in their promises, if the bill should be stopped, and the Parliament dissolved. The bill was carried in the House of Commons by a great majority. When it was brought up to the Lords, the first point in debate was upon the declaratory part, Whether a corporation could be forfeited or surrendered. The Lord Chief-Justice *Holt*, and two other Judges, were for the affirmative, but all the rest for the negative. No precedents for the affirmative were brought higher than the reign of King *Henry VIII.*, in which the abbies were surrendered; which was at that time so great a point of state, that the authority of these precedents seemed not clear

enough for regular times. The House was so equally divided, that it went for the bill only by one voice. After which, little doubt was made of the passing the act. But now the applications of the Tories were much quickened: they made the King all possible promises; and the promoters of the bill saw themselves exposed to the Corporations, which were to feel the effects of this bill so sensibly, that they made as great promises on their part. The matter was now at a critical issue: the passing the bill put the King and the Nation in the hands of the Whigs; and the rejecting it, and dissolving the Parliament upon it, was such a trusting to the Tories, and such a breaking with the Whigs, that the King was long in suspense what to do. He was once very near a desperate resolution, he thought he could not trust the Tories, and he resolved he would not trust the Whigs. He imagined, however, that the Tories would be true to the Queen, and confide in her, though they would not in him. He therefore resolved to go over to *Holland*, and leave the Government in the Queen's hands.

Upon this he called together the Marquis of *Carmarthen*, the Earl of *Sbrensfury*, and some few more, and told them, that he had a convoy ready, and was resolved to leave all in the Queen's hands, since he did not see how he could extricate himself out of the difficulties, into which the animosities of parties had brought him. They pressed him vehemently to lay aside all such resolutions, and to comply with the present necessity. Much passion appeared among them; and the debate was so warm, that many tears were shed. In conclusion, the King resolved to change his first design into another better resolution, of going over in person into *Ireland*, to put an end to the war there. The Queen knew nothing of the first design, so reserved was the King to her in a matter, that concerned her so nearly. The King's intention of going to *Ireland*, appeared by the preparations, that were ordered; but a great party was formed in both Houses to oppose it. Some really apprehended, that the air of that country would be fatal to so weak a constitution; and the Jacobites had no mind, that King *James* should be so much pressed, as he would probably be, if the King went against him in person. It was by concert proposed in both Houses on the same day, to prepare an address to the King against this voyage: So the King, to prevent the address, came to the Parliament, and acquainted both Houses with his resolution of going in person to *Ireland*, "and as I have (says he) already ventured my life for the preservation of the religion, laws and liberties of this nation, so I am willing again to expose it, to secure you the quiet enjoyment of them."

When the King had ended his speech, the *Parliament* was prorogued to the 2d of *April*, ^{1689.} but on the 6th of *February* was dissolved by proclamation. At the same time, a new one was summoned to meet the 20th of *March* (1). ^{Jan. 17.}

In this Session was passed the declaration of ^{Feb. 6.} Rights ^{Pr. H. C.} 11. 372.

(1) As to the honours and preferments conferred this year, his Majesty, at the beginning of *November*, was pleased to create *Richard Lord Coote*, Baron of *Colony in Ireland*, an Earl of that kingdom by the name of

the Earl of *Billamont*; and about the middle of that month, he appointed *Thomas Kirke*, Esq; to be his Consul at *Genoa*; *Lambert Blackwell*, Esq; Consul at *Leghorn*; *Walter Delman*, Esq; Consul at *Alicant*; *Hugh*

1689. rights and act of settlement, of which an account has already been given.

Revenue settled on the Princess of Denmark.
Pr. H. C. II. 367.
Burnet.

The affair likewise of the Princess of Denmark's revenue was now completed, which had been left unfinished the last Session. A motion being made for settling part of the publick revenue on the Princess, the House was divided into three parts. The Lord *Eland*, son of the Marquis of *Hallifax*, Mr. *Finch* and Mr. *Godolphin*, who spoke in favour of the Princess, insisted that 70,000 *l.* a year, was as little as could be allowed her, as it had been represented the former Session. Others were for reducing that sum to 50,000 *l.* and others again, who knew the King's inclination, would have the matter left entirely to his discretion. Mr. *Hampden* in particular alleged the danger of settling a revenue on a Princess, who had so near a claim to the crown, independently of the King, whose title was disputed by many malcontents; and supported his argument, by the example of the Queen, on whom it had been lately proposed to settle 100,000 pounds a year, but which was thought improper and therefore rejected, though her Majesty had no separate interest, from that of her royal Consort. This debate being adjourned to the next day, the King who was unwilling such an affair should be thus canvassed in Parliament, sent the Earl of *Shrewsbury* to the Countess of *Marborough*, Lady of the Bedchamber to the Princess, who told her "that he came from his Majesty who promised to give the Princess 50,000 pounds a year, if she would desist from soliciting the settlement by Parliament; and that he was confident, the King would keep his word: That if he did not, he was sure, he would not serve him an hour after he broke it." The Countess answered, "that such a resolution might be very right as to him; but that she did not see it could be of any use to the Princess." The Earl, to convince her of the reasonableness of what he proposed, added a great deal, which had no effect, and she desired him to attend the Princess herself, to which he consented. The Countess went to the Princess to acquaint her of the Earl's coming, and her answer to him was, "that she could not think herself in the wrong to desire a security, for what was to support her; and that the business was now gone so far, that she thought it reasonable to see what her friends could do for her." This answer was taken very ill both by the King and Queen. More particularly the Queen complained, that such a motion was made before the Princess had tried in a private way, what the King intended to assign her. The Princess, on the other hand,

Conduct of the D. of Marl. p.
34.

said, she knew the Queen was a good wife, submissive and obedient to every thing that the King desired; so she thought, the best way was to have a settlement by act of Parliament. The custom indeed had always been, that the Royal Family (a Prince of *Wales* not excepted) was kept in dependance on the King, and had no allowance but from his mere favour and kindness; yet in this case, in which the Princess was put out of the succession, during the King's life, it seemed reasonable that somewhat more than ordinary should be done in consideration of that. Accordingly the Commons addressed the King to settle 50,000 pounds a year on the Prince and Princess of *Denmark*, to which he consented. The blame of this motion was cast on the Countess of *Marborough*, as most in favour with the Princess: and it is thought, this greatly contributed to alienate the King from the Earl her husband, who was some time after dismissed from all his employments, as will hereafter be seen.

Whilst the Parliament was sitting, *Ludlow*, who upon the restoration, was excepted out of the general pardon in 1661, for having been one of the Judges of King *Charles I.* on some encouragement given him came into *England* to offer his service in the reduction of *Ireland*, where he had formerly commanded under *Cromwell*. Many were surpris'd at his coming, whilst there was an act of attainder against him, which he could not reasonably expect would be dispensed with in his favour. But no one was more alarmed at it than Sir *Edward Seymour*; for his seat and estate at *Maiden-Bradley* in *Wiltshire*, where he lived, had belonged to *Ludlow*, and came to him by a grant. It is no wonder therefore that he so strongly represented to the Commons, "how highly it reflected on the honour of the nation, that one of the parricides of that King, whose death the Church of *England* had justly dignified with the title of Martyrdom, should not only be suffered to live here, but also entertained with hopes of preferment." Upon this the Commons, at his motion, voted an address to the King to issue out a proclamation for apprehending Colonel *Ludlow*, and proposing a reward for such as should take him. Not content with making the motion, Sir *Edward* took care to present the address himself the next day (1), which, though the King complied with, it was observed that the proclamation was not published, till it was known that *Ludlow* was safely arrived in *Holland* with the *Dutch* Ambassadors (2). From *Holland* he returned to *Vevey* in the county of *Vaux* in *Switzerland*, which he had chosen for his retirement after he had left *Geneva*.

1689.

Ludlow comes into England, and is obliged to retire again.
Pr. H. C. II. 357.
Nov. 6.

Pr. H. C. II. 357.

Nov. 15.

Hugh Broughton, Esq; Consul at *Venice*; *Lancelot Stegny*, Esq; Consul in the city and port of *Oporto* in the kingdom of *Portugal*; and *Jamez Paul*, Esq; Consul for the islands of *Zant*, *Corfu*, *Cephalonia*, and *Theaca*, with the other adjacent islands belonging to the *Venetian* territories, and the province of *Morcia*, &c. and *Robert Goddshall*, Esq; Consul at *Seville*, *St. Lucar*, and places adjacent within the kingdom of *Spain*. On the 13th of *February*, Sir *Henry Godrick Knight* and *Baronet*, Lieutenant-General of their Majesties ordinance, was sworn of the Privy Council; and on the 19th of *March*, a commission for the Lord High-Treasurer's place was given to Sir *John Lowther*, of *Lowther*

Bart. Vice-Chamberlain of his Majesty's household, *Richard Hampden*, Esq; (who was also made Chancellor of the Exchequer) *Thomas Pelham*, Esq; and Sir *Stephen Fox*; and *Henry Guy*, Esq; succeeded Mr. *Pelham* in his place as one of the commissioners of their Majesties customs.

(1) It would have been doubtless, more decent for Sir *Edward* to have got some friend to make the motion and present the address; but the doing it himself made people say, "He had a great deal of reason to do it, as well for *Ludlow's* crime as for his estate."

(2) Messieurs *N. Wijzen*, *Odyke*, *Van Cistart* and *de Weten*.

(t) The

1689. *Geneva and Laufanne.* He had been warned out of *Geneva* by the Magistrates at the solicitation of the Dukes of *Orleans*, as the death of his friend *Lisle* (who was assassinated by three *Irishmen*) made him quit *Lausanne*. His life also had been attempted more than once, which probably made him chuse to live at *Vevay*, as a place of great safety, it being easy to know what strangers are in the town by reason of its situation (1). Here he lived to the 73d year of his age, and then died after a thirty-two years exile. He has left two volumes of memoirs, by which it appears that he acted upon a very different foot from *Cromwell*, whose usurpation he always detested, and to whom he was as much an enemy as to King *Charles*, his sole view being the establishment of a free Republick. He was a man of great courage and conduct, and unshaken in his principles.

Affairs of
Scotland.
Boyer.
Burnet.

During these proceedings in *England*, the rebels in *Scotland* having laid hold of the act of oblivion, and Colonel *Cannon*, with those under his command, retired to the island of *Mull*, several regiments were sent into *Ireland* to reinforce Duke *Schomberg's* army. The Highlanders upon this were encouraged to renew their excursions, burning and plundering wherever they came, and having gathered into a body of eight hundred men, under the Laird of *Lochelly*, they marched out of *Inverlochy*, thinking to have surprized *Inverness*, but were timely prevented. Mean while those under Colonel *Cannon*, though not otherwise considerable for their strength than by the inaccessible holds, in which they lurked, continued still in a body, and being pressed by hunger and want, made frequent depredations in the low lands, more like robbers than regular troops. To stop their progress, the Council of *Scotland* ordered General *Mackay* and Sir *Thomas Livingstone* to march northward with a proper force; and the Nobility, and all the rest of the inhabitants of the countries most exposed to their incursions, to put themselves in a posture of defence. On the other hand, *Cannon* endeavoured to engage in the rebellion several persons in *Edinburgh*, to whom he sent letters and a pardon from King *James*. But these being intercepted, and most of those, to whom they were directed, being already confined, they were immediately put under a closer restraint, and orders dispatched to secure the rest. This disappointment obliged *Cannon* to retire into *Ireland*, as finding his interest and authority sinking among the Highlanders, who immediately chose Sir *Hugh Cameron* for their leader, and he being born amongst them, and acquainted with their genius, knew how to govern them. Under this new chief the rebels renewed their incursions, which obliged King *William* to send Duke *Hamilton* into *Scotland*, to keep a vigilant eye over them, but notwithstanding all precautions, they received a considerable succour from without; for King *James* depended so much upon them, that

though he had neither ammunition nor provision to spare, he caused two frigates to be fitted out at *Dublin*, laden with clothes, arms and ammunition, and sent them to his friends in *Scotland*, having besides on board them Colonel *Buchan*, Colonel *Wauchope*, and about forty officers more, who all got safe into the isle of *Mull*. This reinforcement so encouraged the Highlanders, that sometime after they ventured, to the number of fifteen hundred, to march as far as *Strathspage* in the county of *Murray*, where they expected to be joined by the other malecontents, whose number was considerably increased by the late prorogation of the Parliament of that kingdom. To prevent this junction, Sir *Thomas Livingstone* took with him eight hundred foot, six troops of dragoons, and two troops of horse, and fell so unexpectedly upon the rebels, that they betook themselves to flight, leaving near five hundred of their men killed upon the spot, and one hundred taken prisoners, and amongst them four Captains, with other inferior officers. After this exploit, Sir *Thomas* advanced immediately to the castle of *Leitinday*, commanded by Colonel *Buchan's* nephew; and having lodged a mine under it, quickly brought the garrison to surrender at discretion. Neither was Major *Ferguson* less successful in the isle of *Mull*, where he landed, and destroyed several places possessed by the enemy, forced them to abandon the castle of *Dewart*, and betake themselves to the hills. This broke all the measures, which had been taken for King *James's* interest in *Scotland*; and upon this, those who had engaged in Sir *James Montgomery's* plot, looked upon that design as desperate; yet resolved to try what strength they could make in Parliament. The Earl of *Melville* carried down powers, first to offer to Duke *Hamilton*, if he would join in the common measure heartily with him, to be Lord High Commissioner in Parliament; or, if he should prove intractable, as he really did, to serve in that post himself. He had full instructions for the settlement of *Presbytery*; for he assured the King, that, without this, it would be impossible to carry any thing. But his Majesty would not consent to the taking away the rights of patronage, and the supremacy of the crown. Yet Lord *Melville* found these so much insisted on, that he sent a person to the King, then in *Ireland*, for fuller instructions in those points. These instructions were enlarged, but in such general words, that the King did not understand, that they could warrant what Lord *Melville* did; for he gave them both up; and his Majesty was so offended with him for it, that he lost all credit with him, though the King did not think fit to disown him, or to cail him to an account for going beyond his instructions.

The Parliament of *Scotland*, which had been adjourned to the 27th of *March*, and from thence to the 15th of *April*, being met accordingly at *Edinburgh* (2), the Earl of *Melville*, as Lord

1689.

(1) The house he lived in had over the door an inscription consisting of part of a verse in *Ovid*, with an addition of his own:

*Omne solum forti patria-
quia patrie.*

He lies buried in the best of the churches, with an epitaph, which the reader may see in *Addison's* *Travels*. No. 8. Vol. III.

vels, p. 265. *Ludlow* (says *Addison*) was a constant frequenter of sermons and prayers: but would never communicate with those either of *Geneva* or *Vevay*.

(2) "The spring, says the Earl of *Beckarras*, being far advanced, and the money that was laid on in the then last session of Parliament exhausted, this put the Prince of *Orange* to great difficulties, either to grant the extravagant demands urged by Sir *James*

1689. Lord High-Commissioner, made a speech to them, wherein he informed them of his Majesty's great regret, that he could not be present at their meeting, according to their desires, and his own wishes; and after having laid before them what his Majesty had done, to deliver them from the yoke, under which they groaned, he desired an assistance of money answerable to the expences, which his Majesty had been, and was still obliged to be at, to secure their religion and liberty; and lastly, he exhorted them to lay aside all animosities and private interests, and jointly to labour the settlement of the public affairs.

The Jacobites persuaded all their party to go to this Parliament, and to take the oaths; for many of the Nobility had before refused them, and would not own the King. Great pains were taken by Archbishop *Paterfon*, to induce them to take the oaths, though with a design to break

them. It was thought by that means to have a majority in the Parliament, which they failed in, some of the Laity being too honest to agree to such advices. The party being therefore disappointed in this and other schemes, saw a necessity of desiring a force to be sent over from *France*. But this appeared so odious and so destructive of their country, that some of them refused to concur in it; others were not pleased with the answers, which King *James* had returned to the propositions they had made him. He had indeed granted all they had asked upon their own particular interests, and had promised to settle *Presbytery*; but he rejected all those demands, that imputed a diminution of his prerogative, in as firm a manner, as if he had been already placed on the throne again. Finding this answer of his so little to their satisfaction, they proposed to send him a second message. Upon this the Earls of *Argyle*, *Annandale* and *Brair-*

"*James Montgomery* and those of his party; or to let all the army, which consisted of near ten thousand men, be absolutely ruined for want of pay. The more the club-party saw him strained, the more they augmented their pretensions; and being in this necessity, he seemed to yield to their demands, sending my Lord *Melville* down with instructions to grant those things; yet only in case he could do no better, and saw imminent danger from your friends; which gave a pretext for yielding to several things in Parliament above his instructions, and contrary to the Prince of *Orange's* intentions, (this was after the treachery of some of our number, that had ruined all) and for which he would have been in disgrace, if the villainy of those, who made the discovery of what was intended for your service, had not brought him off, serving as a piece of absolute necessity for what he did. For several months before, the Parliament had been adjourned from time to time. This put the Fanatics, and those, who were to have their estates restored, in a mighty rage, that they began to doubt of his intentions, either to establish their religion, or to restore their estates to them. But seeing the Lord *Melville* was named Commissioner, and prepared to go down, they all took leave, most part very discontent, the Prince of *Orange* not having it in his power to satisfy the third part of these pretenders. Having ended their affairs at *London*, both sides halted down to *Scotland*, to secure their party. Such Members as had staid there was only Sir *James Montgomery*, who was the chief manager of this party, who for some weeks staid behind, and imparted his design to several of your friends there, who so believed him, and trusted so much to his understanding, that he had 1000 guineas given him by Mr. *A——* to advance your interest. But the Marquis of *A——*, to whom Sir *James* had imparted all his intentions, got the carrying of them down, and made his own use of them, as shall be made appear. Of all that had passed among the club-party at *London*, and of their intentions to serve your Majesty, nothing was known in *Scotland* among your friends, until the Earl of *Annandale* and Lord *Ross* came down. They openly exclaimed against the usage they had met with from the Prince of *Orange*; but there was little notice taken of it, considering the unfitness of their tempers, until the whole set did the same. Their discourses made your friends hope some use might be made of their divisions; and so made them live more friendly with them than formerly. The Earl of *Annandale*, as he was always the most forward of his party, so in this he was the first, that proposed the whole affair to the Earl of *D——* and me, then in the castle of *Edinburgh*. He said, that I, of all

"men living, had least reason to believe what he was about to tell me, considering how he had used me in the Convention, in leaving us abruptly, and becoming the most violent against us. He acknowledged his fault, and wished, that the blood of his body could wash off the stains of his past misdeeds both to his King and friends; and hoped, that these misfortunes should for the future serve as so many beacons to warn him to avoid the like in time coming: with a great deal more of this sort; which he spoke with so much passion and appearance of sincerity, that we were but too soon taken with it, and were the more easily deceived, as being glad to find any returning to their duty. He told us likewise, that he intirely confided in us, and put his life and fortune in our hands, without pretending any trust from us: Only desired we might live in friendship, until the Marquis of *Abol*, Duke of *Queensberry*, Earl of *Arran*, Viscount of *Tarbat*, and Sir *James Montgomery*, should come to town, who would inform us of all that had passed at *London*; and since they had received your Majesty's pardon for what was passed, and now venturing their lives to serve you, they expected all your friends would join in the common cause to ruin the Prince of *Orange*, and restore your Majesty.

"A few weeks after the Lord *D——* and I had our liberty, my Lord *Melville* came down, and all the Parliament Members met, but were adjourned for a fortnight. This gave time to the club-party to be industrious with your friends, to come in and join with them for settling the peace of the nation, as they pretended; for any design for your Majesty's service was to be kept secret amongst a few. The difficulties were extraordinary, how to reconcile such different interests, tempers, and persuasions, as were that of your friends and the club party; for they both in the Convention and Parliament had been the most violent against your Majesty and your friends. Besides, their whole design at the bottom was for the height of violence and oppression; for their greatest quarrel at the Prince of *Orange* was, for not suffering them to go to all the extravagancies of their religion and revenge; which is so mingled together, that it is hard to know the one from the other. And they were likewise divided among themselves; for none, except *James Lord Ross*, Earl of *Annandale*, and Mr. *O——* were to know of any resolution to serve your Majesty; and Duke *Hamilton* and his followers had no design but the ruin of the Lords *Melville* and *Stair*, and to get the Session filled with his own creatures, having at that time many law-suits in hand. But though they had all different designs, yet they all agreed in this, that nothing could be done, except your friends could be persuaded to join; without which they saw

1689.

Braidalbin withdrew from them. The Earl of *Annamdale* came up to the *Bath*, pretending ill health; and the Earls of *Argyle* and *Braidalbin* went to *Chefter*, pretending, as they said afterwards, that they intended to discover the whole matter to the King; but he had passed over to *Ireland*, before they got to *Chefter*. *Montgomery*, upon this, looked on the design as broken; and so he went, and reconciled himself to Earl *Melville*, and discovered the whole negotiation to him. Upon which the Earl pressed the King to grant a general indemnity, and gave *Montgomery* a pair to go to *London*; and wrote to the Queen in his favour. But the King was resolved to know the bottom of the plot, and particularly how far any of the *English* were engaged in it. So *Montgomery* absconded for some time in *London*, since he saw no hopes of pardon, but upon a full discovery. A warrant was sent to the *Bath* for the Earl of *Annamdale*, of which he had notice given him, and went up privately to *London*. *Montgomery* sent Mr. *Ferguson* to him, assuring him, that he had discovered nothing, and desiring him to continue firm and secret. But when he had certain notice, that *Montgomery* had discovered all the negotiation among the *Scots*, he cast himself on the Queen's mercy, asking no other conditions, but that he might not be made an evidence against others. He himself had not treated with any in *England*; so

that, as to them, he was only a second-hand witness. Only he informed against *Neill Payne*, who had been sent down to *Scotland*, to manage matters among them. *Payne* was taken there, but would confess nothing. Upon the Earl of *Annamdale*'s information, which he gave upon oath, the Earl of *Nottingham* wrote to the Council of *Scotland*, that he had in his hands a deposition upon oath, containing matter of High-Treason against *Payne*. Upon which it was pretended, that, according to the law of *Scotland*, he might be put to the torture; and that was executed with rigour. He resisted a double question, yet was still kept a prisoner; and thus was much cried out against as barbarous and illegal. *Montgomery* lay hid for some months at *London*; but when he saw, that he could not have his pardon, but by making a full discovery, he chose rather to go beyond sea; so fatally did ambition and discontent hurry a man to ruin, who seemed capable of greater things. His art in managing such a design, and his firmness in not discovering his accomplices, raised his character as much as it ruined his fortune. He continued in perpetual plots after this to no purpose. He was once taken, but made his escape; and at last, spleen and vexation put an end to a turbulent life.

The Earl of *Melville* had now a clear majority in Parliament by the discovery of the plot. Some absented

" Lord *Melville*'s and *Stair*'s party would be too strong for them, having all the profitable employments and Session in their hands.

" Sir *James Montgomery* undertook to manage this affair, pretending he knew the inclination of a great many of your friends, who would join with any party to ruin the Lords *Melville* and *Stair*, and keep public burdens to be employed in Parliament, and to oblige the Prince of *Orange* to establish the Session according to the claim of right voted in the convention, and to have an *Habeas Corpus* and freedom of speech in Parliament. These were the pretexts he made use of, which were so taking with the most bigotted part of them, that they doubted not to get these acts passed if we would join with them in all other demands; which were to have the Presbyterian government established at its height of power, the King's supremacy, and the committee of Parliament, called the *articles* (which was already voted in the Convention a grievance) taken away. This by the majority of them was believed at first to be all design, without knowing in the least, that it was only to make them disobliged at the Prince of *Orange*, if he should refuse their demands; and to try next, if your Majesty would grant them; for all Kings, just, or unjust, are alike to them.

" To all your friends it was very evident, how great an advantage might be had by joining with the violent party; for by that we thought ourselves sure of breaking their army, which consisted of about ten thousand men, and which must immediately be disbanded, when they saw the Parliament establish no fund, neither for paying their arrears nor subsistence. And all having gone in confusion, and your Majesty being then in *Ireland*, and the *Highlanders* in a better disposition to rise, it were easy to make a good use of their disorders.

" Sir *James*, in the first meeting we had with him, laid out the great advantages your interest would obtain, if this succeeded; the strength of his own party, and all the influence he had over them. He told us likewise of their sending a messenger to your Majesty, with assurances of their returning to their duty; but said nothing of the instructions, commissions, and pernicious advices he had sent along with them, believing undoubtedly it would

" have hindered us from joining with them; for by this we should have clearly seen it was only trying to make a better bargain for themselves, that made them change parties, and not out of any sentiments of conviction for having done amiss. But though it was evident to us, what disorders we should make among our enemies, and what profit to your party by going into the Parliament; yet to join with our mortal enemies, only to make the one half ruin the other, and to take the oath of allegiance to an usurper, and to comply with them in things, that had always been against our principles, were so hard to get over, that some of us had great difficulties to overcome them; not even could any thing have done it but the great desire we had to be instruments of your Majesty's restoration, and ruin of your enemies.

" There were two things, that made us very willingly join with them, the Marquis of *Abell* and the Earl of *Arran* asserted your Majesty's knowing the design, and approving of it, so far as to be convinced at that time you thought it the greatest piece of service could be done you. Next, the Viscount of *Tarbat* assuring us particularly, that the Prince of *Orange* was fully resolved never to grant any of those demands, which he knew the club-party intended to propose in parliament, and being sure of their firm resolution never to grant any thing, except they obtained all they desired, we could not doubt to obtain all we pretended, which was the dissolution of the Parliament. Nor could it be imagined but Lord *Tarbat* wished it as well as we, though on different motives; for then he was entirely in the Prince of *Orange*'s interest, and trusted more by him than any of the nation, inasmuch that at his coming from *London* he had a trull given him, that few subjects ever had the like; for he had a full power to make a cessation of arms or peace with the *Highlanders*, and to dispose of twenty thousand pounds sterling, as he thought fit, for the Prince of *Orange*'s service, and three titles of honour to whom he pleased; and was to give account of all that passed in Parliament, and had full power to adjourn or dissolve as he thought fit. But though he had all this trust, and might dissolve the Parliament, when he pleased; yet he durst not ven-

" ture

1689. absented themselves; and others, to redeem themselves, were compliant in all things. The main point, by which he designed to fix himself and his party, was the abolishing of Episcopacy, and the setting up Presbytery. The one was soon done by repealing all the laws in favour of Episcopacy, and declaring it contrary to the genius and constitution of that Church and Nation; for the King would not consent to a plain and simple condemnation of it. But it was not so easy to settle Presbytery. If they had followed the pattern set them in the year 1638, all the Clergy, in a parity, were to assume the government of the Church; but those being Episcopal they did not think it safe to put the power of the Church in such hands. It was therefore pretended, that such of the Presbyterian Ministers, as had been turned out in the year 1662, ought to be considered as the only sound part of the Church. And of these there happened to be then threefold alive. The government of the Church was therefore lodged with them; and they were empowered to take to their assistance, and to a share in the Church-government, such as they should think fit. Some furious men, who had gone into very frantick principles, and all those, who had been secretly ordained in the Presbyterian way, were presently taken in. This was like to prove a fatal error at their first setting out. The old men among

1689. them, who by reason of their age or their experience of former mistakes, were disposed to more moderate councils; but the taking in such a number of violent men, put it out of their power to pursue them. These men broke out therefore into a most extravagant way of proceeding against such of the Episcopal party, as had escaped the rage of the former year. Accusations were raised against them: some were charged for their doctrine, as guilty of Arminianism; others were loaded with more scandalous imputations, but these were only thrown out to defame them; and where they looked for proof, it was in a way more becoming inquisitors than judges; so apt are all parties, in their turns of power, to fall into those very excesses, of which they did formerly make such tragical complaints. All other matters were carried in the Parliament of Scotland, as the Lord Melville and the Presbyterians desired. In lieu of the King's supremacy, his Majesty had chimney-money given him; and a Test was imposed on all in office, or capable of electing or being elected to serve in Parliament, declaring the King and Queen to be their rightful and lawful Sovereigns, and renouncing any manner of title pretended to be in King James.

Whilst these things passed in Scotland, the different parties in England were busy in influencing the elections of Parliament-men. There

The elections for the new Parliament in 1689 were in favour of the Tories.
Burnet.

"ture it; and though he had more enemies, that
"were more afraid of its sitting than of any of your servants; yet he thought he could get it easier done,
"and with less hazard to himself, by the high hand
"of the club-party, which would have the same effect
"to secure himself, and enrage the Prince of
"Orange at his enemies. These considerations made
"him take more pains under-hand than any, to engage
"your friends with the club-party, and to get them
"to come to the Parliament. To some, who
"believed him, he said he designed nothing but your
"service; but to others, that it was for the good
"of the nation, by obtaining acts, that would be so
"beneficial to it. Being thus made believe, that
"your Majesty liked the proposition and hopes of doing
"what he designed, made us resolve, notwithstanding
"all our scruples, not only to join with the
"club-party, but to use all our endeavours to persuade
"our friends and all those we had any influence upon,
"to do the like; which succeeded as we could wish;
"for most part of all, who had continued firm to
"your interest, resolved to follow our example, without
"desiring to know the bottom of that secret correspondence
"we had with the club-party. Some there
"were, that made difficulty, the Earl of H—, the Earl
"of L—, Lord O—, Lord S—, and the master
"of B—; but their reasons were rather or more
"out of apprehensions of betraying and yielding to
"the Prince of Orange, than any other scruples;
"though I doubt not some of them had their reasons,
"and so might they very justly, considering how
"nice a point it was. Others appeared resolved,
"and engaged fairly, but when the time of the sitting
"down of the Parliament drew nigh, they absented
"themselves; which gave great encouragement to
"Lord Melville and all his party to meet in Parliament,
"who were in such apprehensions of success before,
"that several times he was resolved to dissolve it, and
"to take a venture of another. But when they saw,
"that several of your friends drew back, and had secured
"to themselves several votes, by dividing the office
"of every register into six, and giving each a vote,
"and one for a Treasurer Deputy, and by giving money
"to some, and promises of employments to others,
"they so strengthened their party, that they again

"took heart, and resolved to begin their Parliament,
"which fate down the 15th of April 1690. But notwithstanding
"all the finistrous courses, that were taken to procure votes,
"never were men in such apprehensions and fears, as were Lord Melville and all
"his friends; for they not only saw the danger of their
"whole party, if they succeeded not, but immediate ruin
"to themselves from the Prince of Orange, to whom they
"had so fairly undertaken. After that he had read over the
"speech, that he had got made for him, and that his President
"the Earl of Crawford had made another, all taken from
"the old prophets, which he applied to the occasion,
"as of Ezra and Nehemiah's building again the temple
"of Jerusalem, they brought in a vote about the election
"of a Burgh, only to know their strength, which they
"found above their expectation. They carried it but by six or seven,
"which makes a demonstration, that if those of your
"friends, which engaged to us, had not failed, we
"had outvoted them in that, and so consequently had
"gained all our design; for it was firmly resolved among
"them, that if they had lost that vote, though of no consequence,
"they would have adjourned the Parliament next day;
"but gaining it, they took heart. And that which befell
"your friends in the Convention, happened just again;
"for several, who pretended to be our friends,
"when they thought us strongest, left us immediately,
"and joined with the other party. Sir James Montgomery
"also failed, and several also he had engaged; he believing
"his interest far greater with them, than truly it was.
"So from that minute we lost hopes of doing any good;
"but seeing we had once made such a step, we resolved
"to stay in the House, though it should be for nothing,
"but to hinder them from going on so fast in their design
"of forfeiting all those, who had appeared for your Majesty,
"and the giving money as soon as they intended,
"to support their forces and government. But never men
"made a more miserable figure in any meeting, than your friends
"did in this. After they saw themselves abandoned and
"outvoted in every thing, they had nothing to do but
"fit and hear Duke Hamilton bawl and bluster, according
"to his usual custom, and then acquiesced to all
"that

1689. was a great struggle all over the kingdom. The Tories had taken care to publish a list of those who had voted for the Corporation-bill, in order to exasperate the persons that were to have been disgraced by it; and by that and other means they became by far the greater number in the new Parliament. One thing was a part of the bargain, which the Tories had made, that the Lieutenantcy of *London* should be changed; for upon the King's coming to the crown, he had given a commission, out of which the Tories were all excluded; which was such a mortification to them, that they said, they could not live in the city with credit, unless some of them were again brought into that commission. The King recommended it to the Bishop of *London*, to prepare a list of those, who were known to be Churchmen, but of the more moderate, and of such as were liable to no just exception, that so the two parties in the city might be kept in a balance. The Bishop brought in a list of the most violent Tories in the city, who had been

engaged in some of the worst things, that passed in the end of King *Charles's* reign. A committee of council was appointed to examine the list; but it was so named, that they approved of it. This was done to the great grief of the Whigs, who said, that the King was now putting himself in his enemies hands, and that the arms of the city were now put under a set of officers, who, if there was a possibility of doing it without hazard, would certainly use them for King *James*. This matter was managed by the Marquils of *Carmarthen* and the Earl of *Nottingham*; but opposed by the Earl of *Shrewsbury*, who was much troubled at the ill conduct of the Whigs, but much more at this great change in the King's government. It was also a farther mortification to the Whigs, when the Commons in the next Parliament made an address to the King, thanking him for the alterations he had made in the Lieutenantcy of *London*.

The elections of Parliament went generally for men, who would probably have declared for

1689.

" that was proposed; and Sir *James Montgomery* and
 " Sir *Jahn Dalrymple* scolded like Kail-wives, that
 " rogue, villain, and liar were their usual terms;
 " These two were the chief managers of both sides;
 " Sir *Jahn* pretending to maintain the King's prerogative,
 " Sir *James* the liberty of the subject and claim of right. And though he was never bred for
 " such undertakings, yet with abundance of confidence
 " and eloquence he managed the affair, and he undoubtedly
 " put them to great straits; for the things he urged were very popular and agreeable to
 " the inclinations of many of the members. Notwithstanding
 " all disappointments we were still to make them break
 " among themselves, by proposing what we thought never
 " would be granted. But in this also, we were disappointed.
 " For my Lord *Melville*, to justify what he and his party had so great a desire
 " to do, but durst not adventure before, having got the pretext
 " of the imminent danger of the Prince of *Orange* by the secret
 " plots and contrivances of your Majesty's friends, yielded to all that was demanded
 " in his instructions; he was allowed to pass what acts of
 " Parliament he should think fit, and establish what form
 " of government they liked best.

" Several days past without daring to mention Presbytery,
 " though most there desired it; knowing, that it was contrary
 " to the Prince of *Orange's* inclinations, who feared the consequence
 " it might have in *England*. Besides, he liked best to have it undetermined,
 " till his affairs were better established, that he might keep
 " both parties in hopes. But Sir *James* in a fair set speech
 " spoke out what they all wished generally, but feared to name;
 " and that he knew there were instructions for settling religion;
 " and he said he thought it was a shame for that meeting,
 " that it was not done. But the reason was well known,
 " for some among them, to flatter the court, against their
 " own principles, had delayed it. He knew likewise some
 " were for one kind of government, some for another;
 " some were for a certain kind of Presbytery, called
 " *Erasianism*, like that of *Holland*. But he told them,
 " there could not, nor ought there any to be established
 " in *Scotland*, but the Presbyterians as it was in 1648,
 " which was the government in the world not only according
 " to the word of God, but best to disturb the extravagant
 " power of King's and arbitrary government, under which
 " they had groaned many years. This speech to us, that knew
 " his secrets, seemed a little extraordinary; but he excused
 " himself by being obliged to do so; otherwise he should
 " lose all credit with his party; and that it signified nothing,
 " since he knew, that Lord *Melville* never durst pass it,
 " though it came to be approved. This speech was approved
 " by the House, Numb. IX. Vol. III.

" and a Committee appointed to receive all the forms
 " of government, that should be brought before them,
 " and to report their opinion of them; and till this was ready,
 " they adjourned some days, during which Sir *James*
 " received from *Ireland* a return of his message with Mr. *J—s*. The first night he
 " opened alone a great black box with papers, where all the
 " commissions and instructions were; and then sent for the
 " Earl of *A—e*, *Arran*, and my Lord *Ros*, and told them the return
 " of all was come, but that he believed there were several things
 " among them would be improper to let the Duke of *Queensberry*,
 " Earl of *L—w*, *B—ne* and me see, though we were only those
 " of your friends, whom they had trusted with their message
 " these four times. After they had considered them all, made
 " up another box of such as they thought fit to shew, and sealed
 " it, to make us believe it never had been opened, and in a great haste Sir *James* desired
 " us to meet in the Marquis of *A—le* lodging; and after a formal
 " discourse of his endeavours to serve your Majesty ever since
 " he went up with an offer of the crown to the Prince of *Orange*,
 " and of the message he had sent to your Majesty, said, he was
 " now desired to meet with us to tell us, he had got a return;
 " and that there was a great bundle of papers come over;
 " but considering we were all of one interest, he would not
 " open it nor look on any thing till we did it all together,
 " and entreated we might meet that afternoon; and to shew the
 " intire trust he had in us, he would keep nothing that he
 " knew from us, but would shew what he received from the King.
 " The Earl of *Arran* excused himself from meeting,
 " pretending he was obliged to go out of town; but the true reason
 " was, he thought they had cheated him in not sending for
 " his commission to be General, as was agreed among them
 " at *London*. The Duke of *Queensberry* also excused himself,
 " so that none came but the Marquis of *Aboll*, *L—w*, *Ros*, *B—ne*, and myself;
 " Sir *James* brought in a black box, which was a burthen
 " to him to carry, which I looked upon and considered the
 " seals, because I always expected a trick from him. He told
 " us, he had brought all except a letter from your Majesty
 " to himself, without knowing, as he shall answer to Almighty God,
 " what was in the box, which none of us believed; for he
 " did quite change the packthread, and clapped on his own
 " seal, after he had opened the box, and shewn what he thought
 " fit to bring. We were all in a great confusion, to find,
 " that we had joined ourselves to such a crew that had so much
 " knavery to impose things on your Majesty, and so much
 " weakness to think they could bring about all your enemies

K k

1689 for King James, if they could have known how to manage matters for him. The King made a change in the ministry, to give them some satisfaction: the Earls of *Monmouth* and *Warrington* were both dismissed. Other lesser changes were made in inferior places, so that Whig and Tory were now pretty equally mixed.

1690.
The Parliament
meets.
April 20.
Pr. H. C.
II. 373.
Barnet.

The Parliament being met on the 20th of *March*, the Commons, by the King's order, proceeded to the choice of a Speaker; and Sir *John Trevor* was pitched upon for that office. He was a bold and dextrous man, and knew the most effectual ways of recommending himself to every government. He had been Speaker to King James's Parliament, and in great favour with that Prince, by whom he was made master of the *Rolls*; and if *Jefferies* had stuck at any thing, he was looked upon as the likeliest man to have had the Great-Seal. He now got himself to be chosen Speaker; and was made first commissioner of the Great-Seal. Being a Tory in principle, he undertook to manage that party, provided he was furnished with such sums of money, as might purchase some votes; and by him began the practice of buying off men, in which the King had hitherto kept to stricter rules. But the King, though he hated the practice, saw it was not possible to avoid it,

such was the corruption of the age, unless he would endanger the whole. 1690.

The Speaker being chosen, and presented the next day to the King, his Majesty made the following speech to both houses:

My Lords and Gentlemen,

"I AM resolved to leave nothing unattempted on my part, which may contribute to the peace and prosperity of this nation. And finding my presence in *Ireland* will be absolutely necessary for the more speedy reducing of that kingdom, I continue my resolution of going thither as soon as may be; and I have now called you together, for your assistance to enable me to prosecute the war with speed and vigour, in which I assure myself of your cheerful concurrence, being a work so necessary for your own safeties.

"In order to this I desire you will forthwith make a settlement of the revenue; and I cannot doubt but you will herein have as much regard for the honour and dignity of the *Monarchy* in my hands, as has been lately shewed to others. And I have so great a confidence in you, that if no quicker or more convenient way can be found for the raising

" of

"enemies to declare for you without any force. They were in no less confusion than we; finding we saw their folly in undertaking things they had not the least shadow of power to perform. They had promised to get all the Parliament to declare for your Majesty, and immediately meet in your name, and the Earl of *A——le* Commissioner, who was made a Marquis, and Sir *James* made Earl of *A——r*, Lord *Rofs* likewise an Earl, and all employments of Church and State, and army intirely put into their hands, and those of their friends, who were generally the greatest enemies to Monarchy.

"There were likewise great bundles of letters not directed, but left to their direction to be given to any of your friends they thought fit to trust; which indeed we thought a little hard to be put into their hands, who had been for fighting your Majesty, and also endeavouring to ruin us on your account. Besides what we saw, there were many other commissions, patents, and remissions, that were made publick by themselves, after they made their discovery to the Lord *Melville*. But though they were fond to get these commissions, when they came, they were confounded what to do with them. To keep them, they saw there would be no use for them, and they put them into a continual hazard: So it was resolved, that they should all be burnt, but their patent. Next, how to dispose of their messenger put them in a great disorder, which made the Earl of *L——w* carry him to his house some miles from *Edinburgh*, where, after he had staid some nights, he got from him all that Sir *James* had concealed. Notwithstanding Sir *James* wrote to Mr. *J——s* not to trust any of us with his message, but as far as he had already shewn; yet all was out before the letter came to his hands. Besides Mr. *J——s* had been but a few years in *Edinburgh*, yet he plainly saw all Sir *James*'s projects were miserably founded; which made him beg to be employed back again to your Majesty. But few of us desired any more to do with Sir *James* or his messenger; for afterwards we had little meddling with them, though they extremely desired it, and that we should send back Mr. *S——s* with a blank sheet of paper, subjoining to be filled up when he came to your Majesty with our advice; which the Duke of *Queensberry*, *L——w*, *B——w*, and myself absolute-

ly refused; which almost broke us intirely with them; and the more because some of our number complied with their desires. For the Earl of *Arran* not only did it himself, but also got the Lord *M——y* to do it also, though he had not been engaged with us in any of your concerns, but, on the contrary, we looked upon him as one of the principal destroyers of your affairs, both in the *Highlands*, and at the beginning of the revolution.

"In the *Highlands* your affairs had no better success than in Parliament; for General *Buchan* having come too near the enemy, Sir *Thomas Livingstone*, with a party of dragoons, surprized him at *Cromdell*, killed about an hundred, made several prisoners, and dispersed his whole party. When this news came to *Edinburgh* of a defeat, your friends repented their not embracing the offer of a cessation of arms made them by the Prince of *Orange*, which *Tarbat* had the management of; but not being desirous to appear above board himself in such a transaction, he proposed it to the Earl of *B——e* with the offer of five thousand pounds sterling if he could accomplish it; for the Prince of *Orange* was extremely desirous to have all settled before he went to *Ireland*. But the Earl of *B——e* would not meddle in such an affair without the consent of your friends at *Edinburgh*, who at that time would not hear of it. So the Earl of *B——e* very generously gave it over, though, besides the five thousand pounds sterling he had other considerable rewards offered him. So after this defeat we were all willing a treaty might be brought on again, considering, at least it would gain time, until the *Highlanders* put themselves in a posture of defence. The Prince of *Orange* was just then going to *Ireland*, which made the Earl of *B——e* endeavour to meet him, to get the cessation ended; but he was gone before he got to him; by which the *Highlanders* were left to the mercy of their enemies, who might have ruined them, if they had pursued the victory at *Cromdell*.

"Your friends at *Edinburgh* were in no better condition, being forced to sit in a meeting in the middle of their enemies, and hear them establish Presbytery, and rescind all acts, that had been any ways made for your intert, restoring all forfeitures and fines, (though transacted for) that was grant-

" ed

1690. " of ready-money, (without which the service
 " cannot be performed) I shall be very well
 " content for the present to have it made such a
 " fund of credit, as may be useful to yourselves,
 " as well as me, in this conjuncture; not hav-
 " ing the apprehensions, but that you will pro-
 " vide for the taking off all such anticipations,
 " as it shall happen to fall under. It is suffici-
 " ently known, how earnestly I have endeavou-
 " red to extinguish, or, at least, compose all
 " differences amongst my subjects; and to that
 " end, how often I have recommended an *Act* of
 " *Indemnity* to the last Parliament. But since
 " that part of it, which related to the prevent-
 " ing of private suits, is already enacted; and
 " because debates of that nature must take up
 " more of your time, than can now be spared
 " from the dispatch of those other things,
 " which are absolutely necessary for our com-
 " mon safety; I intend to send you an *Act* of
 " *Grace*, with exceptions of some few persons
 " only, but such as may be sufficient to shew my
 " great dislike of their crimes, and at the same
 " time my readiness to extend protection to all
 " my other subjects, who will thereby see, that
 " they can recommend themselves to me by no
 " other methods, than what the laws prescribe,
 " which shall always be the only rule of my go-
 " vernment.

" A farther reason, which induceth me to
 " send you this *Act* at this time, is, because I
 " am desirous to leave no colour of excuse to
 " any of my subjects for raising of disturbances
 " in the government, and especially in the time
 " of my absence. And I lay this, both to in-
 " form you, and to let some ill-affected men
 " see, that I am not unacquainted, how busy
 " they are in their present endeavours to al-
 " ter it.
 " Amongst other encouragements, which I
 " find they give themselves, one of the ways,
 " by which they hope to compass their designs,
 " is, by creating differences and disagreements
 " in your councils; which, I hope, you will be
 " very careful to prevent. For be assured, that
 " our greatest enemies can have no better instru-
 " ments for their purposes, than those, who shall
 " any way endeavour to disturb or delay your
 " speedy and unanimous proceedings upon these
 " necessary matters.
 " I must recommend also to your confide-
 " ration an union with *Scotland*. I do not mean,
 " it should be now entered upon; but they
 " having proposed this to me sometime since,
 " and the Parliament there having nominated
 " commissioners for that purpose, I should be
 " glad, that commissioners might also be nomi-
 " nated here to treat with them, and to see, if
 " such

1690.

" ed by your brother or your Majesty, for those, that
 " served you against them; and above all, their fore-
 " faulting those, who appeared for you in arms, ex-
 " cept Sir *William W—e*, who was overlooked,
 " though they had as full probation against him as any
 " of the rest. And to finish our misfortunes, the most
 " considerable of that party we had joined, not only
 " left us, but betrayed us so soon as they saw proba-
 " bility of effectuating their own designs, which was the
 " only thing they had still and all along aimed at, and
 " not your service, as they pretended.

" Some days before the Prince of *Orange* went to
 " *Chester*, I had notice given me by Mr. *O—e*, that
 " the Lord *Refs* designed to go to meet him, and
 " make a discovery of all he knew; which made us
 " send the Earl of *L—w* to him, to try, if he had
 " such inclinations. But he protested to the contrary
 " with great oaths. Some were inclined to believe
 " him, and others were for taking a sure way to
 " hinder his discovery, since their own lives and estates
 " depended on your affairs. But it was of so dange-
 " rous a consequence, and so unjust, unless we had
 " great proof or suspicion, that most of us abhorred
 " the motion.

" A few days after, though he gave over his journey
 " to *Chester*, believing by what the Earl of *L—w*
 " said to him, that we suspected him, and so might
 " have way-laid him: Yet notwithstanding all his
 " renewed oaths he sent for one Mr. *D—p*, a
 " fanatic Minister, and revealed all to him, and also
 " told him, that he was under great troubles of
 " conscience, and desired his prayers to enable him
 " to open his heart to him. After long prayers, and
 " many sighs and tears, he told him all he knew.
 " God was thanked, as being the effect, Mr. *D—p*'s
 " prayers being heard. The next morning he sent
 " the Minister to Lord *Melville*, to tell him, that he
 " had business of great importance to tell the Queen,
 " for which he desired a pass, and immediately had it;
 " and before he went, he told *Melville* in general,
 " that there were dangerous matters against the King
 " and Government, in which he had too great a
 " share, and for which he sought God's pardon, but
 " was denied, and was now going to seek it from the
 " Queen, to whom he would discover all he knew,
 " when at *London*.

" The first meeting he had with the Princess of

" *Orange*, he told her the whole affair, and laid the
 " blame on Sir *James Montgomery*. When she had
 " heard all the history, she sent for the Earls of *D—b*
 " and *Nottingham*, that he might tell it all over again
 " before them. But when they came in, he denied
 " all he had said to the Princess; he never thought
 " she would make any other use of it, than to pre-
 " vent the danger she and the King were in; but no-
 " thing should ever force him to give evidence against
 " those he had been in friendship with. For this he
 " was immediately sent to the Tower, where he lay
 " for eight or ten months; nor could any thing ever
 " induce him to say more, though he had both
 " threatnings and all arguments to enforce him.

" It was no sooner known, that Lord *Refs* was
 " gone, but his errand was made publick. Mr.
 " *D—p* (according to the custom of his profession)
 " made no secret of his confession; which so much
 " alarmed Sir *James Montgomery*, that he resolved not
 " to be long behind him; for he saw himself ruined
 " by his violent party. He had been professing to all
 " of them all along principles so far to the contrary;
 " but to make a confession to his mortal enemy Lord
 " *Melville*, to seek mercy from the Prince and Princess
 " of *Orange*, who, he knew, abhorred him, were a
 " hard step; yet with a good share of confidence and
 " assurance of making a fine story of it to their ad-
 " vantage, he doubted not to succeed with Lord *Mel-*
 " *vill*. He insinuated so far as to be trusted to go to
 " *London*, to tell his business himself; and to gain the
 " greater credit with *Melville*, he put into his hands
 " what letters he had received from the Queen, which
 " was a joyful sight to him, he ventured to touch
 " all the acts, (which was believed he could never do)
 " which were displeasing to the Prince of *Orange*,
 " though he was forced to please the club-party to put
 " them in his instructions, and several for which he
 " had no warrant, making the imminent dangers they
 " were in an excuse of all. In these letters were fe-
 " veral promises of assistance from *France*, of men,
 " money, and arms. He likewise gave up the in-
 " structions sent to the Earl of *A—e*, when he
 " should be commissioner to the Parliament. There
 " was never a word mentioned of their patents, and
 " remissions, which were sent to Duke *Hamilton* and
 " others of their friends.

" When

1690. "such terms could be agreed on, as might be
"for the benefit of both nations, so as to be
"ready to be presented to you in some future
"Session.

My Lords and Gentlemen,

"I have thought it most convenient to leave
"the administration of the government in the
"hands of the Queen during my absence; and
"if it shall be judged necessary to have an act
"of Parliament for the better confirmation of it
"to her, I desire you will let such a one be
"prepared to be presented to me.

"I have this only to add, that the season of
"the year, and my journey into *Ireland*, will
"admit but of a very short session; so that I
"must recommend to you the making such dis-
"patch, that we may not be engaged in debates,
"when our enemies shall be in the field. For
"the success of war, and the more thrifty ma-

nagement of it, will both principally depend
"upon your speedy resolutions. And I hope
"it will not be long before we shall meet again,
"to perfect what the time will not now allow to
"be done."

Pursuant to this speech, the Commons imme-
diately proceeded to settle the revenue, and
make it a fund of credit for the supplies which
were still wanted for the next campaign (1). Pr. H. C.
They began with voting a supply of one mil-
lion two hundred thousand pounds, between that
time and *Michaelmas*, of which two hundred
thousand pounds was to be raised by a poll, and
a million by a clause of credit in the revenue
bills. Though the Whigs now as well as the
Tories studied to court the King, by making
advances upon the money-bills, yet he could not
prevail to have the revenue settled for life, which
he most earnestly desired. All he could obtain
was, to have the hereditary excise settled for life,
and

"When Sir *James Montgomery* came to *London*, he
"was so cautious, as not to go near the Princes of
"*Orange*, till he had assurance, that, in case they
"would not agree in their terms, he should not be
"detained, which was granted. But though he con-
"fessed most of all that passed of his transactions with
"your Majesty; yet he would neither promise to be
"an evidence, nor give his advice how things might
"be prevented, (in which, to magnify himself, he
"made the hazard much greater than it was) unless
"he were secure of a full pardon of all the crimes
"he should name, and then have a good employ-
"ment; pretending the lowness of his estate, which
"was drained by the severity of the last government.
"The Princes of *Orange* would have willingly grant-
"ed all he demanded, and wrote to the Prince of
"*Orange* in his favour, into *Ireland*. But some things
"had passed betwixt the Prince of *Orange* and Sir
"*James* in private, which made the Prince to have
"such an abhorrence of him, that he could not hear
"of employing him. A remission he would have
"granted, upon condition of his being an evidence;
"but that could not do Sir *James's* business. So he
"absented, and a few months after did all he could
"again to justify himself to your friends; which took
"not with a few. The Earl of *A*— quickly fol-
"lowed Sir *James*, yet went not to *London*, but lived
"privately at the *Bath*; which when it was known,
"there was a warrant sent down to bring him up;
"but one Mr. * who had been Mayor of the
"town, helped him to escape. When he was come
"to *London*, Mr. *Ferguson* maintained him privately
"for several weeks. At last he, wearied of lurking,
"sent for Mr. *L*—, whom Lord *Melville* kept then
"at *London* to do business in his absence, and told
"him of the Mayor of *Bath*, and of Mr. *Ferguson*,
"that had entertained him; and signed a confession
"the most scandalous, that any thing of the name of
"a Gentleman ever did; for he not only told what
"had passed among us in publick, but the private
"conversation he had with several of your friends, and
"likewise of *Payne*, all that had passed between them
"at their first meeting; for which Mr. *Payne* was
"put to the torture, and endured it with great cou-
"rage and constancy. And that which made his part
"more base, was, after Mr. *Payne* had escaped out
"of prison, and fled to *Scotland*, thinking he should
"be secure with the Earl of *A*—, he came to a
"country-house, and was taken there by *A*—'s
"own servants, and brought to *Edinburgh*, where,
"upon the Earl of *A*—'s confession against him
"in *England*, he suffered the utmost barbarity.
"The treachery of these three made all our friends
"at *Edinburgh* so concerned, though they were not

"fully informed of their hazard, that most of them
"left it." *Account of the affairs of Scotland*, p. 121.

(1) Sir *Charles Sidley*, a Gentleman of great wit,
made the following speech on this occasion against pen-
sions and salaries, which is inserted here, not so much
because it is thought very *à propos* at that juncture, but
because it is mentioned with applause by most of the
historians; "Mr. Speaker, we have provided for the
"army; we have provided for the navy; and now at
"last a new reckoning is brought us, we must like-
"wise provide for the lifts. Truly, Mr. Speaker, it
"is a sad reflection, that some should wallow in
"wealth and places, whilst others pay away in taxes
"the fourth part of their revenues for the support of
"the same government. We are not upon equal
"terms for his Majesty's service; the courtiers and
"great officers charge, as it were, in armour; they
"feel not the taxes by reason of their places, whilst
"the country Gentlemen are shot through and through
"by them. The King is pleased to lay his wants be-
"fore us, and, I am confident, expects our advice
"upon it. We ought therefore to tell him what
"pensions are too great; what places may be extin-
"guished, during the time of the war and public ca-
"lamity. His Majesty fees nothing but coaches and
"six and great tables, and therefore cannot imagine
"the want and misery of the rest of his subjects. He
"is a brave and generous Prince, but he is a young
"King, encompassed and hemmed in by a company
"of crafty old courtiers. To say no more, some
"have places of three thousand pounds, some of six
"thousand pounds, and others of eight thousand six
"hundred pounds *per annum*, and I am told, the
"Commissioners of the Treasury have one thousand
"six hundred pounds *per annum* a piece. Certainly
"public pensions, whatever they have been formerly,
"are much too great for the present war and calamity,
"that reigns every where else. And it is a scandal,
"that a government so sick at heart as ours is, should
"look so well in the face. We must save the King's
"money wherever we can; for I am afraid the war is
"too great for our purses, if things be not managed
"with all imaginable thrift. When the people of
"*England* see all things saved, that can be saved;
"that there are no exorbitant pensions nor unnecessary
"salaries, and all this applied to the use, to which they
"are given; we shall give, and they shall pay
"whatever his Majesty can want, to secure the Pro-
"testant religion, and to keep out the King of *France*,
"and King *James* too; whom, by the way, I have
"not heard named this Session, whether out of fear,
"discretion, or respect, I cannot tell. I conclude,
"Mr. Speaker, let us save the King what we can;
"and then let us proceed to give what we are able."

1690. and the customs to be continued only for four years, from the 24th of December next ensuing (1). The settling the revenue thus for a term of years, made it, as they said, a surer fund for borrowing money upon than if given for life: the one was subject to accidents, the other was more certain. Besides, it was taken up as a maxim, that a revenue for a short term was the best security that the nation could have for frequent Parliaments. However the King did not like this, and thought it strange that a jealousy should be entertained of him, who came to save religion and liberty, and King James so much trusted, who intended to destroy both. But being told that it was not of him but of his successors that the jealousy was entertained, and if he would accept the gift for a term of years, and settle the precedent, he would be reckoned the deliverer of future ages as well as of the present, he was persuaded to take the grant as it was made him. In all probability King James would never have run into those councils that ruined him, had he not obtained the revenue for life. The Commons granted likewise the poll-bill, with some other supplies, which they thought would answer all the occasions of the year. But as what they gave did not quite come up to what was demanded; so when the supply was raised, it came far short of what it was estimated at; so there were great deficiencies to be

taken care of in every session of Parliament, 1690. which run up every year, and made a great noise, as if the nation was, through mismanagement, running into a great arrears.

The first great debate arose in the House of Lords, upon a bill that was brought in, acknowledging the King and Queen to be their rightful and lawful Sovereigns, and declaring all the acts of the Convention-Parliament to be good and valid. The first part passed with little contradiction, though some excepted to the words *rightful*, and *lawful*, as not at all necessary. But the other article, declaring the acts of the last Parliament to be good and valid, bore a long and warm debate. The Tories offered to enact, that these should be all good laws for the time to come, but opposed the doing it in the declaratory way. They said, that it was one of the fundamentals of our constitution, that no assembly could be called a Parliament, unless it was called and chosen upon the King's writ. On the other hand it was said, that whatsoever tended to the calling the authority of that Parliament in question, tended likewise to the weakening of the present government, and brought the King's title into question. That a real necessity, upon such extraordinary occasions, must supersede forms of law; otherwise the present government was under the same nullity. That forms were only rules for peaceable times; but in such a juncture,

(1) In order to have a distinct notion of the revenue, it must be observed, that the duties upon the exportation and importation of merchandizes crossing the seas, (for protection of trade &c.) were the most ancient tribute paid to our Kings, and distinguished by two different names, *Customs* and *Prises*, or *Prisage*.

PRISAGE was a duty payable for foreign commodities imported, not at any certain sum of money, but by taking such a part in specie, as the Kings thought sufficient for their own use, paying such a price as they thought reasonable, which was called the King's price. For wines it was the practice to take one tun in ten, or two in twenty; paying twenty shillings a tun, and the price of the *prisage* of other goods, was doublets in proportion. This duty was remitted by the mercantile charter, granted by King Edward I. to all merchant strangers, who in lieu of it gave him a duty of three pence in the pound (commonly called *petty-customs*) upon all native commodities exported over and above the great customs, and also upon all merchandizes imported, except wines; and upon all wines imported, two shillings for every tun; being the duty since called *Butlerage*.

CUSTOMS were the duty payable for native commodities exported, particularly *wool*, *wool-fells* and *Leather*, after certain rates; and from their antiquity were called *great* and *ancient customs*. But now, the word *customs* is used to signify the several duties which are payable on the importation, as well as exportation of all goods, and merchandizes whatsoever, and are always composed of two parts, *tonnage* and *poundage*.

TONNAGE was payable upon all wines imported after the particular rates, and according to the methods prescribed by the laws which granted this duty, being at first, no more than two shillings a ton, though in succeeding reigns it was very much increased.

POUNDAGE, was payable on all other merchandises imported and exported, according to the rates and values prescribed by the several laws, by which this duty was granted, being at first no more than six pence in the pound of the particular rates and values, though afterwards advanced to twelve pence in the pound. To this subsidy of *tonnage* and *poundage*, there was likewise, in the latter reigns, annexed,

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A subsidy of *WOOLLEN CLOTHS* or *OLD DRAPERY* which was payable upon all woollen cloths exported, according to certain rates and proportions.

These subsidies after having undergone various regulations, were after the restoration settled on the foundations they now stand, and granted to King Charles II. for life. The first act passed for that purpose, was entitled "a subsidy granted to the King of *tonnage* and *poundage*, and other sums of money, payable upon merchandise exported and imported, referring to and enforcing a *book of rates of merchandise*, and according to which, the said duties were to be levied and collected."

This subsidy it called the *old subsidy*, or *subsidy inwards* consisting of two distinct parts.

I. *TONNAGE*, payable in ready money upon all wines, except *prisage-wines* after the following rates.

	Gross subsidy,	
	per ton.	
Rhenish or Hungary wines imported into any port,	by British 6 0 0	
	by Aliens 7 10 0	
Levant wines imported to London, Southampton, or Bristol,	by British 4 10 0	
	by Aliens 6 0 0	
To other ports,	by British 3 0 0	
	by Aliens 4 10 0	
All other wines of Spain, Portugal, Maderas, &c. imported to London,	by British 4 10 0	
	by Aliens 6 0 0	
— to other ports,	by British 3 0 0	
	by Aliens 4 10 0	
Additional duty upon every tun wine of France, Germany, Portugal, Maderas, payable in nine months after importation,	3 0 0	
Of all other wines,	4 0 0	
To these were added the next year perry, rape of grapes, cyder, cyder-cageer and vinegar imported,	by British 4 10 0	
	by Aliens 6 0 0	

II. *POUNDAGE*, payable in ready money upon all goods, and merchandises imported, (except wines) according to the rate of twelve pence a pound, or five per cent. for the English, and two shillings a pound, or

l. l

ten

1690. jects to abjure the late King *James* under pain of imprisonment. Some of the Tories were at first for it, as were all the Whigs. The Clergy were excepted out of it, to soften the opposition, that might be made. But still the main body of the Tories declared, they would never take any such oath; and therefore opposed every step, that was made in it with a great vehemence: They insisted much on this, 'That when the government was settled, oaths were made to be the ties of the subject to it; and that all new impositions, were a breach made on that, which might be called the original contract of the present settlement. That things of that kind ought to be fixed and certain, and not mutable and endless. That by the same reason, that the abjuration was now proposed, another oath might be prepared every year; and every party, that prevailed in Parliament, would bring in some discriminating oath or test, such as could only be taken by those of their own side; and thus the largeness and equality of a government would be lost, and contracted into a faction.' On the other side it was urged, 'that this was only intended to be a security to the government during the war; for in such a time it seemed necessary, that all, who were employed by the government, should give it all possible security. That it was apparent, that the comprehensive words in the oaths of allegiance had given occasion to much equivocation; many who had taken them, having declared, as some had done in print, that they considered themselves as bound by the oaths only while the King continued in peaceable possession; but not to assist or support his title, if it was attacked or shaken. That it was therefore necessary, that men in public trusts should be brought under stricter ties.' The abjuration was debated in both Houses at the same time. The Whigs pressed the King to set it forward; alledging, that every one, who took it, would look on himself as unpardonable, and so would serve him with the more zeal and fidelity; whereas those, who thought the right to the crown to be still in King *James*, might perhaps serve faithfully as long as the government stood firm; but as they still kept measures with the other side, to whom they knew they would be always welcome, so they will never act with that life and zeal, which the present state of affairs required. At the same time the Tories were as earnest in pressing the King to stop the farther progress of those debates; that much time was already lost in them; and it was evident, that much more must be lost, if it was intended to carry it on; since so many branches of this bill, and so many incidents, that arose upon the subject of it, would give occasion to much heat and contest; and it was a doubt, whether it would be carried, after all the time, which was

bestowed upon it, or not: That those, who opposed it, would grow sullen, and oppose every thing else that was moved for the King's service; and that, if it should be carried, it would put the King again into the hands of the Whigs, who would immediately return to their old practices against the prerogative; and that it would drive many into King *James's* party, who might otherwise adhere firmly to his Majesty, or at least be neutral. These reasons prevailed with the King to order an intimation to be given in the House of Commons, that he desired they would let that debate fall, and go to other matters, that were more pressing (1).

This gave a new disgust to the Whigs, but was very acceptable to the Tories; and it quickened the advances of money upon the funds, that were given. It had indeed a very ill effect abroad; for both friends and enemies looked on it as a sign of a great declension of the King's interest with his people. And his Majesty's interposing to stop further debates in the matter, was represented as an artifice only, to save the affront of its being rejected. The Earl of *Shrewsbury* was at the head of those, who pressed the abjuration most; and therefore, upon this change of counsels, thought he could not serve the King longer with reputation or success. He saw the Whigs, by using his Majesty ill, were driving him into the hands of the Tories; and he thought, that these would serve the King with more zeal, if he left his post. Besides, the credit, that the Marquis of *Carmarthen* had gained, was not easy to him. For these reasons he resolved to deliver up the seals as Secretary of State (2).

The King sent Dr. *Tillotson*, and all those, who had most credit with the Earl, to divert him from his resolution; but all was to no purpose. The agitation of mind, which this gave his Lordship, threw him into a fever, that almost cost him his life. The King pressed him to keep the seals, till his return from *Ireland*, though he should not act as Secretary; but he could not be prevailed upon.

The debate upon the abjuration lasted longer in the House of Lords. It had some variations from that, which was proposed in the House of Commons, and was properly an oath of a special fidelity to the King in opposition to King *James*. The Tories offered, in bar to this, a negative engagement against assisting King *James*, or any of his instruments, knowing them to be such, with severe penalties on such as should refuse it. In opposition to this, it was said, that this was only an expedient to secure all King *James's* party, whatever should happen, since it left them the intire merit of being still in his interests, and only restrained them from putting any thing to hazard for him. The House was so near an equality in every division, that what was

1690.

The i. l. dropped

The Whigs are not satisfied

The Earl of Shrewsbury resigns from Court.

Debate in the House of Lords. It had some variations from that, which was proposed in the House of Commons, and was properly an oath of a special fidelity to the King in opposition to King James. Ibid.

(1) When this bill was read the third time, a motion was made to have it committed; which passed in the negative, a hundred and seventy-eight for it, and a hundred and ninety-two against it. This, in great measure, shows how the House was divided at that time as to Tories and Whigs. Pr. H. C. II. 378.
(2) Bishop Burnet was the first person, to whom the Earl discovered this; he had the seals in his hand, when he told that Prelate of his resolution, who prevailed with him not to go that night. The Earl was

in some heat; and the Bishop was afraid, that he might have said such things to the King, as would have provoked him too much. The Bishop therefore sent the King word of it; who was very much troubled at it. He loved the Earl; and apprehended, that his leaving his service at this time might alienate the Whigs more entirely from him; for now they, who thought the Earl before of too cold a temper, when they saw, how firm he was, came to consider and trust him more than ever.

(1) The

1690. gained in one day, was lost in the next; and by the heat and length of those debates the session continued till June.

An act to invest the Queen with the government in the King's absence.
May 20.
Pr. H. C.
II. 382.

The King having declared in his speech, his intention to leave the administration of the government in the hands of the Queen, and proposed the having it confirmed by an act, if judged necessary, a bill was accordingly prepared for that purpose, by which, the Queen was invested with the administration of affairs, not only during the King's being in Ireland, but whenever he should be called out of the Kingdom; with this restriction however, "that the Queen might be controlled by an order from his Majesty, while he was abroad." During the debates, the Queen seemed to take no notice of the matter, nor of those who had appeared for and against it. When this bill received the royal assent, an act was also passed for reverting the judgment on a *Quo Warranto*, against the city of London, and restoring it to its ancient rights and privileges. This bill had been projected by the Tories, and was intended to change the hands which then governed the city: But through haste or weakness of those, who drew it up, the Court of Aldermen was not comprehended in it. So that by this act, the city was fixed in their hands, who were generally Whigs.

The act of indemnity passed.
May 23.
Pr. H. C.
II. 383.

The bill of indemnity which had caused so many debates in every session, and had been so constantly and so earnestly recommended by the King, did at last pass both Houses. Of all the late instruments of popery and arbitrary power, thirty-five only were expressly excepted, and of

them few or none were in the hands of the King's justice of the nation (1).

The King thought fit to put an end to the session with this act of Grace, and coming to the House of Peers for that purpose, made the following speech:

My Lords and Gentlemen,

"I have had such assurance of your good affections to me, that I come now to thank you particularly for the supply you have given me. The season of the year is so far advanced, that I cannot longer delay my going into Ireland; and therefore I think it necessary to have an adjournment of the Parliament. And though it shall be but to a short day, yet unless some great occasion require it, (of which you shall have due notice) I do not intend you shall sit to do business until the winter; and, I hope, by the blessing of God, we shall then have a happy meeting.

"In the mean time, I recommend to you the discharge of your duties in your respective counties, that the peace of the nation may be secured by your vigilance and care in your respective stations."

Then the Lord Chief Baron *Atkyns* signified his Majesty's pleasure, that both Houses should adjourn to the 7th of July; after which the Parliament was twice prorogued, twice adjourned, and then prorogued again (2):

To

(1) The persons excepted were,

William, Marquis of Powis.
Throbbilus, Earl of Huntingdon.
Robert, Earl of Sandarland.
John, Earl of Melfort.
Roger, Earl of Castlemain.
Nathaniel, Lord Bishop of Durham.
Thomas, Lord Bishop of St. David's.
Henry, Lord Dover.
Lord Thomas Howard.
Sir Edward Hales.
Sir Francis Wythens.
Sir Edward Lutwyche.
Sir Thomas Jenner.
Sir Nicholas Butler.
Sir William Herbert.
Sir Richard Holloway.
Sir Richard Heath.
Sir Roger L'Estrange.
William Mellinoux.
Thomas Tindlesley, alias Tildesley.
Colonel Townley.
Colonel Robert Lundee.
Robert Brent.
Edward Morgan.
Philip Burton.
Richard Graham.
Edward Petre.
Obadiah Walker.
Matthew Grole.
George Lord Jeffreys, deceased.

When the bill of indemnity was sent down to the Commons, Mr. Baron *Turton* brought this message from the Lords:

"Mr. Speaker, his Majesty hath been pleased to send this bill, which the Lords have accepted and passed *nemine contradicente*, and now send it down to this House." Though the Commons immediately passed the bill; they demanded a conference, in which

they intended to acquaint their Lordships, "that it is unusual for either House to acquaint the other by what number any bill before them do pass, and the introducing any alteration in the usual method of proceeding may be of dangerous consequences." But a stop was put to this affair by the adjournment.

(2) In this Session were passed,

1. An act for enabling the sale of goods distrained for rent, in case the rent be not paid in a reasonable time.
2. An act for discouraging the importation of thrown silk, except of the growth of *Italy, Sicily or Naples*.
3. An act to declare the right and freedom of election of members, to serve in Parliament for the *Cinque Ports*. Before this act, the Wardens of the *Cinque Ports*, claimed a right of nominating to each of the *Cinque Ports* one person to serve as a Baron or Member of Parliament.

The honours and promotions about this time, were as follows: The King created April 17, *Richard Lord Viscount Lumley*, Earl of *Scarborough* in the county of *York*; *Henry Lord Delamere*, Earl of *Warrington*, in the county of *Lancaster*; and *Henry Lord de Grey of Ruthen*, a Viscount by the name and title of Viscount de *Longueville*; and on the 1st of that month, the Lord *Willoughby of Eresby*, Chancellor of the Duchy of *Lancaster*, was, by virtue of his Majesty's writ of summons, called up to the House of Peers. About the same time his Majesty named Admiral *Terrington*, Sir *Ralph Delaval* Vice-admiral, and Mr. *Reek* Rear-admiral, to command the red squadron of his fleet; and appointed Mr. *Russell* Admiral of the blue, with Sir *John Asby* Vice-admiral, and Sir *Cloudesley Shovel* Rear-admiral under him. On the 30th of May he constituted *Richard Pyne*, Esq; Sir *Richard Reeves*, Knt. and *Robert Roclford*, Esq; Commissioners of the Great Seal of Ireland, as also Commissioners of Oyer and Terminer, and General Goal delivery within the said Kingdom; and on the 3d of June, Sir *John Trevor*, Knt. Speaker of the House of Commons, Sir

William

1690. To prevent any attempt against the peace of the nation, during his Majesty's absence, the Deputy-Lieutenants were authorised to raise the militia in case of necessity, and all Papists ordered to repair to their places of abode, and not stir above five miles from thence without leave. A proclamation was likewise published, for the apprehending of several disaffected persons, who, as his Majesty was informed, had conspired to raise a rebellion, and for that purpose had made provision of arms, and had lifted themselves into several regiments. But though many discoveries were made of the practices from St. Germain and Ireland, few were apprehended upon them, and those were too inconsiderable to know more than that many were provided with arms and ammunition; and that a method was projected for bringing men together upon a call. However, on the 5th of June, Sir John Cockran and Mr. Ferguson were seized on suspicion of High-treason and treasonable practices; Ferguson having returned to his old habits of disturbing the government, though he had been preferred by his Majesty to the place of House-keeper to the excise-office, worth near five hundred pounds *per annum*, with little trouble (1).

The King
expresses
great ten-
derness
for King
James's
person.
Burnet.

The day before the King set out for Ireland, he called Bishop Burnet into his closet, and seemed to have a great weight upon his spirits from the state of his affairs, which were then very cloudy. He said, that for his own part, he would either go through with his business, or perish in it. He only pitied the poor Queen, repeating that twice with great tenderness, and wished, that those, who loved him, would wait much on her, and assist her. He lamented the factions and the heats, that were in the Nation, and that the Bishops and Clergy, instead of allaying them, did rather foment and inflame them. He declared, that going to a campaign, was naturally no unpleasant thing to him; and he was sure he understood that better than how to govern England. He added, that though he had no doubt or mistrust of the cause he went on, yet the going against King James in person was hard upon him, since it would be a vast trouble both to himself and to the Queen, if he should be either killed or taken prisoner. Then he dis-

missed the Bishop, deeply affected with what he had said (2).

The King set out for Ireland on the 4th of June, and on the 14th landed at Carrickfergus, being attended by Prince George of Denmark, the Duke of Ormond, the Earls of Oxford, Scarborough, and Manchester, and many other persons of distinction; and the same evening went to Belfast, where he was met by Duke Schomberg, the Prince of Wirtemberg, Major-General Kirk, and other general officers.

As to the affairs of Ireland before the King's State of arrival, the camp at Dundalk was not the only place, which proved fatal to the English Army; for both officers and soldiers died in great numbers in their winter-quarters; so that about the beginning of the new year, several regiments were broken into others, and the officers continued at half pay, till provisions could be made for them in other regiments, whilst others went over into England to raise recruits. However, the sickness by degrees abating, Duke Schomberg, who took a fatherly care of such as survived, found them very much refreshed by the good provisions he had procured for them, and rather inclined boldly to encounter death in the field, than languish in their quarters. About the beginning of February, the Duke being informed, that the enemy was drawing down some forces towards Dundalk, and that they had provided magazines with a design to disturb his frontier garrisons, sent a considerable body of horse and foot that way, and marched himself, on the 11th towards Drummore to observe the enemy's motion. But the designs of the Irish lay, at this time, another way; for while the Duke was upon this expedition, Colonel Woolsey was informed, that they intended to fall upon Belvoir, a town, which that Colonel had taken from them not long before. Upon this Woolsey marched with great diligence from Belvoir with seven hundred foot and three hundred horse and dragoons, towards the enemy; but being acquainted with their numbers, and they having had notice of his approach, instead of surprising them, he was himself surprised, finding them nine thousand strong, and in a posture to receive him. However there being now no way to retreat either with honour or safety, he made his

William Rawlinson, Knt. and Sir George Hutchins, Knt. were sworn Lords Commissioners of the Great-Seal of England, Sir Anthony Peck, who had been desired to continue in that post, having declined it; and on the same day the Marquis of Winchester, Chamberlain to the Queen, was sworn of the Privy-Council.

(1) MS. letter of Mr. Richard Warre to Sir William Colts, from Whitehall, June 1690. Ferguson (says Burnet) was a hot and bold man, and naturally given to plotting; always unquiet and setting people on to some mischief. He was concerned in the plots in King Charles II's time; one of those that pressed the Duke of Monmouth to invade England, saying, it was a good cause, and God would not leave them unless they left him. He was afterwards, as will be seen, in plots both against King William and Queen Anne. He was at first among the Presbyterians, but being cast out, he went among the Independents, where his boldness raised him to some figure, though he was an empty man.

(2) How tender the King was of King James's person, appears from this instance. A proposition was made to him, that a third rate ship, well manned by a faithful crew, and commanded by one, who had been

well with King James, but in whom he might trust, should sail to Dublin, and declare for King James. The person, who told Bishop Burnet this, offered to be the person, who should carry the message to King James, (for he was well known to him) to invite him to come on board, which he seemed to be sure he would accept of; and, when he was aboard, they should sail away with him, and land him either in Spain or Italy, as the King should desire, and should have twenty thousand pounds to give him, when he should be set ashore. The King thought this a well-formed design, and likely enough to succeed, but would not hearken to it, declaring, that he would have no hand in treachery; and alledging, that King James would certainly carry some of his guards and of his court aboard with him, who probably would make some opposition, and in the struggle some accident might happen to King James's person, in which he would have no hand. The Bishop acquainted the Queen with this, who shewed great tenderness for her father's person, and was much touched with the answer, which the King had made. Burnet II. 47.

1690. his men sensible of their common danger, and so animated them by his own example, that having engaged the *Irish*, he defeated them with considerable loss; pursued them as far as *Carven* where they had a little fort; set that town on fire; and in his return to *Belurhat*, took the castle of *Killyshandra* with a great booty of cattle. In the mean time Sir *John Lanier*, with a party of one thousand horse, foot, and dragoons, made an attempt upon *Dundalk*, took *Bedloe* castle, and about fifteen hundred cows and oxen; and Sir *Cloudesly Shovel* on Good Friday, took the only frigate King *James* had in his possession, in that Prince's own fight in *Dublin Bay*, notwithstanding all the opposition, that could be made against him by sea and land. But what afflicted King *James* more sensibly was, the loss of the castle of *Charlemont*, a strong place, chiefly by nature, as being seated upon a piece of ground in the middle of the Bay; and only accessible by two ways, which the *Irish* had partly broke down. This post being of great importance, Duke *Schomberg* resolved to make himself master of it, and succeeded in his attempt, partly by a stratagem. The garrison of that place, which for some time had been blocked up by the French regiments of *La Caille* and *Cambron*, being put to great straits for want of victuals, King *James* sent a strong detachment under *Mac Mabone* with provision to relieve it. Duke *Schomberg* being informed of this, ordered the blockade to let *Mac Mabone* pass with his convoy after a slight resistance, but to drive back all that returned from the castle. By this means the garrison, which had received but a slender supply of provisions, and were forced to feed their new guests as well as themselves, were soon reduced to greater exigencies than before; and by a vigorous prosecution of the siege forced at last to capitulate on the 13th of May. The next day they marched out to the number of eight hundred men; and the Duke, who was come to view them, seeing many women and children among them, asked the reason of it, since they could not but consume their provisions. He was answered, that the *Irish* were naturally very hospitable, and that they all fared alike. But the greatest reason was, that the soldiers would not stay in the garrison without their wives and mistresses; the Duke replied, that *there was more love than policy in it*. There were found in the place good store of ammunition, seventeen pieces of brass cannon, and two mortars; so that the enemy might have held out longer, if they had not wanted either courage or provisions. The same day that *Charlemont* surrendered, Colonel *Woolsey*, who had been considerably reinforced by a party of *Danes*, made himself master of the strong castle of *Balingargy* near *Carven*. Upon the loss of these considerable posts, the *Irish* quitted and burnt several castles on that side, and prepared to abandon *Dundalk*, *Ardee*, *Castle-Blaney*, and *Carickmarck-Crofs*.

In this situation was Ireland, when the King arrived there, who two or three days after he came to *Belfast* marched to *Lisburn*, where Duke

The King's proceedings in Ireland. Story. Boyer.

Schomberg kept his head quarters, and from thence to *Hillsborough*, where on the 20th of June he published an order, forbidding the pressing of horses, and the committing of any violences on the country-people; and having some cautious advices proposed by the general officers, he declared, that he did not come there to let the grass grow under his feet, but would pursue the war with the utmost vigour. He ordered therefore the whole army to encamp at a place called *Loughbritland*, where upon an exact review he found them to consist of thirty six thousand English, Dutch, French, Danes, and Germans, all well appointed in every respect. From *Loughbritland* the King marched his army to *Dundalk*, where he did not stay long, but upon advice, that the enemy had abandoned *Ardee*, immediately directed his march thither.

King *James* and his court had been so much elated with the news of the debates in the English Parliament, and of the distractions of the city of London, that they had flattered themselves with false hopes, that the King durst not leave England, nor venture over to Ireland; and the King had been six days landed, before they knew any thing of it (1). But no sooner had King *James* certain intelligence of his arrival, but he began to stir, committing the guard of *Dublin* to a body of Militia, under the command of Colonel *Lutterel*, marched with about six thousand French foot (old experienced soldiers lately come from France) to join the rest of his forces, which now amounted to almost an equal number with the King's, besides fifteen thousand, which remained in garrisons. After the junction, a council of war was held, wherein both French and Irish, were of opinion, that though they had a very advantageous post on the *Boyne*, yet their army being inferior both in number and in every thing else, they should put too much to hazard, if they should venture on a battle. They proposed therefore the strengthening their garrisons, and marching off to the *Shannon* with the horse and a small body of foot, till they should see how matters went at sea; for the French King had sent them assurances, that he would not only set out a great fleet, but that, as soon as the squadron, which lay in the Irish seas, to guard the transport fleet, and to secure the King's passage over, should sail into the channel, to join the grand fleet of England, he would then send into the Irish seas a fleet of small frigates and privateers to destroy the King's transports. This would have proved fatal, if it had taken effect; and the execution of it seemed easy and certain. It would have shut up the King in Ireland, till a new transport fleet could have been brought thither, which would have been the work of some months; so that England might have been lost, before he could have passed the seas with his army.

The destruction of his transports likewise must have ruined his army; for his stores both of bread and ammunition were still on board, and they sailed along the coast, as he advanced on his march; nor was there in all that coast a safe port

(1) A party of two hundred foot and dragoons, June 19, going from *Newry* towards *Dundalk*, to discover the enemy; fell into an ambuscade at a place called *four-mil-house*, and Captain *Forbes* being taken prisoner,

was the first who gave King *James*, a certain account of King *William's* being in Ireland, for till then he would not believe it. Story's Cent. of the wars in Ireland, p. 19.

1690. port to cover and secure them. The King indeed reckoned, that by the time the Squadron, which lay in the *Irish* seas, should be able to join the rest of the fleet, they would have advanced as far as the mouth of the channel, where they would guard both *England* and *Ireland*. In expectation of this fleet of smaller vessels, to destroy the King's transports, it was that King *James's* officers were against bringing the war to a speedy conclusion. But in opposition to all their opinions, King *James* himself was positive, that they should stay and defend the *Boyne*. If they should abandon *Dublin*, they would lose their reputation, that the people would leave them and capitulate, and all their friends in *England* be also dispirited. Therefore he resolved to maintain the post he was in, and seemed pleased to think, that he should have one fair battle for his crown. He had all the advantages he could desire. The river was deep, and rose very high every tide: There was a morass to be passed after the river, and then a rising ground. But with all these advantages, he thought fit to order Sir *Patrick Trant*, the Commissioner of the *Irish* revenue, to prepare him a ship at *Waterford*, that in case of a defeat, he might secure his retreat to *France*.

On the 30th of June the King being informed, that the enemy had repassed the *Boyne*, ordered his whole army to move by break of day in three lines towards the river, which was about three miles distant from them; whereupon the advanced guards of horse, commanded by Sir *John Lanier*, moved in very good order, and by nine of the clock got within two miles of *Drogheda*. The King, who marched in the front of them, observing, that there was an hill to the east of the enemy, and north from the town, rode thither to view their camp, which he found to be all along the river in two lines. Here the King held a long consult with the Prince of *Denmark*, the Dukes of *Schomberg* and *Ormond*, Count *Solmes*, Major-General *Sravvenmore*, the Lord *Sidney*, and other great officers, who made all their observations upon the enemy. Among the rest *Sravvenmore* seemed to despise them, saying, they were but an handful of men, for he could not reckon above forty-six battalions, that lay encamped. But the King and Prince *George* justly answered, that they might have a great many men in the town; and that there was also an hill to the south-west, beyond which part of their army might be encamped. "However, added the "King, we shall soon be better acquainted "with their numbers." From this place the King rid on to the pafs at the *Old-bridge*, and stood upon the side of the bank within musket-shot of the ford, to take there a nearer view of the enemies situation; and some time after rid about two hundred paces up the river, nigh the west of all the enemies camp. Whilst the army was marching, he alighted from his horse, and fate down upon a rising ground, where he refreshed himself for about an hour; during which time a party of about forty horse advancing very slowly, made a stand upon a plowed field over against the King, and brought two field-pieces with them, which they planted at the corner of a hedge undiscovered. The King was no sooner re-mounted, but the *Irish* fired at him, and with the first shot killed a man and two horses very near him. This bullet was

presently succeeded by another, which having first grazed on the bank of the river, did in its rising flant upon the King's right shoulder, took out a piece of his coat, and struck off the skin, and afterwards broke the head of a Gentleman's pistol. Mr. *Coningsby*, afterwards Earl *Coningsby*, seeing this, rid up and clapped his handkerchief upon the wound, while the King himself mounted again and kept on his pace, and only said, *There was no necessity the bullet should have come nearer*. The enemy seeing some disorder among those, who attended the King, concluded, that he was killed, and immediately set up a shout all over their camp, and drew down several squadrons of their horse upon a plain towards the river, as if they meant to pass and pursue the *English* army. Nay, the report of the King's death flew presently to *Dublin*, and from thence spread as far as *Paris*, where the people were encouraged to express their joy by bonfires and illuminations.

The King having got his slight wound dressed, mounted again on horseback, and showed himself to the whole army, in order to dissipate their apprehensions. He continued on horseback, without the least concern, till four in the afternoon, when he dined in the field, and in the evening mounted again, though he had been up from one in the morning. About nine at night he called a council of war, and declared his resolution to pass the river the next day; which Duke *Schomberg* at first opposed; and finding the King positive, advised, that part of the army, horse and foot, should be sent that night towards *Slane-bridge*, in order to pass the *Boyne* there, and so get between the enemy and the pass at *Duleek*. This advice, which if followed, would perhaps have ended the war in one campaign, seemed at first to be relished; but being afterwards opposed by the *Dutch* Generals, Duke *Schomberg* retired to his tent, where not long after the order of battle was brought him, which he received with discontent and indifference, saying, *It was the first that ever was sent him*. Lieutenant-General *Douglas* was to command the right wing of foot, and Count *Maynard de Schomberg* the horse, who were to march on early towards *Slane-bridge*, and other fords up the river, to flank the enemy, or get between their camp and *Drogheda*, whilst a body of foot were to force their way at the pass at *Old Bridge*.

On the other side, King *James* having also called a council, Lieutenant-General *Hamilton* advised him to send a party of dragoons to the ford, which was below the town of *Drogheda*, which the *English* either knew not of, or else did not regard; and all the rest, being eight regiments, towards the bridge of *Slane*. But King *James* said, he would send fifty dragoons up the river, which justly put *Hamilton* into great amazement, considering the importance of the place to be defended.

Towards the close of the evening the cannon ceased on both sides, when the King gave orders, that every soldier should be provided with a good stock of ammunition, and all to be ready to march at break of day, with every man a green bough or sprig in his hat, to distinguish him from the enemy, who wore pieces of white paper in their hats. The word that night being *Westminster*, the King rode in person about twelve at night with torches quite through the army,

1690. army, and then retired to his tent, impatient of the approaching day.

Battle of
the Boyne.
July 1.

The expected day being come, about six in the morning Lieutenant-General *Douglass* marched towards the right with some foot, as did Count *Schomberg* with the horse; which the enemy observing, drew out their horse and foot to oppose them. King *William's* right wing was at first ordered to pass all at *Slane*; but upon better information from the guides, several regiments were commanded to go over at other fords between the camp and that place. When the horse approached the river, a regiment of the enemy's dragoons made a shew of opposing their passage; but being soon forced to retire with loss, the *English* got over, and advanced towards the enemy's main body, which they found drawn up in two lines. Hereupon *Douglass* drew up his detachment in two lines also; but having but six battalions of foot to twenty-four squadrons of horse, he sent for more foot; and in the mean time, according to the Earl of *Portland's* advice, the horse and foot were intermixed for their greater security. More foot being come up, this figure was immediately altered, and all the horse drawn to the right, whilst the foot moved towards a bog on the left, which lay between them and the enemy, and through which it was impossible for the horse to march. The *Irish* observing their motion, retreated in some haste towards *Duleek*, but were vigorously pursued by Count *Schomberg*.

Though the King was ignorant of what had passed between his men and the enemy, yet supposing, that by this time they were over the river, ordered three attacks to be made; the first at a good ford before a small village, where the *Irish* were advantageously posted. The *Dutch* regiment of foot guards took the river first at *Old Bridge*, wading to the middle, and being got over amidst the enemy's fire, without making halt, drew up in two files, and then fired upon the *Irish*, who not bearing the charge abandoned their intrenchments. But before the third battalion of that regiment had passed the ford, five battalions of the enemy advanced very boldly within pistol-shot of the *Dutch*, who received them so warmly, that they retreated with the loss of some men and one pair of colours. Upon this the *Dutch* marched beyond the village, and repulsed a squadron of King *James's* horse, that would have stopped their progress.

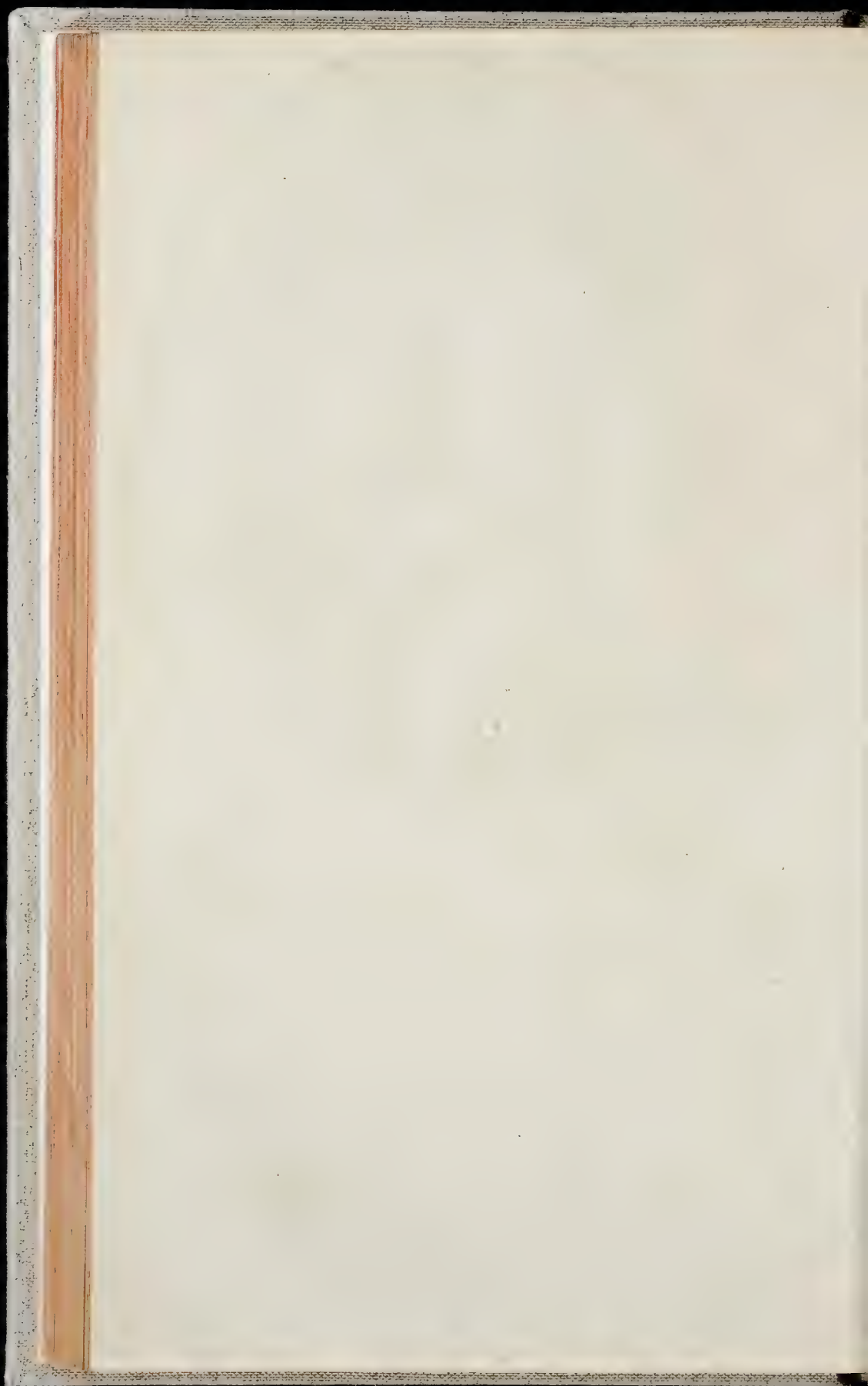
At the same time a squadron of General *Hamilton's* horse rode briskly to the very brink of the river, in order to oppose Sir *John Hammer's* and Count *Nassau's* regiments in passing it; and though they failed in that attempt, yet in their retreat they fell upon the *French* foot with such resolution, that part of them broke through *La Caillemote's* and *Cambon's* regiments, which wanted pikes to stem their furious career. But the *Irish* wheeling about through the village, to recover their own men, they were intercepted by the *Dutch* and *Imiskillin* foot, and most of them, after a stout resistance, cut in pieces. By this time the *Dutch* guards being advanced as far as the hedges into the open field, the *Irish* horse came down upon them again with greater numbers and redoubled fury; but the *Dutch* remained so firm and close, and other regiments coming to their assistance, that the *Irish* were forced to retire. Upon this a fresh squadron of

horse advanced to support them, but were vigorously repulsed by the *French* Protestants and *Imiskilliners*. In the first of these onsets Monsieur *La Caillemote* received his mortal wound, and as he was carried back by four soldiers to the *English* camp, he encouraged those, who were crossing the river, by these words, *A la gloire, mes enfans, a la gloire*; "To glory, my boys, to glory."

In the mean time the *Danes* came up to the left, as did the Brigades of *Hammer* and *La Meloniere* on the right. The first were so valiantly attacked in front by *Hamilton's* horse, that they were obliged to give way, and some of them to repass the river. Duke *Schomberg* perceiving this disorder, and seeing the *French* Protestants were also left exposed without a commander, immediately passed the river, in order to head them, with so much hurry, that he could not be persuaded by Monsieur *Foubert*, one of his *Aids de Camp*, to put on his armour. He was no sooner on the other side, but he encouraged the *French* Protestants by this short harangue, *Allons, Messieurs, voila vos persecuteurs*; "Come on, Gentlemen; behold your persecutors," pointing to the *French* Papists in the enemy's army. These words were scarce out of his mouth, when fifteen or sixteen of King *James's* guards, who were returning full speed to their main body, after the slaughter of their companions, and whom the *French* refugees suffered to pass, thinking them to be of their side, fell furiously upon the Duke, and gave him two wounds in the head, which however were not mortal. Upon this the regiment of *Cambon* acknowledged their error, by committing a greater; for firing rashly on the enemy, they shot the Duke thro' the neck, of which wound he instantly died; and Monsieur *Foubert* alighting to relieve him, was shot in the arm. Not long before Dr. *Walker*, so famous for the defence of *London-derry*, received a wound in the belly, which he survived but some few minutes.

The King during all these actions might be said to be every where, since he directed all by his conduct; but now his courage was likewise to have a share in the honour of the day. His Majesty, accompanied by the Prince of *Denmark*, passed the river with the left wing of horse, and that with some difficulty; for his horse was bogged on the other side, and himself forced to alight, till one of his attendants helped him to get his horse out, and remount. As soon as his troops were over, and put in some order, the King drew his sword, (though the wound, which he had received the day before, made it uneasy for him to wield it) and marched at the head of them towards the enemy, who were coming on again in good order towards the *English* foot, that had now got over the pass, and were advancing bravely towards the *Irish*, though they were double their number. When these two bodies were come almost within musket shot of one another, the enemy discovered the left wing of the *English* horse moving towards them; at which they made a sudden halt, faced about, and retreated up the hill to a little village called *Dunmore*, about half a mile from the pass. The *English* marching in good order came up with them at this village, where the enemy returning courage, faced about, and made the *English* horse give way, though they had the King at their head. The King shocked at this, rid up





1690. to the *Immiskilliners*, and asked them *what they will do for him?* Their chief officer telling them, that it was the King who was doing them the honour to head them, they boldly came forward, and at the head of them the King received the enemy's fire, and then wheeling to the left to fetch up his own men again, the *Immiskilliners*, through a mistake, retired after him above an hundred yards. This made the King move to the left, to put himself at the head of some *Dutch* troops, that were advancing; while in the mean time the *Immiskilliners* growing sensible of their error, went on again successfully to the charge. In this place, Duke *Schomberg's* regiment of horse, composed of *French* Protestants, and strengthened by an unusual number of officers, behaved with undaunted resolution, like men, who fought for a nation, amongst whom themselves and their friends had found shelter against the persecution of *France*. At the same time another party, commanded by Lieutenant General *Ginckle*, charged in a lane to the left, but was soon overpowered by the *Irish*, and forced to give way. This being observed by a party of Sir *Albert Cunningham's* dragoons, and another of Colonel *Levison's*, the officers ordered the men to alight and line a hedge, as also a ruined house, that flanked the lane, from whence they fired upon the enemy. *Ginckle* continued in the rear of his men, endeavouring to make them maintain their ground, and was in some danger from the *English* dragoons; for the enemy being close upon him, they could not well distinguish. However the dragoons did a great piece of service by stopping the enemy, who came up very boldly; and the *Dutch* horse having the opportunity of rallying, as they did to the right, the enemy, after half an hour's sharp dispute, were beat back again with considerable loss.

On the other side Lieutenant-General *Hamilton* finding, that his foot did not answer his expectation, put himself at the head of the horse, which was likewise routed, and himself taken prisoner. When he was brought to the King, he was asked by him, whether the *Irish* would fight any more? *Yes Sir*, answered *Hamilton*, *upon my honour, I believe they will*. When he pronounced the word *honour*, the King looked disdainfully at him, and then turned about, repeating once or twice, *your honour*: intimating, that what he affirmed upon his honour was not to be regarded, since that was forfeited before by his siding with *Tyrconnel*; and this was all the rebuke the King gave him for his breach of trust.

In the mean time, Count *Schomberg*, who was now informed of his father's death, pursued the enemy with that zeal and spirit, which a noble and just resentment inspires, and drove them several miles beyond the village of *Duleck*, covering the ground with the slaughtered enemies. Nor did he desist, till the Earl of *Portland*, by the King's express command, obliged him to return to the place where the foot made an halt, and where they remained under their arms all night.

The King had reason not to regard what *Hamilton* told him; for, that General was no sooner taken, but the fight ceased on the side of the *Irish*; and Count *Lauzun* making up to King *James*, (who, during the whole action, stood with some squadrons of horse upon the

hill called *Dunmore*,) represented to him how near he was being surrounded; adding, that he ought to think of nothing but a retreat, which he doubted not to make good with many brave officers then about him, and the remains of his *French* and *Swiss* troops. This advice King *James* was very inclinable to take; and therefore being attended by the regiment of *Sarsfield*, marched off to *Duleck*, and from thence, in great haste to *Dublin*; whilst Count *Lauzun*, *Sheldon*, and some other officers, disposed all things for a retreat, which they performed in very good order.

King *James's* whole loss in this battle was generally computed at fifteen hundred men, amongst whom were the Lord *Dongan*, the Lord *Carlingford*, Sir *Neile O Neile*, the Marquis *D'Hocquincourt*; and several prisoners, the chief of whom was Lieutenant General *Hamilton*, who, to do him justice, behaved with great courage, and kept the victory doubtful till he was taken prisoner. On the side of the *English*, fell about five hundred; an inconsiderable loss for the gain of so important a battle, had not the renowned Duke *Schomberg* been one of the number.

This great man was descended of a noble family in the Palatinate, and son of Count *Schomberg* by his first wife, an *English* Lady, daughter of Lord *Dudley* (which Count was killed at the battle of *Prague* in *Bohemia* in 1620, with several of his sons.) The Duke was born about the year 1608, and had for his godfather the unfortunate *Frederic*, Elector Palatine, who was afterwards King of *Bohemia*, and deprived of all his dominions. Forced by the calamities of his country, the Duke retired to *Holland*, where he served first in the army of the United Provinces, under *Frederic Henry*, Prince of *Orange*, and afterwards became the particular confident of his son *William II*, after whose death in 1650 he retired into *France*, where he gained so high a reputation, that, next to the Prince of *Condé* and *Turenne*, he was esteemed the best General in that Kingdom, though, on account of his firm adherence to the Protestant religion, he was not for a considerable time raised to the dignity of Marshal. In November 1659 he offered his service to King *Charles II*, for his restoration to the throne of *England*; and the year following, the Court of *France* being greatly solicitous for the interests of *Portugal* against the *Spaniards*, he was sent to *Lisbon*, and in his way thither passed through *England*, in order to concert measures with King *Charles II*. for the support of *Portugal*. He advised King *Charles* to set up for the head of the Protestant religion, which, he said, would keep the Princes of *Germany* in great dependence, and make him umpire of their affairs, and also by gaining him great credit with the Hugonots, keep *France* in continual fear of him. He advised him likewise to employ the military men, that had served under *Cromwell*, whom he thought the best officers he had ever seen. But above all, he advised him to keep *Dunkirk*, which would be a check both upon *France* and *Spain*. But in all these things his advice was rejected. When he came to *Portugal* he did such eminent services there that he was created a Grandee of that Kingdom, and Count of *Mertola* with a pension of five thousand pounds sterling to himself and his heirs. In 1673 he came over again into *England*, to command

An account
of Duke
Schom-
berg.
Burnet.
Boyer.
Birch.

1690. two fleets came to an engagement near *Beachy* in *Suffex*.

An account
of the en-
gagement.
Burchet.

On the 30th of *June*, the day after the battle of the *Boyne*, at eight in the morning the signal was made for battle; when the *French* bracing their head-sails to the mast, lay by; and about an hour after the *Dutch* Squadron, which led the van, began to engage part of the van of the enemy; half an hour after which our blue Squadron encountered their rear; but the greatest part of the red, which were in the center, could not engage till near ten; and as they were then at a considerable distance from the enemy, so was there a great opening between them and the *Dutch*. It was observed, that as the *English* bore down on the *French*, they lashed away, though probably that might be only to close their line; and afterwards several of their ships towed round with their boat until they were out of shot, so that it was hoped the advantage would have fallen on our side. But it was not long before it appeared, that the *Dutch* had suffered very much; and chiefly by their being, for want of a necessary precaution, weathered and surrounded by those *French* ships, which they left ahead of them, when they began to engage. No sooner did the Admiral perceive their condition, than he sent them orders to come to an anchor; and with his own ship, and several others, driving between them and the enemy, anchored about five in the afternoon, at which time it was calm; but judging it not safe to renew the fight at so great a disadvantage, he weighed at nine at night, and retired eastward with the tide of flood. On the 1st of *July* in the afternoon he called a council of war, in which it was resolved to endeavour to preserve the fleet by retreating, and rather to destroy the disabled ships, if they should be pressed by the enemy, than hazard another engagement by protecting them.

The *French* very indiscreetly pursued in a formal line of battle, whereas, had they left

every ship at liberty to do her utmost, the *English* would undoubtedly have been more roughly treated, especially the ships, which were disabled in the fight. But each shifting for herself, as it is natural to do in such cases, and caution being had in anchoring most advantageously with regard to tides, which the *French* took little or no notice of, the *English* got ground considerably of them. However, they pursued as far as *Rye-Bay*; and one of the *English* ships called the *Anne*, of seventy guns, was run on shore near *Winchelsea*, having lost all her masts, where two *French* ships attempting to burn her, the Captain saved them that labour by setting fire to her himself. The body of the *French* fleet stood in and out near *Bourne* and *Painsey* in *Suffex*, while about fourteen more lay at anchor, near the shore, some of which attempted to destroy a *Dutch* ship of sixty-four guns, that lay dry at low water in *Painsey-Bay*; but her Commander so well defended her every high water, when they made their attacks, that they at last thought it convenient to desist; so that this ship was got off, and safely carried to *Holland*. But it fared not so well with three others of that nation, which were on shore on that coast; for their officers and men not being able to defend them, they set them on fire; so that with the three ships destroyed by the *French* in the action, the *States-General* lost six of the line of battle.

On the 8th of *July* the *French* fleet stood towards their own coast, but were seen the 27th following near the *Berry-Head*, a little to the eastwards of *Dartmouth*, and then the wind taking them short, they put into *Torbay*. There they lay not long, for they were discovered the 29th near *Phymouth*, at which place very good preparations were made by platforms and other works, to give them a warm reception. The 5th of *August* they appeared again near the *Ram-Head*, in number between sixty and seventy, when standing westward, they were no more seen in the channel this year (1).

The

(1) This is Mr. Burchet's representation of the affair, but other accounts speak of it in a less favourable manner. Some original letters to Sir William Cole, then Envoy Extraordinary from King William at the Court of Hanover; reflect on it as follows:

Lord Paget, Envoy Extraordinary to the Emperor, from Vienna, Aug. 10. 1690. N. S.

"I hope the late good news of the King's successes in Ireland has made amends for the misfortune of our fleet. It is hard at this distance to guess where the fault lay; but if we may believe the Secretary of State, my Lord Torrington must be very criminal, since his printed letter to my Lord Dursley, (which I suppose is come to your hands,) has published him as such almost all the world over."

From Mr. R. Moleworth, Envoy Extraordinary to the King of Denmark, from Copenhagen, July 12, 1690, O. S.

"I am satisfied the Dutch have been most soundly beaten, and the French have gotten an intire though bloody victory, let us put what disguises on the matter we please."

From the same, July 22, 1690.

"My trouble at our unfortunate sea-fight was so great, and my confusion to that degree, that I had not the courage either to go to court, or to set pen to paper. And I think, if the news of the King's

"conquest of Ireland had not raised my spirits, I should have continued a drooping recluse for many weeks. I hope the Englishmen in our country will be touched with as much shame for their miscarriage, as those here, who durst not show their faces; and then they will endeavour to repair this great loss of honour and reputation; which God grant may be soon. But this I can tell you, if some people's heads do not fly now, no foreign Prince or State will believe there is a King or Queen in England, no more than our subjects do, as it seems."

From Sir Paul Rycaut, Envoy Extraordinary at Ham-burgh, July 16, 1690.

"I cannot but condole with you the unfortunate success of the late sea-fight against the French, which turned not much to our damage, unless so far as concerns the honour of the nation, but greatly to the detriment and ruin of our allies, who were beaten to pieces, whilst we stood spectators of their destruction. What loss they sustained you will best see in the letter, which Admiral Everisford writes to the States, and what was the cause, that our fleet in general did not fight was (as this Admiral writes) upon examination by the Earls Pembroke and Devonshire, who were going from ship to ship to make inquiry into this matter, to discover where the treachery lay; for nothing but that could keep our fleet from engaging; and where to charge that, a letter written from my Lord Nottingham to my Lord

1690. The news of this advantage gained by the French at sea had no sooner reached London, but the fears of a descent created a general consternation, which immediately spread itself through the whole Kingdom. The Queen was not ignorant of the danger, but did all that was possible to conceal her own apprehensions, and to inspire her subjects with resolution. The Lord Mayor and Aldermen, and Lieutenant of the city of London were not wanting in this critical juncture to express their zeal and affection for the government. For attending her Majesty in Council, they declared the unanimous resolution of the city to defend and preserve their Majesties and their government with the hazard of their lives, and to the utmost of their power; representing to the Queen and Council, that the several regiments of the militia of the city consisting of about nine thousand men, were complete in their numbers, well armed, and well appointed, and ready to be raised immediately, and to proceed in their Majesties service. That the Lieutenantcy also had resolved, that six regiments of auxiliaries should be raised for the service; and that the Lord Mayor, Aldermen, and Common-Council would, by the voluntary contribution of themselves and other citizens, forthwith raise a large regiment of horse, and one thousand dragoons, and maintain them at their own charge in the service for a month or longer, if there should be occasion. And they desired her Majesty to nominate officers to command them. All which the Queen most graciously accepted, and was pleased to thank them for their readiness, loyalty, and zeal on this occasion; and to the last part answered, that *she would consider of it,*

and appoint officers to command according to their ^{1690.} *same time*, to suppress the ^{From the} fears of a revolt in the West, an address was ^{tinners of} presented to the Queen by *Shadrach Vincent*, ^{of} *Philis* from above ten thousand tinners of *Cornwall*, giving all assurances of fidelity and obedience, and faithfully promising (notwithstanding the artifice and ill designs of disaffected men to "with draw them from their loyalty) an unalterable allegiance to their Majesties, owning and acknowledging their Majesties alone to be their lawful and rightful King and Queen, and disclaiming all allegiance to the late King *James*, or to the pretended Prince of *Wales* after him." Within a few days after, the ^{From Mid-} Deputy Lieutenants and officers of the militia for *Middlesex* and *Westminster*, made a solemn address and declaration, "That they perceived there were many mischievous and dangerous practices, consultations, and contrivances of Papists, and many others disaffected to their Majesties and their government; and that it was most notorious, that the *French* King, by confederacy with the late King and his adherents, had made a bold invasion of their Majesties dominion of the narrow seas, designing to destroy their royal fleet, and in consequence to bring the Protestants of this kingdom under his tyranny and cruel yoke of bondage. And therefore they hold themselves bound in duty to declare upon this occasion their deep sense, hatred, and abhorrence of the vile ingratitude of those Papists, and professed Protestants, who, notwithstanding their Majesties pardoning and protecting them, had by conspiracies with the late King's adherents, or by "their

"*Dursey*, translated with the consent of my Lord *Dursey* into Dutch, and inserted into the *Courant* for the better quieting and satisfaction of the people, doth plainly declare, and on whom the treachery is to be charged. All I have to comfort myself and all others in this matter, is, that Mr. *Warre* writes me under the 4th instant, that we should speedily have a better fleet at sea than before. And Dr. *Achensby* writes me on the 22^d instant from the *Hague*, that by this letter to my Lord *Dursey*, and the assurances, that Mr. *Harbord* was coming over from the Queen to the States, that the minds of the people were much settled; and that the Government loses no courage, for that the States of *Holland* on the 10th instant, and so did the States General on the 21st resolve, that a new Squadron with all expedition be put to sea; until which was done, all commerce was to be suspended. The States of *Holland* unanimously, and without so much as consulting their principals came to this resolution. God grant that we may correspond in like manner with them in *England*, God grant also, that there may be no treachery in *Ireland*, from whence we expect to receive great and good news by the next post."

From the same, July 19th, 1690.

"Now I am to congratulate and rejoice with you for the seasonable victory obtained in *Ireland*; which I hope will set all things right; and when our fleet is again repaired, and recruited, and set out once more to sea, we shall then assert again the sovereignty and dominions of the seas, which might have been done by the last battle, had not treachery defeated us."

Bishop Burnet's account is as follows.

— "On the day before the battle of the *Boyne*, the Numb. X. Vol. III.

"two fleets came to a great engagement at sea. The Squadron that lay at *Phinewish*, could not come up to join the great fleet, the wind being contrary. So it was under debate, what was fittest to be done. The Earl of *Torrington* thought he was not strong enough, and advised his coming in, till some more ships, that were fitting out, should be ready. Some began to call his courage in question, and imputed this to fear. They thought, this would too much exalt our enemies, and discourage our allies, if we left the *French* to triumph at sea, and to be masters of our coast and trade; for our merchants richest ships were coming home; so that the leaving them in such a superiority would be both very unbecoming and very mischievous to us. The Queen ordered *Ruffel* to advise both with the Navy-board, and with all that understood sea-affairs; and upon a view of the strength of both fleets, they were of opinion, that though the *French* were superior in number, yet our fleet was so equal in strength to them, that it was reasonable to send orders to our Admiral to venture on an engagement. Yet the orders were not so positive, but that a great deal was left to a council of war. The two fleets engaged near *Brachy* in *Suffex*. The Dutch led the van; and to shew their courage, they advanced too far out of the line, and fought in the beginning with some advantage, the *French* plying before them. And our blue squadron engaged bravely; but the Earl of *Torrington* kept in his line, and continued to fight at a distance. The *French* seeing the Dutch come out so far before the line, fell on them furiously both in front and flank, which the Earl of *Torrington* neglected for some time; and when he endeavoured to come a little nearer, the calm was such, that he could not come up. The Dutch suffered much, and their whole fleet had perished, if their Admiral *Calemberg* had not ordered them to drop

1690. "their murmurings against their Majesties and the present government, or by the refusal of the oaths of fidelity and obedience to their Majesties, assisted or abetted the late King in his claims and pretences of any right and title to the government of these realms, &c.

Measures taken by the Queen. Ken.

July 5.

Under these encouragements the Queen forgot nothing, that the most active prudence could suggest, as fit to be done in such a juncture, without hurry or a too visible concern. She published a proclamation, requiring all seamen and mariners to render themselves to their Majesties, with suitable rewards for coming in, and penalties for absenting. She gave out commissions to put the standing forces in a condition to oppose the enemy; and she ordered the militia in the western parts to be in a readiness of defending the coasts, and assisting the army. And to strike a terror into the conspirators with France, she published a proclamation for apprehending Edward Henry Earl of Lichfield, Thomas Earl of Aylebury, William Lord Montgomery, Roger Earl of Castlemain, Richard Viscount Preston, Henry Lord Bellasis, Sir Edward Hales, Sir Robert Thorold, Sir Robert Hamilton, Sir Thomas Oglethorpe, Colonel Edward Sackville, Lieutenant Colonel William Richardson, Major Thomas Soaper, Captain David Lloyd, William Pen, Edmund Elliot Marmaduke Langdale, and Edward Rutter; being persons, who had conspired with divers other disaffected persons, to disturb and destroy the government, and for that purpose had abetted and adhered to their Majesties enemies in the present invasion.

Nor was the Queen's care of affairs confined within her own dominions; for while she put herself in a posture of defence at home, she dispatched Mr. Harbord to the States-General, to let them know, how much her Majesty was concerned at the misfortune, which had befallen their Squadron in the late engagement, and at their not having been seconded as they ought to have been, which matter she had directed to be examined into, in order to recompense those, who had done their duty, and to punish such as should be found to have deserved it: That her Majesty had given orders for refitting the Dutch ships, that were disabled, at her own charge; and commanded, that all possible care should be taken of the sick and wounded seamen; and that rewards should be given to the widows of those, who were killed, behaving themselves bravely in the fight, to encourage others to do well for the future. Mr. Harbord likewise told the States, that the Queen had ordered twelve great ships to be immediately fitted out; and hoped the States would also do their utmost to reinforce their fleet in the conjuncture. And, lastly, he acquainted them with the King's happy success in Ireland. The States received this message with great satisfaction, and unanimously resolved to fit out immediately thirteen capital ships and six frigates.

During these transactions, the fleet was refitting with all possible diligence. The Earl of Torrington was sent to the Tower; and three of the best sea-officers, Sir Richard Haddock, Henry Killigrew, and Sir John Ashby were appointed joint-

"drop their anchors, while their sails were all up. This was not observed by the French; so they were carried by the tide, while the others lay still; and thus in a few minutes the Dutch were out of danger. They lost many men, and sunk some of their ships which had suffered the most, that they might not fall into the enemies hands. It was now necessary to order the fleet to come in with all possible haste. Both the Dutch and the blue Squadron complained much of the Earl of Torrington; and it was a general opinion, that if the whole fleet had come up to a close fight, we must have beat the French; and considering how far they were from Brest and that our Squadron at Plymouth lay between them and home, a victory might have had great consequences. Our fleet was now in a bad condition, and broken into factions; and if the French had not lost the night's tide, but had followed us close, they might have destroyed many of our ships. Both the Admirals were almost equally blamed; ours for not fighting, and the French for not pursuing his victory."

Mr. Byer tells us, that the Dutch having the vanguard, began the fight, as also did some of the English; but not being seconded by the rest of the English fleet, which unexpectedly stood away, several of the Dutch ships were either burnt, sunk, or disabled. And the English fared but little better, for such as engaged were very much battered. The fight continued from morning to evening, the Dutch maintaining their stations with so much resolution and obstinacy against the whole French fleet, which consisted of eighty two men of war, that they had much ado to escape being all destroyed. In this unequal fight they lost, among other officers, Rear-admiral Jan Dick, Rear-admiral Brackel, and Captain Nordel; and the English Captain Botham, Captain Pomeroy, with two Captains of the Marine regiments.

A Dutch author of the history of King William asserts, that in this action the French gained the victory, the

Dutch the honour, and the English the shame; and adds, that the Court Martial was far from being unanimous in their opinions about the Earl of Torrington, some thinking him guilty of treachery, and others of cowardice only; though they all at length agreed to acquit him; and that the King was extremely dissatisfied with their sentence, and for that reason discarded some of the numbers of that Court from the service, together with two and forty officers of the navy, who were suspected to have been influenced by the Earl.

But the French writers give a different account of this action. Monsieur Fourbin in his *Memoirs* allows, the English and Dutch fleets to have been but eight and fifty ships of the line of battle; whereas the French had eighty; and observes, that though the English did not seem to have had so great a share in the action as the Dutch, it may be said, that for above three hours, the two fleets shewed a great deal of valour, and performed exploits worthy to be recorded in history. Father Daniel affirms, that seventeen of the English and Dutch ships, which were unmaimed, were run ashore upon the coast and burnt; and adds, that, to leave no doubt of the greatness of the victory gained by the French, Monsieur de Tourville, the Admiral of the French fleet, returning to sea sent a detachment of ships and gallies, with about fifteen hundred men on board, under the command of the Count D'Estrees, to make a descent upon England, and to burn twelve ships in Timmouth Bay. "These troops, continues he, being landed, forced an intrenchment defended by three pieces of cannon, plundered several houses, and burnt the vessels in the Bay, four of which were men of war, and the rest Merchant-men richly laden. This done, the troops were re embarked without the loss of a man, and they carried off the three pieces of cannon with other booty." But these four men of war, and eight Merchant-men richly laden, are said by our writers to be only three small vessels.

1690. joint-admirals to command the fleet. But it was a month before they could be ready. And in all that time the *French* were masters of the sea, and our coasts open to them. If they had followed the first conformation, and had fallen to the burning the sea-towns, they might have done much mischief, and put affairs in great disorder, for there were not then in *England* above seven thousand men. The militia was raised; and though the harvest drew on, so that it was not convenient for people to be long absent from their labour, yet the nation expressed more zeal and affection to the government than was expected; and the Jacobites, all *England* over kept out of the way, for fear of being insulted by the rabble. There were no great losses at sea; for most of the merchant-men came safe to *Phymouth*. The *French* stood over for some time to their own coast; and there were many false alarms of their shipping troops in order to a descent. But the *French* had suffered so much in the *Netherlands*, in the battle of *Flerus*, that they were forced, for all their victory, to lie upon the defensive, and were not able to spare so many men as were necessary for an invasion. It was thought strange that the *French* should hover

so long and so quietly on the coast of *England* 1690. without making any farther attempts; but it appeared afterwards, that they were still in expectation of the effects of the conspiracy which was to have broke out the 18th of *June*. But the Jacobites excused their failing in that, because their leaders were generally seized, and they began to boast all over *England*, that it was visible the *French* meant no harm to the nation, but only to bring back King *James*, since now, though the coasts lay open to them, they did the country no hurt. This might have made some impression, if the *French* had not effectually refuted it. For they made a descent on a poor village called *Tinnouth*, which happened to belong to a Papist, and burnt it with a few fisher-boats, but the inhabitants got away, and as a body of militia was marching thither, the *French* made great haste to their ships. The *French* published this in their *Gazettes* which much pomp, as if it had been a great trading-town, that had many ships, with some men of war in port. This both rendered them ridiculous, and served to raise the hatred of the nation against them, for every town on the coast saw what they must expect if the *French* prevailed (1).

The

(1) About this time a remarkable pamphlet was published, under the title of "A modest inquiry into the causes of the present disorders in *England*, and who they are that brought the *French* fleet into the channel, described." The author charges the disaffected clergy (whom he calls the *Lambeth holy club*), with being the principal managers of the Jacobites plot for bringing the *French* into the channel. He alleges, "that the first step the Clergy made, was the writing against the taking the new oaths to their Majesties injoined them by act of Parliament; and the buzzing into the ears of their vetaries the unlawfulness of these oaths, and the continuing right of King *James* to the crown. That there being very few of the disaffected Clergy, that had the courage to lay down their places for the oaths, the next step of the plot was to cheat the world and their own consciences, with the ridiculous distinction of taking the oaths to a King *de facto*, and not *de jure*; which was as much as to say, that their Majesties were not lawful and rightful King and Queen of *England*, but *de facto* only, that is in *English*, downright usurpers. That this distinction did not only give scope to take the oaths to their Majesties, but also to pray for them by name in their pulpits; though some of more sincerity than the rest would not pray for them by name at all; and yet, to prevent any trouble from the law, they wisely prayed in general terms for the King and Queen which might be taken either for King *James* and Queen *Mary*, or King *William* and Queen *Mary*; and others of a more nice stomach yet would not pray for the King and Queen, but for the King and Royal Family. That the plot being lame, because the machines, that moved it, were debarred from the pulpit, it was found out, that the act of Parliament injoining the oaths to their Majesties, admitting of some favourable interpretation in law, upon the part of those, that only preached, but had no cure of souls; thereupon Dr. S. one of the greatest champions mounted the chair first, with the loud acclamations of the party, and, as an introduction to his sermon, gave his auditors an account of the happy discovery he had made of so great a blessing, as his having liberty to preach to them, notwithstanding the act of Parliament about taking the oaths. That he was followed by a great many, both in *London* and in the country, who partly by stealth, and partly by the pious zeal of some of their own sort of Church-Wardens, got up into the pulpit to trumpet up the

people to a dissatisfaction with the government. That all these steps of the plot were backed with the *HISTORY of Passive Obedience* which was handed about in triumph among the party. That in this pamphlet are multered a great many expressions of *English* divines both antient and modern, although most of the citations be far wide of the question, and refer only to obedience to magistracy in general, and the unlawfulness of private persons rising up against the Government upon every frivolous pretence. That the next engine of the plot was the happy result of a kind of *Oecumenic council* of the whole party: the Liturgy of the Church of *England* must be laid aside, and a new one must be calculated for the meridian of King *James's* tottering fortune. That in this new Liturgy they prayed thus; restore us again the public worship of thy name, the reverend administration of Sacraments; raise up the former government both in Church and State, that we may be no longer without King, without Priest, and without God in the World. That when they came to pray for King *James*, the Jacobite club had exhausted their rhetoric and zeal in the following words; protect and defend thy servant our sovereign Lord the King; strengthen his hands, and the hands of all that are put in authority under him, with judgment and justice, to cut off all such workers of iniquity, as turn religion to rebellion, and faith into faction; that they may never prevail against us, or triumph in the ruin of thy Church among us. To this end, defend the King, bind up his soul in the bundle of life, and let no weapon formed against him prosper. Be unto him an helmet of salvation, and a strong tower of defence against the face of his enemies. Let his reign be prosperous, and his days many. Make him glad according to the day, wherein thou hast made him suffer adversity. Give him the necks of his enemies, and also every day more and more the hearts of his subjects. As for those that are implacable, clothe them with shame, but upon himself and his posterity (that is, the Prince of Wales) let the crown flourish. That the General Council having composed this new Liturgy, there were above ten thousand of them printed and dispersed up and down among the party, which they used in their cabals, laying aside a great part, and some times all the old liturgy. That there were many of the *Holy club* detached up and down to persuade monied people, who wished well to the cause, to contribute for the subsistence of King *James's* cashiered officers. That King *William* "being

1690.
The Earl
of Torrington
tried and
acquitted.
Baronet.
Burnet.
MS. letter
to Warre.

The Earl of Torrington continued prisoner in the *Tower* till the next session, when he was brought to his trial. Several persons of quality, the Duke of Devonshire and *Pembroke* had been sent to *Sheerness*, to examine into the whole affair upon oath, in order to discover where the treachery lay. The Earl was permitted to make a speech in the House of Commons in defence of himself, in which he insisted on these three things; that the preparations for the fleet were very late; that the fleet itself was much inferior to the *French* fleet; and that he laboured under great want of intelligence. He excused his fighting, by alleging the orders, which he had received; and said, that it was against his judgment, and the judgment of the council of war. He was the house a draught of the line of battle, for explaining his arguments in justification of his conduct in the fight, and desired leave to deliver what he had to say in writing; which was granted. He reflected upon the councillors, and in a manner named the Earl of *Nottingham* as the

person, who had suppressed some intelligence, or not sent it to him so timely as was necessary (1).

The Earl's affair was long discussed in the House of Lords. The form of his commitment was judged to be illegal; and the martial law, to which, by statute, all, who served in the fleet, were subject, being lodged in the Lord High Admiral, it was doubted, whether the Admiralty being now in commission, that power was lodged with the Commissioners. The Judges were of opinion, that it was; yet since the power of life and death was too sacred a power to pass only by a construction of law, it was thought the safest course to pass an act, declaring, that the power of a Lord High Admiral did vest in the Commissioners. The secret enemies of the government, who intended to embroil matters, moved that the Earl should be impeached in Parliament; proceedings in that way being always slow, and incidents being also apt to fall in, that might create disputes between the two Houses, which sometimes ended in a

“being resolved to venture his person once more for the safety of these Kingdoms, his journey to *Ireland* concluded upon, and the most and better disciplined part of the army to attend his Majesty, it was impossible to leave any considerable force behind him in his absence; and that the transportation of the Queen of *Spain*, and the convoy of the *Straits* merchant-men under Admiral *Killegrew*, had carried a considerable part of our fleet to the *Mediterranean*; and another part of it commanded by Sir *Claude* *Shovel*, was to attend his Majesty and the army to *Ireland*; so that the grand fleet was not to have been so considerable, as otherwise it would have been. That all these circumstances raised the courage of the plotters, who thought this the only time to put their design in execution. That in order to that, at one of their general meetings in *London*, where it was necessary that some of the Clergy should be present to do so pious a work, it was concluded to present a memorial in the name of the loyal and distressed subjects of England, (for so they named themselves) to his most Christian Majesty, humbly inviting him out of his unparalleled goodness, and for the affect in he always bore to oppress virtue, that he would assist them in restoring their lawful Kings, his ancient ally and confederate, to his throne, and, in breaking the yoke of usurpation, under which these three nations were at this time so heavily groaning. That there had been two or three memorials presented to the *French* King before this, besides a constant correspondence betwixt the *French* minister of state, Monsieur *de Creilly* and them. And the Clergy, who were the great contrivers and managers of this, and who by their profession are, for the most part, extraordinarily credulous of any thing they incline to, did really believe, that immediately upon the appearing of the *French* fleet, and the burning of ours, (which they thought as sure) there would certainly be a general insurrection through a great many places in the Kingdom, in order to join them at their landing, and to declare for King *James*.”

This pamphlet reflecting so highly on the Non-juring Clergy, the Archbishop of *Canterbury*, the Bishops of *Norwich*, *Ely*, *Bath* and *Wells*, and *Peterborough*, both in their own, and in the name of their absent brother the Bishop of *Gloucester*, published a paper, wherein they solemnly, and in the presence of God, protested against it. I. That these accusations cast upon them were all of them malicious calumnies and diabolical inventions. II. That they knew not who was the author of the New Liturgy, nor had any hand in it, neither did they use it at any time. III. That they never held any correspon-

dence, directly or indirectly, with Monsieur *de Creilly*, or with any other Minister or Agent of the *French* King, and if any such memorial had been presented to the *French* King, they never knew any thing of it; and that they did utterly renounce both that and all other invitations suggested to be made by them, in order to any invasion of the Kingdom by the *French*. IV. That they utterly denied and disowned all plots charged upon them, as contrived or carried on in their meetings at *Lambeth*; the intent thereof being to advise how in their present difficulties, they might best keep their consciences void of offence towards God and towards Man. V. That they were so far from being the authors and abettors of *England's* miseries, that they did, and should to their dying hour, heartily and incessantly pray for the peace, prosperity, and glory of *England*; and should always, by God's grace, make it their daily practice to study to be quiet, to hear their crosses patiently, and to seek the good of their native country. They concluded, that as the Lord had taught them to return good for evil, the unknown author of the pamphlet having endeavoured to raise in the whole *English* nation such a fury, as might end in *de-aviting* them, (a bloody word, but too well understood) they recommended him to the divine mercy, humbly beseeching God to forgive him. And as they had not long since, either actually or in full preparation of mind, hazarded all they had in the world, in opposing Popery and arbitrary power; so they should, by God's grace, with greater zeal again, sacrifice all they had, and their very lives too, if God should be pleased to call them thereto, to prevent Popery, and the arbitrary power of *France*, from coming upon them, and prevailing over them, the persecution of their Protestant brethren there being fresh in their memories.” *St. Tracts* II. 95. Though the Bishops thus strongly asserted their innocence and resolution of bearing their crosses patiently, yet before the year was at an end, a plot was discovered in which they were deeply engaged as will be seen presently.

(1) “But if, says Mr. *Warre*, Under-Secretary to that Earl, he has no better arguments for himself than this last, they will not do much service; my Lord having not neglected one moment to dispatch such public business, as belonged to him, since the time he came into the office. And of this I am confident, that the greatest part of the members of both Houses are well satisfied, that my Lord has not been at all remiss in the discharge of his duty.” *MS. letter to Sir William Colt, Envoy at Hanover*, Nov. 14. 1690.

(1) *Bayle*

1690. rupture. This the King was apprehensive of, and though he was much incensed against the Earl, and had reason to believe, that a council of war would treat him very favourably, yet he chose rather to let it go so, than to disorder his affairs. The Commissioners of the Admiralty named a court to try the Earl, in which Sir Ralph Delaval presided, who had acted as Vice-Admiral of the blue in the engagement. The Earl is said to be tried with so gross a partiality, that it reflected much on the justice of the nation; so that if it had not been for the great interest, which the King had in the States-General, it might have occasioned a breach of the alliance between them and England. The Earl escaped with his life and estate, but much loaded in his reputation, some charging him with want of courage, while others imputed his ill conduct to a haughty fullness of temper which made him, since orders were sent him contrary to the advices he had given, to resolve indeed to obey them, and fight, but in such a manner, as should cast the blame on those, who sent him orders, and give them cause to repent it.

MS. Warré
December
26.

The King was greatly offended with his acquittal; whereof one mark immediately appeared in determining the Earl's commission; and it was expected, says Warre, "That his Majesty would express his resentment against those Captains of the council of war, who shewed their partiality by their behaviour at his trial." (1)

Affairs of
Ireland.
Boyer.

Nothing put a greater check to the proceedings of the Jacobites, than the news of the victory at the Boyne, which was obtained the day after the misfortune at sea. There has been a notion spread among many people, that King William would not have hazarded a battle, but upon an express received that morning of the defeat of the fleet, which he kept secret till the action was over. But this is impossible to be reconciled to the circumstances of the time and place. However this be, the news of the King's preservation from the cannon-ball, and then of the victory gained the day after, was a great comfort under the agitations caused by the misfortunes at sea. When the Earl of Nottingham carried the news to the Queen, and acquainted her in a few words that the King was well, and had gained an entire victory, and that the late King had escaped, he observed her looks, and found that the last article made her joy complete, which seemed in some suspense, till she heard her father was safe. The Queen and Council, upon this sent to the King, pressing him to come over with all possible haste, since, as England was of more importance, so the state of affairs required his presence here. But these letters were soon followed by others of a very different strain, as will presently appear.

The affairs
of Ireland
after the
battle of
the Boyne.
Boyer.

Upon the defeat of the Irish at the Boyne, the King having refted his forces, sent, the next day after the battle, Monsieur la Mollioniere, Brigadier-General, with five battalions of foot, and four squadrons of horse, to invest Drogheda, where was a great magazine of stores. The Go-

vernor at first seemed resolute to defend the place, and received Monsieur la Mollioniere's summons with great contempt; but the King sending him word, "that if he was forced to bring his cannon before the place, he must expect no quarter;" the Governor confiding, that King James's army being defeated, he could expect no relief, accepted of the conditions offered him, and marched out with the garrison, which consisted of three regiments and some odd companies, having their baggage only, but leaving all their arms and stores behind them.

On the 3d of July the Duke of Ormond and Monsieur Auverquerque here and elsewhere, were detached with nine troops of horse to secure the quiet of Dublin. The next day the King, with the whole army, marched the same way, and on the 5th encamped at Finglas, within two miles of that city, where he was informed, that King James was embarked at Waterford with the Duke of Berwick, Mr. Fitz-James, the Lord Powis, Tyrconnel, and the French Brigadier, the Marquis de Lery: that some French ships being arrived at King'sale, many, who had fled from the battle were gone thither to embark for France: that the greatest body of the Irish were marched towards Athlone: that within six and twenty miles of Dublin there was not an enemy in arms; and that there could not be any where above five thousand together, whereof the French might be supposed to make three thousand five hundred: that three hundred of the Swis or Germans had deserted the enemy: that the town of Wexford had declared for his Majesty; and that Sligo was abandoned by the Irish.

On Sunday July 6th King William rode in a triumphant manner into Dublin, and went directly to St. Patrick's Church, the Cathedral of that Metropolis, attended by the Bishops of Meath and Limerick; and after the publick services were solemnly performed, Dr. King, afterwards Archbishop of Dublin, preached a sermon upon the power and wisdom of the Providence of God in protecting his people, and defeating their enemies. The Mayor and Aldermen waited on his Majesty, and the people endeavoured by all demonstrations of joy to express their just sense of their great and happy deliverance. In the afternoon the King returned to the camp, where the next day he published his royal declaration, "promising both his pardon and protection to all the people of the kingdom of Ireland, who either remained at home, or having fled from their dwellings, should the first day of August next repair to their usual places of abode, surrendering up what arms they had to such Justices of the Peace, as his Majesty should appoint. But as for the desperate leaders of the present rebellion, who had violated those laws, by which the kingdom of Ireland is united and inseparably annexed to the Imperial crown of England, who had called in the French, who had authorized all violences and depredations against the Protestants, and who rejected the gracious par-

don,

(1) Boyer says, that several French officers in 1697, who had been in the engagement, coming over into England after the peace, when they could not be suspected of any partial design, did loudly justify the Earl's Numb. X. Vol. III.

conduct, and said, he deserved rather to be recompensed than censured, since he had preserved the best part of the fleet from being totally destroyed. II. 193.

1690. "don, which his Majesty offered them in his proclamation of the 22d of February 1688-9, "as his Majesty was now in condition to make them sensible of their errors, so he was resolved to leave them to the event of war, "unless by great and manifest demonstrations he should be convinced they deserved his mercy which he should never refuse to thole, "who were truly penitent."

*As if he were to
affirmate
the King
Barnet.*

The King, as he had received the news of the battle of *Flerus*, the day after the victory at the *Boyne*; so on the day he entered *Dublin*, he had the news of the misfortune at sea to temper the joy, his own successes might give him. He had taken all the Earl of *Tyrconnel's* papers in the camp, and found all King *James's* papers left behind him at *Dublin*. By these he understood the design, which the *French* had of burning his transport-fleet; and among the Earl of *Tyrconnel's* papers there was one letter written to Queen *Mary* at *St. Germain's*, the night before the battle, but not sent. In this letter the Earl declared, that he looked on all as lost; and ended it thus, *I have now no hope in any thing but in Jones's business*. The Marquis of *Carmarthen*, some weeks before the King went to *Ireland*, had received an advertisement, that one *Jones*, an *Irishman*, who had served so long in *France* and *Holland*, that he spoke both languages well, was to be sent over to murder the King. And Sir *Robert Southwell*, who was Secretary of State for *Ireland*, found among Lord *Tyrconnel's* letters to Queen *Mary*, two remarkable ones; in the former of which he writes, that *Jones* was come; that his proposition was more probable, and more likely to succeed, than any yet made; but that his demands were high, *if any thing can be high for such a service*. In the latter he writes, that *Jones* had been with the King, who did not like the thing at first; but he added *We have now so satisfied him both in conscience and honour, that every thing is done that Jones requires*. *Deagle*, the Attorney-General of *Ireland*, had furnished this *Jones* with money and a poignard of a particular composition; and they fought long for a bible bound without a common-prayer, which he was to carry in his pocket, that so he might pass, if seized on, for a Dissenter. Some persons of great quality waited on him to the boat, that was to carry him over. He was for some time delayed in *Dublin*, and King *William* had passed over to *Ireland*, before he could reach him; but he was never heard of more, so that it is probable, that he went away with his money. A paper was drawn up of all this matter, and designed to be published; but, upon second thoughts, the King and Queen had that tenderness for King *James*, that they stopped the publishing to the world so shameful a practice.

On the 9th of *July* the King decamped from *Finglas*, and divided his army in two bodies; with the greater of which he marched to *Crumlin* three miles on the South of *Dublin*; and the other consisting of four regiments of horse, two of dragoons, and ten of foot, was sent towards *Athlone* under the command of Lieutenant General *Douglas*. The next day the King issued out a proclamation, to ease his subjects of "the great oppressions and abuses committed by his enemies in his Kingdom of *Ireland*, by coining and making current brass money of copper or mixed metal, and raising the value of it to an extravagant price, and to reduce the value of the said copper money to the value

"or standard of the like copper money former-ly current in *Ireland*." The King having left Brigadier *Trelawney* to command at *Dublin* with five regiments of foot and one of horse, advanced as far as *Inchiquin*, twenty two miles beyond *Dublin*, in his way to *Kilkenny*.

Douglas, with his detachment, having reached *Athlone* on the 17th of *July*, sent a drummer to summon it. But Colonel *Grace*, the Governor, a resolute man fired a pistol at the messenger, saying, *that such were the terms he was for*. Upon this answer, *Douglas* resolved to attack the place, though, it being strong by situation, and defended by a castle, his force was not answerable to his undertaking. However he immediately planted two field pieces to prejudice the enemy's guns, and ordered fascines to be made in order to fill up the ditch. Having finished a battery of six guns the besiegers made a breach in the castle, but it being both too small and too high for an assault, it was prudently laid aside. Notwithstanding this the firing continued very brisk on both sides; but the besiegers having lost Mr. *Nelson* their best gunner, and the cavalry suffering very much for want of forage; and at the same time it being reported, that *Sarsfield* was advancing with fifteen thousand men to relieve the place, *Douglas* held a council of war, wherein it was thought fit to raise the siege, which he accordingly did on the 25th, having lost near four hundred men before the town, the greatest part of whom died of sickness.

The King in the mean time moving Westward reached *Kill-Kullen* bridge on the 11th of *July*; and that morning passing by the *Ness*, and seeing a soldier robbing a poor woman, he was so enraged at it, that he first gave the fellow several blows with his cane, and then commanded, that both he, and some others guilty of the like crimes, should be hanged. Some people reflected on this action of the King, as mean in a sovereign at any time to lay hands upon his subject, and cruel to inflict a capital punishment on one, whom he had already corrected for his fault. But this severity struck the soldiers with such a terror, that the country was freed from all violence during the whole march to *Commalin*, *Castle-Durmant*, and so beyond *Carlow*; from whence the King detached the Duke of *Ormond* with a party of horse to take possession of *Kilkenny*, and so to secure the Protestants and other inhabitants of the adjacent countries from being plundered by the enemy, who by this time began to look behind, and committed great depredations. From *Carlow* the army marched on to *Kells*, thence to *Lough-land-bridge*, and so to *Bennet-bridge*; and on the 19th of *July* his Majesty was splendidly entertained at dinner by the Duke of *Ormond* at his castle of *Kilkenny*, which had the good fortune to be preserved by Count *Lauzun* with all the goods and furniture, and a cellar well stored. On the 21st the army encamped at *Carrick*, from whence Major General *Kirk*, with his own regiment, and Colonel *Brewer's*, as also a party of horse, was sent towards *Waterford*. *Kirk* being arrived before the place, dispatched a trumpet to summon the town, which at first refused to surrender, there being two regiments then in garrison. However their answer was so civil, that their inclinations were easily understood; for soon after they sent out to know what terms they might have, which were the same with *Drogheda*. But not liking these, they proposed some of their own, which were

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1690. were rejected, and the heavy cannon drawn down that way, and some more forces ordered to march. The *Irish* being informed of these preparations, thought it advisable not to put themselves to extremities, and thereupon agreed to march out with arms and baggage on the 25th, and so were conducted to *Mallow*. The fort *Dunannon*, a place of strength, which commands the river of *Waterford*, was also surrendered to the King upon the same articles with *Waterford*; which last place was viewed by the King the day it was given up. Here he took care, that no persons should be molested: And among the rest the Lord *Dover* was admitted to a more particular protection as having formerly applied himself, when the King was at *Trillick*, by *Kirk's* means, to desire a pass for himself and his family into *Flanders*. The Lord *George Howard* likewise embraced the King's mercy.

On the 27th of July the King left the camp at *Carrick*, and went to *Dublin*, intending, as he was advised, to go over to *England*, but he found letters there of another strain. Things were in so good a posture and so quiet in *England*, that they were no more in any apprehension of a descent, so the King went to *Chapel-Izard*, and spent there some time to hear divers complaints, and redress several grievances. Here he likewise ordered a weekly fast, and published on the 1st of August a second declaration, to confirm the former, in favour of all poor labourers, common soldiers, country farmers, ploughmen, &c. and declaring withal, "that if
" those of superior rank and quality, and also
" such as had borne office under his Majesty's
" enemies, whether military or civil, should by
" the 25th day of that month of August surren-
" der themselves to his obedience, and should be
" content, during the rebellion of that King-
" dom, to betake themselves to such town or
" city as should be assigned them, they should
" be secure of their lives, and have the liberty
" of such town or city; and, if they were desti-
" tute and in want, should also have a subsistence
" allowed them, according to their respective
" qualities. As to strangers of what nation so-
" ever, who had taken service in that Kingdom
" against him, he did further declare, that if
" they should forsake the enemy, and come in-
" to his quarters within the time aforesaid, they
" should not only receive his protection, whilst
" they were in the Kingdom, but forthwith have
" passports given them to go directly home in-
" to their respective countries. But if these ma-
" nifestations of his grace and favour should
" not be valued as they deserved; or if any
" should persist in that barbarous and unchri-
" tian way of burning and desolation, which
" in some places had of late been practised, he
" should hold himself discharged of those con-
" sequences and calamities, which must inevita-
" bly follow, since those who were obstinate
" against his mercy, became the authors of their
" own confusion. It was hoped, that the ful-
" nefs of the pardon of the Commons in this and
" the former declaration might have separated them
" from the gentry; and that by this means the
" latter would be so forsaken, that they would
" accept of such terms as should be offered them.
" The King had intended to have made the pardon
" more comprehensive, hoping by that to
" bring the war soon to an end. But the *English*
" in *Ireland* opposed this, thinking that the pre-

sent opportunity was not to be lost of breaking the great *Irish* families, upon whom the inferior sort would always depend. In compliance with them the indemnity now offered was so limited, that it had no effect; for the priests, who governed the *Irish* with a very blind and absolute authority, prevailed with them to try their fortunes still; and the news of the victory, which the *French* had gained at sea, was so magnified among them, that they made the people believe that the *French* would make such a descent upon *England*, as must oblige the King to abandon *Ireland*.

About this time the King having a farther ac-
count from *England*, that the designs of the *Limerick*.
male-contents were discovered and prevented, the loss at sea repaired, and that the *French* had only burnt one small village in the West of *England*, and so gone off again; he returned to the army, which on the 4th of August he found encamped at *Golden-Bridge*, and by the 7th reached *Carricklish*, a place within five miles from *Limerick*, where he was joined by *Douglas*. The next day the Earl of *Portland* and Brigadier *Stuart* were detached toward *Limerick* with nine hundred horse, and twelve hundred foot, who advanced within cannon-shot of the town with little opposition from the enemy; and in the evening the King himself, accompanied by Prince *George*, Monsieur *Overkirk*, Lieutenant-General *Ginckle*, and several other great officers, went to view the posture of the enemy and the avenues to the town. On the 9th the whole army camped at five in the morning, and made their approaches in good order, two hundred horse and dragoons, with a thousand chosen foot, leading the van. The country being full of hedges and ditches, the pioneers were immediately employed to cut down the one first, and fill up the other; which being done the army advanced, and drove the enemy before them till they came to a narrow pass between two bogs, within half a mile of the town, which was not above a hundred and fifty yards, and this likewise full of hedges and other incumbrances. In this pass were lanes leading to the town, in the middlemost of which, being the broadest, stood the *Irish* horse, and to the right and left of it the hedges were lined with musketeers. The detached party of *English* foot was upon the advance towards the centre; the horse a little to the right of them, the *Danes* to the left, and the blue *Dutch*, with several *English* regiments, upon the right. Whilst these things were going on thus, the King ordered two field-pieces towards the left, where they could bear upon the enemy's horse, and fired from thence with so good success, that the enemy soon quitted that post. At the same time Colonel *Earle* led on his foot, who marched with so much bravery, though the enemy made a great fire through the hedge, that they forced them to retire, and continued their hedge-fight for two hours; driving the *Irish* under the very walls of the town, possessing themselves of two advantageous posts; called *Cromwell's Fort*, and the *Old Chapel*, and being hardly stopped there by the orders, which his Majesty sent them. The *Irish* upon this plied the *English* forces with their great guns, that killed some few men as they marched in, which the whole army did by five in the afternoon, and most of them incamped within cannon-shot. The *Danes*, according to their post, encamped

1690.

The King
leaves the
camp to go
to Eng-
land.

He pub-
lishes a
second
pardon.

Remarks
on the par-
don.
Barnet.

1690. encamped to the left, where they found an old fort built by their ancestors, of which they were not a little proud, and from whence they fired three or four field-pieces upon the *Irish*, who lay intrenched between them and the town. Orders were also given forthwith to plant four field-pieces on *Cromwell's* fort to play upon the town from the out-works.

The army being posted, *August* the 9th, the King sent a trumpeter with a summons to the town. A great many of the garrison were for capitulating; but Monsieur *Boisseleau* the governor, the Duke of *Berwick*, and Colonel *Sarsfield*, opposed it with much vehemence, saying, there were great divisions, and even an actual insurrection in *England*; that the Dauphin was landed there with a great army; and that the Prince of *Orange* would quickly be obliged to withdraw his forces thither. Upon this *Boisseleau* sent the trumpeter back with a letter directed to Sir *Robert Southwell*, Secretary of State, (to avoid the rudeness of addressing himself directly to the King without giving him the title of Majesty) importing, "That he was surprized at the summons; and, that he thought the best way to gain the Prince of *Orange's* good opinion, was by a vigorous defence of the town, which his Majesty intrusted him withal." About eight in the evening the King went to his camp, a little mile from the town, having been on horseback from five, in the morning, giving the necessary orders, and exposing himself amidst the greatest dangers, which the Prince of *Denmark* shared all along with him. The cannon played from both sides, and several of the enemy's shot fell near the King's tent, or flew over it. The same evening a party of dragoons was sent to the ford at *Annagbeg*, about two miles above the town, where six of the enemy's regiments of foot, three of horse, and two of dragoons, were posted on the other side of the river with a breast-work to cover them, who all fired upon the *English*, but neither killed nor wounded one of them. The advantage, which the enemy had, was such, that the *English* expected to have met with great difficulties in passing the river, which is very rapid, and the bottom stony; but in the night the *Irish* abandoned their station; so that *Ginckle*, who was commanded with a detachment to force his way over it, performed it the next morning, with about five thousand horse and foot, without any opposition. Two or three hours after the King himself went over the *Shannon*, and posted there three regiments of foot, with some pieces of cannon. Neither were the besieged idle; for all this while they were raising forts between the assailants and the *Irish* town; one to the south gate, and the other towards the east, which proved very serviceable to them, though not so great a disadvantage to the *English*, as the surprising of their train of artillery, which was coming up to join the army.

Some deserters, and amongst them a gunner, who got into *Limerick*, having given the enemy an account where the King's tent stood, and of those guns and other things, that were upon the road from *Kilkenny*, under a small guard, they played very briskly from the King's tent, which he was at last prevailed with to remove. Nor was this all, for on the 11th one *Manus O Brian*, a country Gentleman came to the camp,

and gave notice, that *Sarsfield*, which a body of five or six hundred horse and dragoons had passed the *Shannon* in the night, nine miles above *Limerick*, and designed something extraordinary. Though several concurring circumstances, and *Sarsfield's* activity and resolution, which fitted him for such an enterprize, rendered this Gentleman's relation at least probable, yet little heed was given to it at first; and a great officer, instead of inquiring more particularly into the matter, interrogated *O Brian* concerning a prey of cattle in the neighbourhood; of which the Gentleman could not forbear complaining afterwards, saying, he was sorry to see general officers mind cattle more than the King's honour. However, after he had met with some acquaintance, he was brought to the King, who, to prevent the worst, gave order, that Sir *Jahn Lanier*, with five hundred horse, should march to meet the train. But wherever the fault lay, it was one or two in the morning before the party set out, and even then they advanced very slowly, till after they saw a great light in the air, and heard a strange rumbling noise, which some justly conjectured to be the train blown up. For the artillery having the day before marched beyond *Cullen* to the little old ruinous castle of *Ballenedy*, not seven miles from the camp, *Sarsfield* lurked all that day in the mountains; and having notice where and how the men, who attended it, lay, he took with him guides, that brought him to the very spot, where he fell in among them, before they were aware, and killed several of them, with many of the waggoners, and some country people, who were carrying provisions to the camp. The noise of the slaughter having awaked the officer, who commanded in chief, he ordered his men to get to their horses, that were a grazing, and put themselves in a posture of defence. But most of those, who endeavoured to fetch them, were cut to pieces, and the rest obliged to shift for themselves, so that there were in all about sixty men killed. The convoy being thus totally routed, the *Irish* gathered the carriages and waggons, with the bread and ammunition, and as many of the guns, as the shortness of the time would permit them, into one heap, and having filled the guns with powder, and placed their mouths into the ground, that they might thereby certainly split, they, at their going off, set fire to the heap, which was blown up into the air, with a most astonishing noise. The *Irish* got some booty on this occasion, but took no prisoners; only a Lieutenant of Colonel *Earle's* being sick in a house in the neighbourhood, was stript and brought to *Sarsfield*, who used him with civility, and told him, "If he had not succeeded in that enterprize, he would have gone for *France*." The party of horse, that was sent from the camp, came up in sight of the enemy's rear, after the business was over; but wheeling to the left to intercept them in their retreat over the *Shannon*, the *Irish* passed another way and got safe into *Limerick*.

The unwelcome news of this adventure occasioned great murmurings in the camp, and some warm words passed between Duke *Schomberg*, son to the late Duke, and the Earl of *Portland*, as if the latter, and Count *Soimes*, had neglected to send in time a detachment of sufficient strength to secure the train. Others said, that the King was altogether unconcerned at this accident, as having no real design to make an end

1690. the *Irish* war, but only to keep the enemy cantoned towards *Limerick*, and preserve the cantonment he made this summer (1). But these were ill grounded conjectures; and the siege was pursued. The trenches were opened on the 17th of *August*, and some great guns being arrived from *Waterford*, a battery was raised below the fort to the right of the trenches, which dismounted some of the enemies cannon. The same day the Prince of *Wurtemberg*, with the Major Generals *Kirk* and *Tatteau*, and Brigadier *Bellefleur*, with seven battalions, entered the trenches, advanced near three hundred paces, and made themselves masters of the redoubts. On the 18th, the trenches were relieved by Lieutenant General *Douglas*, the Lord *Sidney*, and Count *Nassau*, and Brigadier *Stuart*, who approached towards another strong redoubt of the enemy. Nor was the King less in danger than the rest; for in the thickest of the enemy's fire he rid up to *Cromwell's* fort, and as his horse was just entering the gap, he was staid by a gentleman, who came to speak to him, when, in the same moment there came a cannon-ball, that struck in the very place, and covered the King with dust. He took little notice of it, but alighting, came and laid himself down on the fort. On the 19th the trenches were relieved by the Prince of *Wurtemberg*, who advanced further towards the said redoubt, which the King ordered to be attacked the 20th. *Douglas*, *Sidney*, *Nassau* and *Stuart*, being then again on the guard, and the signal given about two in the afternoon, the *English*, to the number of one hundred and fifty, besides officers, and several resolute *French* volunteers, attacked the fort with undaunted bravery, and after an obstinate fight drove out the enemy, killing forty of them. About half an hour after the *Irish* made a great rally with near two thousand horse and foot, but were vigorously repulsed. The 21st, the trenches were carried on and finished, so as to hinder any more sallies. The next day the besiegers batter'd the enemy's high towers, from whence they fired into the trenches, and quite levelled them; and in the night threw several bombs and carcasses into the town, as they did the day following red-hot bullets, which set several houses and a magazine of hay on fire. All the batteries being finished and thirty pieces of cannon mounted on them, the trenches by the 25th were advanced within thirty paces of the ditch; a breach was made in the wall near *St. John's* gate, and part of the palisades on the counterscarp beaten down. On the 26th the engineers having assured the King, that there was a sufficient breach, and there being an impossibility to make it wider for want of bullets, he resolved, to take the town by mines; and in order to that, commanded the covered way or counterscarp

(which here was almost the same with the ditch,) and two towers that were on each side the breach, and contiguous to the wall, to be attacked the next day, and that the men should go no further, but lodge themselves there. Accordingly *Douglas* detached *Monsieur de la Barthe*, a brave experienced *French* Lieutenant Colonel, with nine companies of grenadiers, strengthened by an hundred *French* officers and volunteers, to begin the attack; which was performed with such bravery and success, that the enemy was soon dislodged from the covered way and the two forts. The assailants pursuing their good fortune, entered the breach with the runaways; and *de la Barthe*, with some bold adventurers, and above half the Earl of *Drogheda's* grenadiers, were actually on the rampart, and others, still more eager than the rest, went into the very place. This action had been decisive, if the engineers had made a lodgement in time, or if the Counts *Solmes* and *Nassau* would have suffered the detachment, that was to second the grenadiers, to go further that the counterscarp; for the *Irish* were all running from the walls quite over the bridge into the *English* town; but seeing that few of the *English* had entered the town, they rallied again, faced the assailants, and plied them so warmly, that several of them were killed, and many mortally wounded. Elated with this success, the *Irish* ventured upon the breach again, and the resoluteness of their women was so great, that they incessantly pelted the *English* with stones, broken bottles, and all such other instruments of destruction, as came next to their hands. The men, on their part, could not for mere shame be less valorous; so that after three hours unequal fighting, the *English* were forced to retire to their trenches. But this was not all; for during the heat of the action a *Brandenburg* regiment being with great bravery got upon the enemy's black battery, the powder happened to take fire, which blew up a great many of them. Besides, though Colonel *Cuts*, who was commanded by the Prince of *Wurtemberg* to march towards the *Spur* at the South gate, beat in the *Irish*, who appeared on that side, yet he lost several of his men, and was himself wounded; for he boldly advancing within half musket shot of the gate, all the men lay exposed to the enemy's shot, who lay secure within the *Spur* and the walls. The *French* Protestants the *Dutch*, and the *Danes* behaved themselves very gallantly in their respective posts; and the whole action, which lasted from three till seven, was very brisk every where, and cost the besiegers six hundred men killed upon the spot, and as many mortally wounded.

This disappointment, and the approaching ill weather, occasioned the raising of the siege of *Limerick* (2); for on the 30th of *August* the heavy

(1) *Lanier*, whom the King had sent to secure the convey, might have overtaken *Sarsfield*; but the general observation made of him (and of most of the officers who had served King *Jama*, and were now on the King's side) was, that they had a greater mind to make themselves rich, by the continuance of the war of *Ireland*, than their master great and safe by the speedy conclusion of it. *Burnet*, II. 58.

(2) Mr. *R. Warre*, Under Secretary to the Earl of *Nottingham*, in a letter from *Whitehall*, Septemb. 9. 1690, to Sir *William Dutton* Colt, Envoy extraordinary. No. 10. Vol. III.

nary at the court of *Hannover*, gives the following account of the raising the siege of *Limerick*. "Nothing induced the King to quit the siege but the season of the year, and the nature of the country, which in those parts is so much subject to be overflowed, that the soldiers could no longer remain in the trenches in wet weather; and no art nor industry could remedy this mischief. The deserters do agree, that if the weather would have permitted the King to remain there a few days longer, the necessities and despair of the people in the town would have forced the officers

1690. heavy baggage and cannon were sent away, and the next day the army decamped and marched towards *Clonmel*. The King, after he had constituted the Lord *Sidney* and *Thomas Coningsly*, Lords Justice of Ireland, and intrusted Count *Salmes* with the command of the army, who soon after resigned it to Lieutenant General *Ginckle*, he embarked at *Dunannon* fort with Prince *George of Denmark*, and some other persons of distinction, on the 5th of September, and arrived safe next day in King's road near *Bristol*, and on the 9th at *Windsor*, where he was received by the Queen with that joy, which none but his own could equal.

The Earl of Marlborough's expedition to Cork. Story. Boyer.

Besides *Limerick*, there were still other towns in the possession of the *Irish*; and their army was yet very numerous, which gave King *James's* friends some hopes of the restoration of that kingdom to his obedience. But they were not a little surprized to hear, that the *English* fleet was arrived before *Cork* harbour the 21st of September, with some forces under the command of the Earl of *Marlborough*. When the *English* fleet was refitted, and the *French* retired to *Brest*, the Earl of *Marlborough* had proposed, during the siege of *Limerick*, that five thousand men who had lain idle all the summer in *England*, should be sent into *Ireland*, and with the assistance of such men as the King should order to join them, they should try to take *Cork* and *King'sale*. The King approved of this, and ordered the Earl to come over with them, and left orders for about five thousand more under the command of the Duke of *Wirtemberg*, and Major-General *Scravenmore* to join him. Accordingly the Earl immediately acquainted them with his arrival. The next day, in entering the harbour, he was opposed by the enemy, who had a battery of eight guns there; but he having sent three armed boats ashore, they by their quick firing obliged the *Irish* to quit their guns. On the 23d, the greatest part of the land-forces were sent up the passages, headed by the Duke of *Grafton*, six miles from *Cork*, and being come by the 24th within a mile of the town, they began to mount their cannon, having near six hundred scamen, gunners, and carpenters, who did them considerable service. There being a report, that the Duke of *Berwick* designed to raise the siege, *Scravenmore* sent a messenger to hasten the Duke of *Wirtemberg's* march; and on the 25th ordered a party of horse to go and cover the Duke's foot. The same afternoon *Tetteau*, with a party of one thousand men, having drawn some cannon to the *Fair-Hill*, resolved to attack one or both of

the new forts and new *Shannon* castle; but the *Irish* no sooner observed his men posted in order to that design, but they set fire to the suburbs between him and them, and quitting both the forts and castles, retired in haste into the town. Upon this the *English* possessed themselves of *Shannon* castle, and planted there some guns. *Scravenmore* came about that time with twelve hundred horse and dragoons, and took up his quarters at *Kill-Abbey*. On the 26th the Duke of *Wirtemberg* with his *Danes*, and Brigadier *la Melliniere* with some *French* and *Dutch* foot, arrived and encamped before the town. *Wirtemberg* and *Marlborough* being both Lieutenant-Generals, there happened a warm dispute betwixt them about the chief command; *Wirtemberg* bluntly claiming it, because he was a Prince; and *Marlborough* with more temper, alledging, that the general command properly belonging to himself, both as the elder officer, and because he led the troops of his own nation; whereas the Duke of *Wirtemberg* was only at the head of auxiliaries. But *la Melliniere* interposing, the Earl was contented to share the command with the Duke, left his insulting on his full right should retard the King's service. Accordingly the Earl commanded the first day, and gave the word, *Wirtemberg*; and the Duke commanded the next, and gave the word, *Marlborough*.

This difference being adjusted, and the enemy on the 27th having abandoned their works at the *Cat-Fort*, without a blow struck, the *English* forces took possession of it; and having raised a battery there, they threw their bombs into the city, and played their guns upon the fort, from the *Fryars Garden*, and from another battery above the fort near the abbey. Besides, being masters of a Church, *Scravenmore* ordered a party of men into it, who from thence galled the *Irish* within the fort. All which, together with another battery set up by *Red-abbey*, soon made a breach in the city wall, and brought the besieged to demand a parley. Hoistages were thereupon exchanged, and a truce granted till next morning; when the besieged not accepting the terms offered, the besiegers began to play again very furiously with their cannon. A considerable breach being made, the *Danes* from the north, and four regiments of *English* from the south, under Brigadier *Churchill*, passed the river up to the arm-pits into the *East Marsh*, in order to storm the town. The Grenadiers under the Lord *Colchester* led the van, and marched forward with incredible bravery, though all the while exposed to the enemy's fire, being encouraged

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"cers to surrender, if they had not been disposed to
"it of themselves. The enemy had so little share in
"obliging the King to retire, that he did not meet
"with the least disturbance from them in decamping
"or in his march. The Protestants thereabouts are
"by this means left to the mercy of the *Irish*, but
"most of them withdraw to places within the army's
"protection. — Though this disappointment is
"the more unhappy for coming at the end of the
"campaign, yet the progress the King has made to-
"wards reducing that kingdom, is so considerable, as
"would have been esteemed at first sufficient for one
"year, and enough to render it a glorious campaign." And in another letter dated *October* 21. the same
Gentleman writes thus: "I have endeavoured to in-
form myself of the number of persons lost before

"*Limerick*, but cannot give you a distinct nor just
"account. I spoke with a Gentleman, who was at
"the siege, all the time, and had the best opportunity
"of being informed herein. He tells me, the greatest
"loss to our men was, in gaining the redoubt, and
"assaulting the counterescarp; the rest happening in
"the trenches, where about ten men a day might
"be killed. He computes the whole at a thousand
"or twelve hundred at the most. He observed a
"thing not unworthy your notice, that where a
"Colonel or Captain was deficient in his full num-
"ber of men, if he was ordered on service, he
"would deliver in his loss, as if his regiment or com-
"pany had been compleat; which made some judge
"our loss greater than it was; but at that rate it was
"not much greater than what I tell you." MS. p. 396.

(1) The

1690. raged by the Duke of *Grafton*, and some other resolute volunteers; but in the approach the Duke of *Grafton* received a wound in the shoulder, of which he soon after died (1). The van immediately posted themselves under the bank of the marsh, which was, as it were, a counter-scarp to the city wall; and at the same time the *Salamander* and another vessel came up with the tide, and lay at the end of the marsh, directly before the city wall, played their cannon at the breach, and threw their booms likewise into the city. All things being now ready, on the 28th of September, for a general assault, the besieged thought fit to prevent it by beating a second parley; and at last the Earl of *Tyrone* and Colonel *Ricaut*, being sent from Colonel *M^r Ellicut*, who commanded in the place, agreed to the Earl of *Marlborough's* conditions; which were, "That the garrison, consisting of four thousand men, should be all prisoners of war, both officers and soldiers: That no prejudice should be done to them, or to the inhabitants: That the General would use his endeavours to obtain his Majesty's clemency towards them: That all the arms, as well of the garrison as inhabitants, should be secured: That all the Protestant prisoners should be set at liberty: That the old fort should be delivered up within an hour, and the two gates of the city the next morning: And that an exact account should be given of the warlike ammunitions and provisions in the magazines." The prisoners of note taken at *Cork* were the Earls of *Glencarty* and *Tyrone*, the Governor of the place, Colonel *Ricaut*, and several other officers.

Animated with this success, the same day the Earl entered *Cork*, he sent a detachment of horse and dragoons, under the command of Brigadier *Villiers*, to summon the town and forts of *King'sale*. Upon his approach the *Irish* were ready to set the town on fire; but being prevented by the sudden arrival of the *English*, they retreated in haste to the old and new forts. The Earl of *Marlborough* set out from *Cork* on the 1st of *October*, arrived at *Five-mile Bridge* the same day, and the next before *King'sale*; and having formed his camp in the evening gave directions to make his approaches towards the new forts, while *Tetteau* was ordered to attack the old. The next morning early, *Tetteau* having passed the river in boats made a feint of storming the fort in the weakest place, where most of the besieged were ready to receive him; but in the mean while another detachment made a bold assault upon another place, where the enemy least suspected them, and by that means were soon masters of a bastion. At the same time several barrels of powder happening to take fire, whereby near forty of the *Irish* were blown up, the rest retired into an old castle in the midst of the fort, and immediately submitted to be prisoners of war, having lost about two hundred men out of four hundred and fifty. This business being over, the Earl of *Marlborough* sent

to summon the new fort, which was much more considerable than the other; but Sir *Edward Scott*, the Governor, resolutely answered, "that it would be time enough to capitulate a month hence." Upon this the *English* on the 5th of *October* opened their trenches, and on the 9th had advanced them to the counter-scarp; but the ill weather hindered the coming up of the cannon till the 11th when part of it arrived. The 12th in the morning six pieces were mounted at the *Danes* attack, and two mortars at the *English*, which fired all that day. The 13th two twenty four pounders were placed on the same battery; and the next day the rest of the cannon arrived, three of which were mounted on the *English* battery. And the *Danes*, commanded by *Wurtemberg*, having made a considerable breach, the night following, to disturb the enemy, they made a false attack. The 15th the cannon continued to play all the morning; and all things were preparing for a storm, when the enemy beat a parley. Hostages being exchanged, the articles were agreed on and signed about midnight, by which the middle-bastion was to be delivered up the next morning, and the garrison, consisting of about one thousand one hundred men, was to march the next day after, with arms and baggage, and be conducted to *Limerick*. The loss of the *English* before this place was little less than three hundred men killed or wounded; which yet was of no moment, considering the great advantage they gained by subduing this sea-port town, and that of *Cork*; for by this means a stop was put to all supplies from *France*, at least on this side of *Ireland*; and the *Irish* were almost confined to the Province of *Ulster*, where they had great difficulty to subsist. The Earl of *Marlborough* having performed this glorious expedition in thirty seven days, embarked again for *England*, and arrived at *Kensington* the 28th of *October*, where he was received with great civility by their Majesties; and the King was heard to say, *that he knew no man so fit for a General, who had seen so few campaigns*. Aboard the ships which came back with the Earl of *Marlborough*, were brought prisoners, the Earls of *Glencarty* and *Tyrone*, the Lord *Carme*, Colonel *M^r Ellicut*, and other officers of note.

During these proceedings, Count *LAUZUN* The with the *French* troops, lay about *Galway*, without attempting any thing. He sent over to the Court of *France* an account of the desperate state of their affairs, and desired, that ships might be sent for the transporting of their forces. This was done, yet the ships came not till the siege of *Limerick* was raised; and probably, if the Court of *France* had known how much the state of affairs was altered by that event, they would have sent contrary orders. But *Lauzun* was weary of the service, and was glad to get out of it; and therefore failed away without staying for new orders, leaving the general command of the *Irish* forces to the Duke of *Berwick*, which was afterwards given to Monsieur *St. Ruth*. By this

1690.

And taken.

King'sale
besieged,
Ibid.French
leave Ire-
land.
Burnet.
Boyer.

(1) The Duke of *Grafton* was the more lamented, as being, of all King *Charles's* children, the person of whom there was the greatest hope. He was brave,

and probably would have become a great man at sea. *Burnet*, II. 60.

(1) The

this conduct Count *Lanzan* lost the little reputation, which he was beginning to recover at the Court of *France*. *Tyrconnel* went over with him, and gave full assurances, that though the *Irish* were like to suffer great hardships the next winter, yet they would continue firm, if they were still supported by *France*. And as it had appeared on many occasions, that the *French* and *Irish* soldiers did not agree well together, he proposed, that no more soldiers, but only a number of good officers, together with arms, ammunition, and clothes, might be sent over to them. In the mean while the *Irish* tormented themselves into many bodies, which by a new name were called *Rapparees*; who knowing all the ways, and the bogs, and other places of retreat in *Ireland*, and being favoured by the *Irish*, that had submitted to the King, robbed and burnt houses in many places of the country; while the King's army studied their own ease in their quarters, more than the protection of the inhabitants. And many of them were suspected of robbing in their turn, though the *Rapparees* bore the blame of all. However, between them the inhabitants were dreadfully harassed, and their stock of cattle and corn was almost quite destroyed in many places.

The Rapparees.

Thus ended the campaign in *Ireland*. With respect to foreign affairs, the grand alliance, to which the King had acceded, was also strengthened by the accession of the Duke of *Savoy* (1). He had, since the kindling of the war, professed a neutrality, with which the *French* appeared the least satisfied, though they seemed to have most reason to be so. For though the Duke had been so compliant to the King of

The Duke of Savoy accedes to the grand alliance. Octob. 20.

France, as to imprison, banish, and at last destroy by the sword his own Protestant subjects, the miserable *Fandans*; yet nothing was able to continue him in that King's favour, but his receiving a *French* garrison into the citadels of *Turin* and *Ivrea*, for the securing of his pretended neutrality. These proposals could not but appear harsh to a Court, which was ever used rather to gain than lose by the division of her neighbours. However the Duke, who, even at four and twenty years of age, challenged a place amongst the ablest politicians, prudently amused the King of *France* with civil messages, and at the same time endeavoured to make the Emperor buy his alliance with the acknowledgment of his claim to the kingdom of *Cyprus*, and the giving him the title of *Royal Highness*, which at last the Emperor consented to. This concession being made publick, the *French* began to suspect the confederations, upon which his Imperial Majesty had made it, and expostulated the matter with the Duke; who thereupon declared to the King of *France* by his Minister, that he had no design to abandon his friendship, or to do any thing derogatory to the treaties, that were between that crown and himself. But this general answer not satisfying the *French*, *Monsieur Catinat*, who was to command the *French* troops on that side, passed the mountains, and arrived at *Turin* in the spring, leaving his army of about eighteen thousand men in *Dauphiné*, with orders to follow him by easy journeys into the Duke's territories. The presence of this military envoy somewhat discomposed the Duke of *Savoy*, who, to rid himself of a troublesome guest, before the arrival of his more troublesome

(1) The author of the *French Continuation of Monsieur Rapin's history* says, that King *William* had for a long time courted that Duke, who being weary of the long slavery, under which he had been retained by *France*, heard with pleasure every thing, that tended to rescue him, from that yoke. The House of *Austria* had no less interest to gain him; and it is said, that this house ever since the first infractions of the treaty of *Nimègue*, in order to revenge itself, formed a project, of which the two principal articles were the raising of King *William* to the throne of *Great Britain*, and the making a league with *Léopold* II. Duke of *Savoy*. This latter article was negotiated, as it was said, in 1685, a little after the truce for twenty years; and there was a person, who having learned this at *Rome* from the mouth of *Christina* of *Sweden*, then upon ill terms with *Louis XIV.*, came to *Turin* to discover that secret to the *Abbe d'Eftrader*, the *French* Minister at that Court. But the latter having refused the private audience, which the other desired of him, this important discovery was buried in silence.

Two years afterwards, in 1687, it was found by means of two hundred thousand livres given to a Monk, who was a private agent of the Duke, that under pretence of diverting himself at the carnival of *Venice*, he had concluded there an alliance with the Emperor and several of the *German* Princes, upon the plan of the famous *League of Augsbourg*; and a copy of this treaty was likewise procured. This step ought to have given some uneasiness to the Court of *Versailles*. But, whether prosperity had accustomed that Court to despise its enemies, or whether it imagined that the Duke would deceive his new allies, the *French* Ministers interested themselves so much the less in that affair, as they flattered themselves at all adventures with the notion of being able to take their revenge whenever they should think proper.

The Duke taking advantage of this security of theirs,

concluded his treaty with the Emperor and his allies. By the first article, the Duke obliged himself not to enter into any treaty of alliance, peace, or truce with *France*, without the consent of the Emperor, to whom he promised a faithful and inviolable attachment. He engaged by the second and third articles to act in concert with the Emperor, Spain, and their allies, and to employ his forces in conjunction with theirs against *France*. The *Abbe Vincent Grimaldi* on the other hand promised in the name of the Emperor and Empire, not to enter into any treaty of peace or truce with *France* without including the Duke in it. 2. To take such order, that the Governor of *Milan* shall employ all the forces of that state for the preservation of the Duke's territories; and that the *Spanish* fleet should take care to secure the city and country of *Nice*. 3. That his Imperial Majesty should immediately send six thousand of his choicest men to join the Duke's forces, which his Imperial Majesty engaged to pay without their pretending to any winter quarters in *Piedmont*: 4. That his Imperial Majesty shall endeavour to the utmost of his power, that the *Vaudois*, the *French* refugees, and the eight thousand men, which the Marquis of *Borgomaiore*, Ambassador of *Spain*, had promised should be sent into *Piedmont*, should join the troops of the Duke; the Emperor leaving to him the care of employing all those forces jointly with the Governor of *Milan*, as they should find most convenient. 5. That the Emperor and the confederates should endeavour the restoration of *Pignerol* into the hands of the Duke, either by force of arms, or by a treaty, without laying any claim to *Monferrat*, which his Imperial Majesty should renounce, notwithstanding the ancient treaties. 6. That his Imperial Majesty should lay no claim to any thing; that may happen to be won from *France* on that side, but would leave the Duke and the Governor of *Milan* to agree that point together.

The time was now passed, when the *French* insulted their

1690. some retinue, offered to furnish the King of France with two thousand foot, and one thousand horse. The Pope's Nuncio at Turin endeavoured likewise to send away *Catinat* in good humour; but that General not satisfied with any offers that were made him, positively demanded *Vercell* for a place of arms, protesting, that he would not hearken to any accommodation but upon these terms. Though the Duke had by this time made choice of his side, yet it had been great imprudence in him to declare his intentions, since the French were ready to attack him, and the Spaniards from the *Milanese* not in a condition to assist him. He therefore made use of all imaginable address to protract the affair, which produced these new proposals from France, "That the King was willing to refer his concerns to the Pope and the Republic of Venice, upon condition, that the Duke would consign *Vercell*, *Carmagnola*, and *Susa* into the Pope's hands, until the end of the war." The Duke being pressed so far, and considering, that it was to no purpose to conceal a thing, which was already but too much suspected, and must necessarily be known, boldly declared, "That he was engaged with the Emperor, and could not go from his word. However, in regard the alliance he had made with his Imperial Majesty, tended no farther than to oppose the unjust designs of France, if his most Christian Majesty would put *Casal* and *Pignerol* into the hands of the Republic of Venice till the end of the war, he would lay down his arms, and for the same put into the Pope's hands one of his own towns, as a pledge for the observation of a neutrality." It will be easily imagined how France relished this answer, which, at best, was but a civil declaration of war; the consequence of which was, the immediate liberty and recalling of the *Vaudois*, and the encouragement given them to arm themselves against France; and the publick avowing of the Duke's treaties, first with the Emperor, and then with the King of Spain, whereby they respectively engaged themselves to join their forces against France, and never to make a separate treaty with that crown,

without their joint consent. Besides, by the first article of the treaty with Spain, made on the 3d of June, his Catholic Majesty promised to cause the Duke of Savoy to be comprehended in the alliance with the Emperor, King William, the States General, and all his other Allies.

Catinat being by this time at the head of his army in the Duke's territories, the Duke gathered what force he could to drive him out; and joining himself with the troops of the *Milanese*, earnestly sought an opportunity of signalizing his courage. But the Count de *Lorignez*, who commanded the Spanish troops, continually represented to him, that *Catinat* could not receive supplies but with great difficulty, and that his army wasted every day by desertion or diseases; whereas the Duke's forces had plenty of every thing, and increased daily with new reinforcements; and therefore he ought to expect victory rather from time than the success of a battle, which he could not try without disadvantage, the French being not only superior in number, but also better disciplined. These reasons prevailed for some time with the Duke of Savoy, to content himself with observing the enemy; but being elated with the success of some of his troops, which had repulsed the French of *Saluses*, from before *Carignan*, and drove them out of the vallies and town of *Lucerne*, he advanced towards *Catinat*, who made a shew of attacking *Saluses*, and offered him battle. The French General gladly accepted the challenge; and having observed, that the enemy's left wing was covered by a morass, he caused the same to be sounded, and finding it had a firm bottom, ordered his men to begin the attack that way. The Duke's left wing was so surpris'd at this unexpected charge, that they made no long resistance; but the right wing stood firm for above three hours, till being overpowered they betook themselves to flight. The Duke himself retired with his broken remains to *Carignan*, and *Catinat* pursuing his victory, the very next day made himself master of *Saluses*, and not long after of *Savillana*, *Villa Franca*, and several other places, and then marched his army towards *Carignan*.

1690.

The battle of Saluses, Aug. 8.

their enemies with a haughty and contemptuous indifference. They had then an extreme attention to every thing, that was doing. They had discovered, that the Duke of Savoy had practis'd upon the *Vaudois*, and maintained a private correspondence with England and Holland; that these three powers were projecting a diversion into *Bresse* and *Dauphine*, and designed to employ in that attempt the troops of the *Milanese*, those of Savoy, the *Vaudois* who had retired into *Wirttemberg*, the French refugees, and the new converts, whom they would try to engage in an insurrection. *Lewis XIV.*, who was now in the train of discoveries, was informed soon after of the engagements, which the Duke was entered into, and therefore sent twelve thousand men into *Piedmont* under the conduct of the brave and able Monsieur *Catinat*, afterwards Marshal of France, with orders, to demand of the Duke as a pledge of his fidelity, that he would deliver up to France his troops, together with *Verrue* and the citadel of *Turin*. The Duke, confounded with this unforeseen stroke, endeavoured to amuse his enemy by submissions and offers, till he could procure assistance from the Emperor and Spain. But *Lewis XIV.* was not to be deceived, and therefore reinforced his army in *Piedmont*, and declared to the Duke, that he expected of him the delivery of *Verrue* and the citadel of *Turin*, or,

Numb. X. Vol. III.

instead of the latter, *Carmagnola*, *Susa*, and *Montmelian*, to be restored to the Duke after the peace, under the guaranty of the Pope and the Venetians. He added in a kind of Manifesto, "that if the Duke chose rather to trust in the hands of the republic of Venice, during the course of the war, the citadel of *Turin* and *Verrue*, and to receive a Venetian garrison, he would withdraw his troops upon these two conditions: First, that if this Prince, contrary to the promises which he should be obliged to give, should join his troops to those of the allies, or give them a passage into his territories, the Venetians should in that case be obliged to put into the hands of France the two places intrusted to them. Secondly, that the Emperor and Spain should oblige themselves not to attempt any thing in Italy against the Princes, who were neutral or allies of France, and that the Pope, Venice, and the Grand Duke should be guaranties of that Convention."

The Duke was then too much engaged on both sides to be able to give a faithful promise. But at last he declared himself on the 2d of June; his treaty with the King of Spain was signed the next day, and that with the Emperor the day following; and hostilities were begun at the same time by the French in *Piedmont* and Savoy.

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(1) The

Carignan. The Duke not finding himself in a condition to wait his coming, left a strong garrison both in that place and in *Charmagnola*, and retreated to *Moncalier* to recruit his army, and to stay for the *Germans*, that were coming to his assistance. With this reinforcement, besides some *Milise* troops, being near twenty thousand strong, he decamped from *Moncalier*, and marched towards *Catinat*; who having likewise been strengthened with some regiments from *France*, had formed a design upon *Susa*, a town considerable for its situation, as being the key of *Dauphiné* into *Piedmont*. To secure this place the Duke sent the Count de *Lovigniez* with six battalions of foot and some horse; of which *Catinat* having received information, left the common road, and marched his men with great expedition for six days together over the mountains. Upon this motion of *Catinat*, the Duke imagined, that the siege of *Susa* was only a feint, and that the true design of the *French* was to give him battle; and therefore sent orders to *Lovigniez* to leave *Susa*, and forthwith to join him with all his forces. This was no sooner done, but the *French* immediately invetted the town, where there was only six or seven hundred men in garrison, who not thinking themselves able to defend such a weak post against a numerous army, surrendered upon honourable terms. With this action the campaign ended in *Piedmont*, for *Catinat* divided his army, sending part of it into *Frevence*, and the other into *Savoy*; which Dukedom (the town of *Montmelian* excepted) Monsieur St. Rube had not long before reduced to his master's obedience. The Duke of *Savoy* finding how little he ought to depend either upon the Emperor or the King of *Spain*, who had made him great promises of assistance, in which they were never wanting, when their affairs required it, though they totally failed in the performance, he wisely bethought himself of making application to the States General, and especially to King *William*, the head and support of the grand alliance, by the Count de la Tour, President of his Finances, one of his Privy Council, and a man of great parts. That Envoy extraordinary having dispatched his business at the *Hague*, came immediately over into *England*, and at his first public audience delivered himself to the King in the following terms:

SIR,

"**H**IS Royal Highness, my master, does by me congratulate your sacred Majesty's glorious accession to the crown. It was due to your birth, and derived by your virtue, and is maintained by your valour. Providence had designed it for your sacred head, for the accomplishment of his eternal decrees, which, after long patience, do always tend to raise up chosen souls to repress violence, and protect justice. The wonderful beginnings of your reign are most certain presages of the blessings, which heaven prepares for the uprightness of your intentions; which have no other scope than to restore this flourishing Kingdom to its first greatness, and break the chains which *Europe* groans under.

"This magnanimous design, worthy of the heroes of our age, filled his Royal Highness with inexpressible joy; but he was constrained to conceal it in the secret of his heart; and if at last he has been free to own it, he is obliged to the very name of your Majesty

for it, since that alone has made him conceive some hopes of liberty, after so many years of servitude.

"My words, and the treaty, which I have signed at the *Hague*, with your Majesty's ministers, do but faintly express the passion, which my master has to unite himself by the most inviolable ties to your service. The honour, Sir, which he has to be related to you, has tied the first knots of this union. The infinite respect, which he has for your sacred person, has, as it were, knit them faster; and the generous protection, which you are pleased to grant him, will, without doubt, make them indissoluble. These are the sincere sentiments of his Royal Highness; to which I dare not add any thing of mine; for how ardent soever my zeal may be, and how profound the veneration, which I bear to your glorious achievements, I think I cannot better express either, than by a silence full of admiration."

The King was not displeased with so agreeable a compliment, and at the same time readily embraced this opportunity to engage the Duke of *Savoy* in the interests of the confederates, by promising him speedy assistance; in which he fulfilled his engagements.

As the enemies of *France* increased, so the Campaign seemed proportionably to increase in power, being very formidable this year, not only by sea, of which the confederate fleet felt the effects, but also by land. The allies being sensible of this, it was agreed, that the army of the states under Prince *Waldeck* should oppose in *Flanders* that of *France*, commanded by the Duke of *Luxemburg*; while the Elector of *Brandenburg* should, upon the *Moselle*, observe the Marquis de *Boufflers*. But the *French*, according to their usual forwardness, having taken the field early, the *Dutch* were constrained to draw out their garrisons to attend the enemy, before those of *Brandenburg* were come to the posts assigned them; which gave *Boufflers* an opportunity to encamp between the *Sambre* and the *Meuse*, from whence he maintained a free communication between his army and that of *Luxemburg*.

The *Dutch*, under these circumstances, encamped near the river *Pieton*, in one of the most advantageous posts in all *Flanders*, waiting till the *Brandenburgers* took the field, and thereby caused the enemy to divide their forces; but in the mean time the Duke of *Luxemburg* drew near the *Sambre* with a design to cross that river between *Namur* and *Charleroy*, and then to waste the *Spanish* countries or put them under contribution. Prince *Waldeck* knowing of what importance it was to keep the *French* beyond the *Sambre*, and being likewise thoroughly lolling Jun. 10. cited by the *Spaniards* to oppose the designs of the enemy, decamped from the *Pieton*, and the next day detached the Count of *Berlo* with fifteen hundred horse, to observe whether the *French* endeavoured to pass the *Sambre* or not. This detachment was, in case of necessity, to be supported by four or five regiments of cavalry, commanded by the Count de *Flodrop*; and the Count of *Webbenum*, with another party of horse was posted on this side a narrow lane, which was to be passed through before they could come to the enemy.

Berlo being advanced as far as the village of *The Battle Fleras*, found, that a good part of the *French* of *Fleras* army

1690. army had already passed the *Sambre*, and posted themselves against the village, which they kept to their backs; of all which he instantly informed Prince *Waldeck*, who was posted between *Mellin* and *Fleurs*. On the other hand, the enemy having notice of *Berle's* approach, marched directly towards him. And at the same time the Duke of *Luxemburg* dispatched away several troops privately thorough by-ways to fall upon him in the rear. Upon this *Berle* sent for a reinforcement, especially of foot; but instead of sending him more force, they gave him orders to retreat. Yet he not receiving those orders till he was almost surrounded on every side, was obliged to put himself in a condition to defend a narrow lane, which he had before possessed by his dragoons. The enemy charged him very vigorously, and there he lost his life, as did also Major *Casleman* and some other officers. The count de *Flodrop* was likewise advanced too far to retire without fighting; and indeed his party stood their ground very stoutly for a while, but being oppressed by numbers, they were forced to retreat to Count *Webbenum*, who commanded the third detachment, and was posted on the other side the hedge. Some squadrons of the *French* boldly pursued *Flodrop* thro' the hedge, but were so vigorously repulsed, that they were constrained to retreat. When this was over *Flodrop* and *Webbenum* joined their main army, which was drawn up in order of battle, and continued in that posture all night. The next morning the *Dutch* understood by a deserter, that *Luxemburg* was resolved to fight; but two spies, who made it their business to betray both armies, reported presently after, that he was repassing the *Sambre*. Prince *Waldeck* continued in this uncertainty till eight in the morning, when he saw the *French* drawn up in battle-array, and that there was a necessity of engaging. The *Dutch* army consisted only of about five and twenty thousand men; the *Spaniards* and *Brandenburgers*, who should have reinforced them, not being yet come up; so that the Prince could not make above two lines, which extended from *Flerus* to *St. Arnand*. The *French* army was above forty thousand strong, *Luxemburg* having almost drained the *French* frontier-towns, and having been reinforced three days before by eighteen battalions of foot, forty five squadrons of horse from *Bouffers's* army, and the flying camp of the Count de *Gournay*. The fight being resolved upon, Prince *Waldeck* gave the command of his right wing to the Prince of *Nassau*, General of the horse, accompanied by Lieutenant General d'*Huby*, a *Spaniard*, and the Prince of *Birkenfeld* with his brigadiers; and assigned the charge of the left wing, and the main battle, to the Prince of *Nassau*, Governor of *Friesland*, and *Mareschal de Camp*, and the Lieutenant Generals d'*Alva* and *Webbenum*. He likewise, before the fight began, sent some horse to line the right wing of the army, which was advantageously posted. But whether none were sent to line the left, or that those, who were commanded thither did not perform their duty, the enemy, without being perceived, slipped several troops behind a rising ground and a small wood near the *Sambre*, who posted themselves behind the second line of the left wing. This constrained that line to face about, and turn their backs to the first; whereby being very much weakened, some bat-

talions of the right wing were sent to secure their flank, and assist them to maintain their ground. *Luxemburg* no sooner observed that motion, but he told the Duke de *Mayne*, who was then near him, *see what the enemy are doing; I foretell they will be beaten*. Which being said, he ordered the left wing to be attacked at the same time in the front, rear, and flank. The first line being already weakened to reinforce the second, was soon compelled to give way; upon which the enemy marched on to the second, to fall upon their rear. By this time that line was advanced to make head against the cavalry, which they had before them, and which they had driven back in disorder upon the *French* infantry; but the enemy having three lines, no sooner was one overthrown, but fresh battalions renewed the fight, by which means they at last repulsed the *Dutch*, quite tired with the onsets they had already sustained. Prince *Waldeck* observing the left wing in a staggering condition, and that the horse had, for the most part, given ground, sent to their relief the horse of the second line of the right wing, from whence the foot had already been drawn for the same purpose. While this was doing on that side, the first line of the right wing was also engaged with the enemy, and had bravely repulsed and routed them several times, being supported by the *Spanish* horse, who had made themselves masters of ten pieces of the enemy's cannon, and kept them a considerable time. But the *French* having three lines on that side also, and being continually supplied with fresh men, the *Dutch* cavalry was dispersed and broke to that degree, that the whole body could never be rallied again. Count *Flodrop* indeed with great difficulty assembled about twelve hundred horse after an hour's riding from the field of battle, and brought them on again; but then it was too late, for the infantry was retreated.

From this time, during the whole course of the war, the *Dutch* horse had the misfortune to be accounted the worst amongst the confederates; and indeed, had they behaved themselves as well as the infantry on this occasion, the victory would certainly have been on their side, notwithstanding the inequality of numbers. As for the foot, never did any troops perform greater wonders; for after they were abandoned by the horse, they alone sustained the charge of the *French* cavalry and infantry, and being attacked in front, flank, and rear, all at once, yet remained firm, unbroken, and impenetrable. They let the enemy's horse approach within pistol-shot of them, and made their discharge with such an unconcerned and steady aim, that the whole squadron together seemed to sink under the ground, scarce thirty of the whole number escaping; and this course they so accustomed themselves to observe, that at length they laughed at their enemies, and challenged them to advance. The *French*, on the other side, were so confounded with the execution done upon them, that they fled as soon as the *Dutch* began to present their muskets; nor durst they any more come near them, but suffered them to retreat in good order without offering to pursue them. This unparalleled firmness and bravery made the Duke of *Luxemburg* say in their commendation, "That they had surpassed the *Spanish* infantry at the battle of *Rocroy*," where the *Spaniards* had greatly signalized themselves; adding

1690. em., withal, "That Prince *Waldeck* ought ever
"to remember the *French* horſe, and himſelf
"never to forget the *Dutch* infantry." (1)

This action was very bloody on both ſides, the *Dutch* themſelves owing the loſs of four thouſand ſix hundred men killed upon the place, and a great many wounded; above four thouſand priſoners, and the greateſt part of their artillery taken. The moſt remarkable perſons among the ſlain were the Prince of *Saxe-Meyenburg*, the Count of *Stirum*, one of the young Counts of *Neſſau*, the Baron de *Lyde*, and ſeveral Colonels, Captains, and inferior officers. As for the *French*, excepting the priſoners and the field of battle, they had no reaſon to boaſt of any advantage, the number of ſlain being at leaſt equal with that of the *Dutch*. And tho' Prince *Waldeck* might have committed an error in not availing a battle, after the informations, which were given him concerning the conjunction of the *French* forces; yet it is certain, he did all that could be expected from an experienced General.

The *French* were not able to draw any advantage from this ſucceſs; for the *Dutch* repaired their loſſes with admirable diligence, ſo that Prince *Waldeck* being reinforced by the five *Engliſh* regiments, which were not in the action, eight or nine thouſand men from *Hanover*, and ten thouſand more of the Biſhoprick of *Liege*, *Brandenburgers* and *Hollanders*, under Count de *Tilly*, he joined the Elector of *Brandenburg* with all his forces. By this conjunction the confederate army being reckoned fifty-five thouſand ſtrong, bent their march to *Genap*, and ſo to *Bois-Seigneur-Isaac*. And though *Luxemburg* had been likewiſe conſiderably reinforced, yet he ſat contented with the glory of having gained

a ſignal victory this ſummer, and fortified his camp ſo, as not to be obliged to fight without conſiderable advantage. On the other hand, the States-General ſent poſitive orders to Prince *Waldeck* not to hazard another engagement till the ſeet ſhould be again at ſea; and this reſtrained the Elector of *Brandenburg*, who, in conjunction with the *Dutch*, was ſuperior in numbers to *Luxemburg*. And afterwards, when the States ſuperſeded thoſe orders, he did not think fit to hazard his army. Such is the fate of confederate armies, when under a different direction, that when the one is willing, or at leaſt ſeems to be ſo, the other ſtands off. So there was no further action in *Flanders* this campaign.

Though the Emperor, towards the latter end of the preceding year, was very preſſing with the Proteſtant Electors to meet at *Augsburg*, yet neither letters nor meſſages were able to prevail with them. However, the Electoral College being met, together with Envoys of ſuch as were abſent, the Emperor made a ſpeech to them upon the occaſion, for which they were aſſembled, conſiſting of three principal heads: The firſt was the ſecurity of the empire againſt the deſigns of *France*: the next, the neceſſity of chuſing a King of the *Romans*: and, laſtly, he earneſtly recommended to them to caſt their eyes upon his ſon *Joſeph*, Archduke of *Austria*, and King of *Hungary*, to advance him to that dignity. Whatever the Electoral College reſolved in relation to *France*, they proved unanimous in the choice of his ſon, juſtly ſuppoſing, that there could be no better method for obviating the deſigns of *France* upon *Germany*, than to continue the Imperial dignity in the *Auſtrian* family. Thus Archduke *Joſeph* was choſen and crowned Jan. 4.

(1) The Marquiſs de *Fouquieres*'s tells us, that the Duke of *Luxemburg*, by the ſuperiority of his genius over the Prince of *Waldeck*, completed the deciſion of this great battle of *Flerus*, the ſucceſs of which was owing to the ſeaſonable time, in which the Duke ordered the left wing of his horſe to form a motion, of which the enemy could have no knowledge, becauſe it was intirely effected out of their view, though it happened to be made very near them. This was ſuch a maſterly expedient, as could only be conceived by a truly great man, whoſe admirable penetration could ſingle out the critical moment for directing ſuch a motion, and concealing it from the enemy's obſervation; ſince it would have been too hazardous to have attempted it, had the enemy diſcovered his proceeding. The Prince of *Waldeck* had drawn up his troops on a tract of land, which roſe a little to his right, and formed a ſlope on the other ſide, which was unobſerved by the extremity of the right wing, and continued in an eaſy declivity to the level, on which the Duke of *Luxemburg* was marching to his enemy. When the front of the *French* army arrived at the place, where this elevation was high enough to conceal the left wing of their horſe from the Prince of *Waldeck* in the continuation of their march, the Duke improved the important moment with a ſurpriſing capacity, and ordered *Monſieur de Gournai*, a very expert officer of the horſe, to take the advantage of the oppoſite ſide, which prevented the enemy from diſcovering the motion he was to purſue, and to pour all the left of his horſe upon the enemy's right flank, with a particular caution to order his march ſo, that the right of his left might rejoin the left of the foot, at the inſtant they were preparing to charge the front of the enemy's foot. This motion, which would have proved ſo hazardous, had the enemy diſcovered it, but which decided the battle in fa-

vour of the *French*, was executed with a capacity equal to the judgement that formed it. All the left wing of the *French* horſe was diſpoſed into a kind of rectangular form on the flank of the enemy's right wing, though they extended to the *French* line of foot. And thus the *Dutch* ſaw themſelves aſſaulted in flank by a front equal to that, which they poſſeſſed: when they therefore found their right charged in flank, at the ſame time, their centre and left were attacked by the centre and right of the *French* army, it was impoſſible for the Prince of *Waldeck* to remedy the diſorder on his right; which was ſoon communicated to the centre and left, and ended in their precipitate retreat from the field of battle with the loſs of all their artillery, and the greateſt part of their foot; becauſe the Prince had poſted too large a body of infantry in the village of *Ligni*, and could not draw them out, after they were abandoned by the horſe. "The relation of theſe particulars, adds *Monſieur de Fouquieres*, makes it evident, that a field of battle, choſen with great attention by a general, who determines to await his enemy there, can never be ſo level, ſo open, or ſo equal in all the advantages of ſituation, as to prevent a more expert general from improving ſome little conveniences in the diſpoſition of the ground, that frequently afford him an opportunity of bringing the battle to a glorious deciſion. "This action may be juſtly ranked among the nobleſt achievements of the Duke of *Luxemburg*, when we conſider the admirable capacity and profound judgment he diſcovered in the art of war, as well as the peculiar vivacity, with which he accompliſhed his deſigns. This great commander formed in one moment the plan of his march againſt the enemy, and completely executed his whole ſcheme with ſo much vigour, as made it impoſſible for the enemy

1690. crowned King of the *Romans*, to the great satisfaction of the Emperor, and most of the empire, and the no less disappointment of the King of France, whose enemies still increased in this very conjuncture. For the memorial, which the Duke of Lorraine presented to the diet at *Ratisbon* towards the close of the last year, about his being restored to his Duchy, was now succeeded by a manifesto from the same Prince, in which he declared war against France, alledging how unjust it was in *Louis XIV.* to detain his territories from him under frivolous pretences; promising to himself to enter into *Lorraine* the approaching summer, at the head of forty thousand men, and exhorting all his subjects to shake off the yoke of France, and all the Nobility and Gentry to assist him to regain his ancient patrimony, under the pain of being degraded and deprived of all their privileges. But this brave Prince, who in all probability might have given a very considerable shock to the power of France, being upon the road to *Vienna*, at a small village called *Wells* near *Lintz*, was seized with a quinzey, which soon deprived him of the use of his speech, so that he was obliged to write down part of his confession; and, perceiving himself near his end, he wrote the following letter to the Emperor:

"I departed from *Innsbruck*, in order to come and receive your orders; our God calls me hence, and I am going to render him an account of a life, which I had devoted to you. I humbly beseech your Majesty to remember my wife, who is nearly related to you, my children, whom I leave without any fortune, and my subjects, who are oppressed."

April 8.

He expired soon after, aged forty-seven years. It was reported, that his death was occasioned by poison, and imputed to the Court of France. To support this opinion, it was urged, that his death had been mentioned in the papers printed in France, fifteen days before it happened, and that many of the circumstances, which accompanied it, were likewise foretold. And it was affirmed, that one of the first ministers of that

kingdom laid a wager, that the Duke would never command the Imperial army again. Besides, it was said, that the Jesuits of *Strasbourg* having drawn up publicly in their school an Horoscope, which threatened him with death in the space of three weeks, he died fifteen days after; and that the physicians, who opened him by order of the Emperor, found his body corrupted in such a manner, as could only be the effect of a violent poison. To which were added the Duke's own suspicions, who was reported to have written to the Emperor in these terms, *I am dying. I know not, whether I am paying by my death the ordinary debt of nature, or whether I am sacrificed to the unjust and ambitious designs of a crown, which has declared itself an implacable enemy of my family.*

The Duke was one of those indolent genius's, *His Character* who never exert themselves but from mere necessity. The melancholy situation, in which he saw himself, when he began to reflect, and the disgraces, which his delicacy in point of honour drew upon him in France, Poland, Rome, and Austria, were but too capable of depressing and extinguishing the courage of a young Prince, who had nothing before him but the most gloomy prospect. For even at *Vienna*, where his services and alliance with the Emperor ought to have put him in a situation of displaying his abilities, the jealousy of the ministers obliged him to contract himself, and by a politic indolence conceal his talents and inclinations for war and government. This struck Europe with amazement, upon seeing him in his first campaigns distinguish himself by actions worthy an old experienced General. But every one recovered from this surprize, when they saw him maintain and even surpass these first attempts by new victories. Nor was his valour only admired, but the depth and solidity of his judgment, and the extent and justness of his views were likewise acknowledged; and nothing contributed more to persuade people, that France had recourse to poison, to remove so formidable an enemy.

His

"enemy to avoid the fatal blow he was preparing to give them."

Another French writer, the Marquis de la Forre, gives the following account of that battle. He observes, that Monsieur de Louvois, who was an enemy to the Duke of Luxembourg, not being able to hinder that Duke from commanding the principal army in Flanders, found means however to procure a detachment of a great part of it to compose another for Marshal d'Humières towards the sea-coasts, and at the same time sent positive orders to the Duke, who was between the *Sambre* and the *Meuse*, to pass the former of those rivers; which exposed that General to a blow almost inevitable, if the Prince of Waldeck had been as vigilant a commander as he. But though the Prince was an experienced General, he was not very enterprising; and stopping too long at *Flerus*, which is not above two or three leagues from the *Sambre*, the greatest part of the French army was actually passed that river, before he stirred to oppose their passage. (The first body of horse, which he detached for that purpose, was engaged by the *Gens d'Armes*, and, after a vigorous fight, was pursued till they came in sight of their own camp. The Prince of Waldeck had a great army posted to considerable advantage. But the Duke of Luxembourg, who could not avoid repassing the *Sambre* before the enemy, without engaging them, spent all the night in preparing to attack them the next day. The

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front of their main body was covered with a brook, so that there was no possibility of attacking them except on their left. In this situation, the Grand Prior, who was near the Duke of Luxembourg, made all his right pass over, one after another, and fell upon the flank of the left, while we charged their right; which determined the conflict, and routed their cavalry: Yet their infantry rallied again, and made a great fire. The Duke of Maine had an horse there killed under him; and near him Monsieur Suffal, (who was his Governor, as he had been also to the Duke of Vendôme) was slain. Some afterwards blamed the Duke of Luxembourg for having separated his army in sight of the enemy, who might have taken advantage of it; but the ground being such, that they could not perceive the separation. "I am, says Monsieur de la Forre, of opinion, that this General thereby merited great praise. This battle happily won was the source of all the other good success, which France had during this war. The Duke of Luxembourg was for marching forward, and making the advantage of this victory; but the orders of the Court, or, to say better, those of Monsieur de Louvois, suspended that action; and he was put upon beholding *Charleroy*, which made so brave and long a defence, that the taking of it at last was the only fruit of this battle, which might have had more advantageous consequences." *Memoir. du Regne de Louis XIV.* Cap. X. § 1 (1) As

1690. His sudden death, as it damped the rejoicings of the Court of Vienna upon the marriage of the Princess *Dorothea Sophia* of *Neuberg* with the Prince of *Parma*; so it allayed the sorrow at *Versailles* upon the death of the *Dauphinefs*, which happened two days after the Duke of *Lorraine's*, though it did not retard the journey of the *Dauphin* to *Strasbourg*, from whence he put himself at the head of the *French* army, that lay near *Landau*.

Life of
Leopold,
p. 214.

The command of the Imperial army was given to the Elector of *Bavaria*, with whom, at length, joined a body of *Saxons* headed by the Elector himself with his two sons. These four held a conference at *Eppinghen*, together with the Field-Marshal *Caprara* and *Sereni*; after which there were great expectations, that the principal part of the army would have fallen upon *Hunninghen*; but there was nothing put in execution on that side, nor indeed any where else worth relating. For the Imperialists having for some time encamped in the Marquisate of *Baden Durlach*, it was thought very surprizing, that instead of marching on towards the upper *Rhine*, they fell down on a sudden towards *Mentz*; the Elector of *Saxony* at the same time being posted near *Philipsburg*, General *Dunewaldt* commanding a flying camp towards fort *Louis*, and General *Souches* keeping his former post on *Hunninghen* side. The *Dauphin* was no sooner informed of these motions, but he passed the *Rhine* at fort *Louis* to maintain his army in the enemy's country, and that in order of battle, as expecting some opposition in his march. On the 16th of *August* he encamped in the plain of *Stellhofen*, having the mountains on one side, the *Rhine* on the other, and a large morass before him, being about forty thousand strong, and in expectation of being considerably reinforced. His design was to have taken some forts, that opened him a passage into *Wirtemberg*, a province yet untouched by either army, and which consequently would have afforded plentiful subsistence for his men. The Duke of *Bavaria* prevented the accomplishment of his project; for returning back with long marches, and joining the *Saxons*, the two Electors marched directly towards the *Dauphin*, who by hard and cautious marches avoided an engagement; and the rather, because the Imperialists were superior to him in force, upon his detaching twelve thousand of his men towards the *Moselle*, to obviate the designs of the *Lunenburghers* and *Hessians*, who were got near *Coblentz*, on purpose to pass the *Rhine*, and fall on the Archbishoprick of *Triers*, and so drive the *French* out of their country. And thus ended the campaign on the *German* side without any remarkable action.

Insurrec-
tion in
Catalonia.
Boyer.

An insurrection happened in *Catalonia* towards the beginning of this year, which created no small trouble to the Viceroy and Court of *Spain*. The pretence was, that the *Spaniards* kept too great a number of troops in that province, and overcharged it with taxes contrary to its antient privileges, of which the *Catalans* were always extremely jealous. The revolt begun in this manner; two wealthy countrymen had interest enough to draw together about a thousand more; and with that body they stopp'd up all the avenues to *Barcelona*, where the Duke of *Villa Hermosa* the Viceroy resided; seized upon two troops of horse, that lay in the

neighbouring villages, and committed some spoil. But upon the Viceroy's sending a party of the garrison of *Barcelona* against them, they immediately fled to the mountains, and from thence in a short time after sent to beg pardon, which was granted them. This sedition, which seemed intirely extinguished, was only suppressed for a time to break out in a greater flame; for the rebels upon the first rally had shewn themselves too soon, by reason the *French*, who were to have supported them, were not within reach to do it; so that the *Catalans* kept fair for a time, till they had assurance of protection from *France*, when they threw off their masks more daringly than before, and increased in numbers every day; so that the Court of *Spain* was obliged, besides the forces, that were already in that Province, to send for more out of *Navarre* to suppress them. By this means the rebels were reduced to so great necessity, that though the Duke of *Noailles* hastened with all expedition to *Perpignan*, and used all the industry imaginable to draw his army together to countenance them, yet they had before in a manner dwindled into nothing. However he reaped this advantage from their revolt, that he anticipated the *Spaniards* in the field, as he did the year before, when he took *Campredon* from them, which spent them this whole campaign in retaking it, though they could not prevent the demolishing of it. Thus the Duke of *Noailles* had the opportunity of taking *San Juan de Abadesas*, a small fort two leagues beyond *Campredon*, and six from *Gironne*, which encouraged him to proceed: and so possessing himself of divers castles, that embarrassed his progress, he advanced as far as *Foulen*, about four small leagues from *Gironne*, upon which last town he seemed to bend his thoughts; but finding himself not strong enough for such an enterprise, and yet being desirous to take the advantage of the slowness of the *Spaniards*, he left *Gironne* upon the left hand, and advanced near the city of *Vich*, maintaining his army at the expence of the *Catalans*, and destroying all he could not make use of. As for the *Spaniards*, *August* was come before they had between ten or twelve thousand men together, with which the Duke of *Villa Hermosa* marched towards the enemy. But the *French* army being now weakened by a detachment sent into *Dauphiné*, *Noailles* prudently declined fighting, and retired by the way of *Rouffillon*, and so ended the campaign on that side.

After this view of the foreign transactions which have any relation to King *William*, as head of the confederacy against *France*; it is time to return to *England*. The King at his coming from *Ireland* was so little wearied with that campaign, that he intended to have gone over to his army into *Flanders*. But it was too late, for they were going into winter quarters. Wherefore, he resolved to hold the session of Parliament early, that so the funds being settled for the next year, he might have an interview with the *German* Princes, who intended to meet at the *Hague*, and concert measures for the ensuing campaign.

Accordingly on the 2d of *October* the Parliament met at *Westminster*, and the King made the following speech to both Houses.

1690.

My Lords and Gentlemen,

The King's "SINCE I last met you, I have used my
speech. "best endeavours to reduce *Ireland* into
Pr. H. C. "such a condition this year, as that it might
II. 384. "be no longer a charge to *England*. And it
 "has pleased God to bless my endeavours with
 "such success, that I doubt not but I should
 "have been fully possessed of that kingdom by
 "this time, had I been enabled to have gone
 "into the field as soon as I should have done,
 "and as is more especially necessary in *Ireland*,
 "where the rains are so great, and begin so
 "early.

"I think myself obliged to take notice, how
 "well the army there have behaved themselves
 "on all occasions, and borne great hardships
 "with little pay, and with so much patience
 "and willingness, as could not but proceed
 "from an affectionate duty to my service, and
 "a zeal for the Protestant religion.

"I have already made it evident, how much
 "I have preferred the satisfaction of my subjects
 "before the most solid advantages of the crown,
 "by parting with so considerable a branch of
 "its inheritance. And it is no less apparent,
 "that I have asked no revenue for myself but
 "what I have readily subjected to be charged
 "to the uses of the war.

"I did at my departure give order for all
 "the publick accounts to be made ready for
 "me against my return; and I have command-
 "ed them to be laid before the House of Com-
 "mons, by which they will see, that the real
 "want of what was necessary beyond the funds
 "given, and the not getting in due time that
 "for which funds were assigned, have been the
 "principal causes, why the army is so much in
 "arrears of their pay, and the stores both for
 "the navy and the ordnance not supplied as
 "they ought to be.

"Now as I have neither spared my person
 "nor my pains to do you all the good I could;
 "so I doubt not, but if you will as cheerfully
 "do your parts, it is in your power to make
 "both me and yourselves happy, and the na-
 "tion great. And, on the other hand, it is
 "too plain, by what the *French* have let you
 "see so lately, that if the present war be not
 "prosecuted with vigour, no nation in the
 "world is exposed to greater danger.

"I hope therefore, there will need no more
 "upon that subject, than to lay before you,
 "Gentlemen of the House of Commons, the
 "state of what will be necessary for the sup-
 "port of the fleet and armies, which cannot
 "possibly admit of being lessened in the year en-
 "suing; and to recommend to your care the
 "clearing of my revenue, so as to enable me to
 "subsist, and to maintain the charge of the civil

"list; the revenue being so engaged, that it must
 "be wholly applied, after the first of *Novem-*
 "ber next, to pay off the debts already char-
 "ged upon it. And therefore a present con-
 "sideration must be had of the arrears of the
 "army, which shall likewise be laid before
 "you, and for all which I must desire a suffi-
 "cient and timely supply.

"It is farther necessary to inform you, that
 "the whole support of the confederacy abroad
 "will absolutely depend upon the speed and vi-
 "gour of your proceedings in this session. And
 "here I must take notice, with great satisfaction
 "of the readiness, which my subjects of all de-
 "grees have shewn both in this city, and in their
 "several counties, by giving their assistance so
 "cheerfully as they did in my absence, while the
 "*French* fleet was upon our coasts. And be-
 "sides this so convincing mark of the good in-
 "clinations of my people, I have found thro'
 "all the counties, where I passed, both at my
 "going into *Ireland*, and in my return from
 "thence, such demonstration of their affection,
 "that I have not the least doubt, but I shall
 "find the same from their representatives in
 "Parliament.

"I cannot conclude without taking notice
 "also, how much the honour of the nation has
 "been exposed by the ill conduct of my fleet
 "in the last summer's engagement against the
 "*French*. And I think myself so much con-
 "cerned to see it vindicated, that I cannot
 "rest satisfied till an example has been made of
 "such, as shall be found faulty upon their ex-
 "amination and trial, which was not practi-
 "cable, while the whole fleet was abroad, but is
 "now put into the proper way of being done as
 "soon as may be.

My Lords and Gentlemen,

"I look upon the future well-being of this
 "kingdom to depend upon the result of your
 "councils and determinations at this time; and
 "the benefit will be double by the speed of
 "your resolutions, inasmuch that I hope you
 "will agree with me in this conclusion, that
 "whoever goes about to obstruct or divert your
 "applications to these matters, preferably to
 "all others, can neither be my friends, nor
 "the kingdom's."

Both Houses began with addresses of thanks
 and congratulation to the King and Queen, in
 which they set forth the sense they had of their
 great care of their people; of their courage and
 good government, in the highest expressions that
 could be conceived, with promises of standing
 by them, and assisting them with every thing
 that should be found necessary for the publick
 service (1).

*Address of
 both
 Houses.
 Ibid.*

The

(1) As these addresses seem not only to express the
 sense of both Houses, but of the whole nation (ex-
 cept the disaffected) at that time, the substance of
 them is here inserted. The Lords began with their
 address to the King, wherein they expressed, "How
 "extremely sensible they were of the great benefit and
 "advantage his late expedition into *Ireland* had pro-
 "cured to all his subjects in general, and also the
 "success of his arms in that kingdom; which was,
 "under God, owing to his Majesty's personal valour

"and conduct. Wherefore they thought it their
 "duty to return him their humble and hearty thanks
 "for all those signal evidences he had given of his ex-
 "traordinary affection for his people, which had car-
 "ried him, on so many occasions, to venture a life,
 "that was so dear to them, and to despise all hazards
 "to procure the settlement of his kingdoms, the peace
 "and quiet of his subjects, and the establishment of
 "their religion. And as it was not possible but so
 "much bravery of mind, such an undaunted courage,
 "and

1690. The same day these addresses were presented, the Commons, to make good their affections of affection to the government, and their promises of assistance (1), voted, pursuant to an estimate laid before them of the next year's charges, a supply of money for the use of the government that ever had

"and an heart so exalted above any apprehensions in the midst of all dangers, must gain his Majesty the admiration and reverence of all the world, and even of his enemies themselves, who had felt the effects of so great virtues; so they did not doubt, but that such extraordinary qualities must unite the hearts of all his people in such a tenderness, as well as duty, for his royal person, as was necessary for the finishing what his Majesty had so gloriously begun."

The next day their Lordships also acknowledged the great advantage, which the nation had received by the eminent resolution, as well as prudence, which her Majesty had shewn in the absence of the King, and in such circumstances of difficulty, as would have discomposed a mind, that had not been raised above them, as her Majesty had approved her's to be, by this undeniable evidence. And they declared, that her Majesty having preserved the quiet and peace of the Kingdom, by her prudent administration, against the dangers threatened by a powerful enemy, the remembrance of such extraordinary virtue must ever dwell in their minds, and engage them in justice, upon all occasions, to express their gratitude, as became her Majesty's most dutiful subjects."

The Commons likewise on the 9th of October represented to the King, "their grateful sense of that unparalleled goodness and tender affection to his people, which for the rescuing his kingdom of Ireland from a tyrannous and foreign yoke, and for his subjects of this kingdom of the excessive charge of a lingering war, had induced his Majesty to undertake a hazardous voyage, and to expose to all the dangers of war that invaluable life, upon which the whole Protestant interest, and the common liberty of Europe did so much depend. That it was, next under God, to his conduct and example, that they must ascribe the success of the expedition, and to which they must owe their hopes of the speedy and entire reduction of that kingdom, and of seeing themselves in a condition to make their enemies sensible of the strength and power of England under a King, who knew and pursued its interest. They most heartily congratulated his Majesty's success, and safe return to his people, who were unanimously persuaded, that their peace, security, and happiness, were bound up in his safety. And they did in the name of all the Commons in England assure him, that they would be ever ready to assist him to the utmost of their power; and, as the best and truest way of expressing their gratitude, would endeavour effectually to support his government against all his enemies."

In their address to the Queen, on the same day, they expressed the "deep sense they had of that goodness, wisdom, and courage, which her Majesty had manifested in the greatest difficulties and pressing dangers, during the King's absence, at a time when a potent enemy was upon the coast, when the nation was weakened in that part, which was its proper strength, and deprived of the security of his Majesty's presence. They declared, that the resolution, which her Majesty shewed in the administration, gave life to her subjects, and made them exert a strength and force unknown to the former reigns: That her zeal for the publick encouraged them to shew such cheerfulness in their duty, as disappointed the hopes and designs of all the open and secret enemies of the government; and that the grateful remembrance of this, which renewed the memory of the most happy times, would for ever remain in the hearts of her people, and could never fail to be expressed in all instances of loyalty and obedience from themselves and all the Commons of

(1) This favourable disposition of the Commons

and the posture of affairs at that time, will appear from the following original letter of Bishop Burnet to his cousin Mr. Johnston, Envoy extraordinary at the Court of Berlin, dated from London, October 14, 1690.

"I have been now a week in town, and have had leisure and opportunities to inform myself of our affairs, and of the temper of people's minds among us; and I must freely own to you, that I was never more surprized in my whole life than I am, to see the House of Commons in such a temper. All that I know, say plainly, they dare not go back into their country, if they do not give money liberally. So they have already voted above four millions for the fleet, the land-army, and the ordnance; and they seem to be in a disposition to give what is necessary for clearing the revenue of anticipations. The article of the fleet met with no opposition; and there were only two no's to that of the land-army, which were Seymour and Charles. There will probably be a land-tax of eighteen months in the old way of assessment, but double at one hundred and forty thousand pounds a month, and a poll-bill; but how the rest will be raised, is not yet so visible; for they seem still extreme averse to any thing, that looks like an excise. In a word, the French fleet, by lying so long on our coast, as it then did us no harm, so now produces such effects, as if we had brought them thither; since it has both united and animated the nation to a degree beyond any thing, that the most sanguine could ever have promised themselves. And the King's behaviour in Ireland, as well as King James's meanness, has made so wonderful a change in all men's minds with relation to them both, that we seem now not to be the same people, that we were a year ago, and the nation seems resolved to support the King in the war, to the utmost, to which it can possibly stretch itself. I pray God give us such success next year against France, as we have had this year in Ireland; and then we may hope quickly to see happy days."

"The business of the Earl of Torrington will now be, as I believe, speedily dispatched; for our house has already voted that a Peer has no privilege to exempt him from being tried by a court martial. But there is some difficulty in this, whether the Commissioners of the Admiralty have the power of a Lord Admiral, since the act for a court martial speaks only of a Lord Admiral; and it is probable the matter cannot be legally settled without naming a Lord Admiral *pro tempore*."

"I do not see any other thing, that is like to give the House any great disturbance this session; so by all appearance, it will be a calm and by consequence a short one."

"Dr. Sherlock's taking the oaths has very much disturbed the Jacobite-party, for they had set him up in their thoughts as the chief writer of their party. The Bishops, who have hitherto stood out, seem still more positive than ever; and I make no doubt but that matter will be settled as the session of Parliament is at an end. All the accounts we have from Ireland seem to assure us, that the rebels will be forced to submit long before the winter is done, or perish for want of all things. There begins to be already both a face of trade and justice there, and that Ireland, by the total depression of the Irish, will be within four or five years in a better condition than ever."

"The feebleness of the motions of the confederates all this year has much exalted France, but I hope we shall see another scene next year. The King intends to go over to Holland as soon as his affairs here will admit of it. I have now told you every thing relating to our affairs, that occurs to me, and have not writ to you as to a minister, that must

1690. had been asked by a King of *England* for the maintenance of the navy and army (1). The funds proposed for raising this sum were agreed to and settled (2), but proving deficient, it was resolved, 'That the sum of one million be raised, upon the credit, or by the sale of the forfeited estates in *Ireland*, and that an address be presented to his Majesty, that he would be pleased to command the commissioners in *Ireland*, to make a return of the names of the persons in rebellion in that kingdom, and of their estates and value thereof; and that the same might be transmitted to the House of Commons.' This address was drawn up and reported to the House by Sir Thomas Clarges, but upon the question it was rejected. However, it was resolved, that a bill be brought in for attainting the persons, that had been in rebellion in *England* or *Ireland*, and for confiscating their estates, and applying the same to bear the charge of the war. Near six weeks passed before any progress was made in this bill; but it being at last presented to the House, a clause was brought in to empower the King to grant away a third part of those confiscated estates, to such as had served in the war; and to give such articles and capitulations, to those who were in arms, as he should think fit. But this clause was rejected, and upon the bill many petitions were offered, by the creditors of some, and the heirs of others, who had continued faithful to the government, and desired proviso's for their security. But the House seeing, that there was no end of petitions for such proviso's, rejected them all, imitating in this too much the Parliament, which King *James* held at *Dublin*, in which about three thousand per-

sons had been attainted without proof or process, only because some of them were gone over to *England*, and others were absconded or informed against in *Ireland*. At length the bill, with several amendments, being passed, was sent up to the Lords, who thought themselves bound in justice to hear all petitions; upon which the bill was like to be clogged with many proviso's; and the matter must have held long. But to stop this, the King sent a message to the Commons, and spoke to the same purpose afterwards from the throne to both Houses. He promised that he would give no grants of any confiscated estates, but would keep that matter entire, for the consideration of another session of Parliament. By this declaration the King intended only to assure them, that he would give none of those estates to his courtiers or officers; but he thought he was still at liberty to pass such acts of Grace, or grant such articles to the *Irish*, as the state of his affairs should require.

About this time Captain *James Campbell*, a Scots Gentleman, brother to the Earl of *Argyle*, assisted by *Archibald Montgomery* and Sir *John Johnston*, forcibly seized on Mrs *Mary Warton*, a rich heiress of about thirteen years of age, and carried her away from her parents in *Great Queen-street*, and married her against her will. Upon this a proclamation was issued for comprehending Captain *Campbell* and his abettors. Not long before there had been a bill brought into the House of Commons, to prevent clandestine marriages; and it was imagined, that the passing of it would have been forwarded by the violence committed by *Campbell*. But upon consideration, that this bill was attended with many inconveniencies, and might hinder younger brothers

Dec. 23.

Burnet.

Oct. 26.

' must lie for his country, but with the plain simplicity of truth. I am with all possible affection and esteem &c.

' The conspiracy in *Scotland* has been a safe and foul one; and I doubt very many have been concerned in it. Every thing is confessed and known, though I do not yet hear, that there are legal proofs and discoveries, that will be witnesses. But that matter will be laid open as soon as the money bills are in good forwardness. There is also another discovery will be made, of which I know no particular; but I am fully assured from good hands, that it will give a full satisfaction concerning the importure of the pretended Prince of *Wales*.

' The Presbytery of *Scotland* proceeds with so blind a fury, that as they are turning out all the Episcopal Clergy, so they will raise a flame here, which may obstruct the King's business in *England*, and may very much increase the animosities, that are amongst us.

' Every body is most mightily pleased with my Lord *Sidney* in *Ireland*.

' I have now brought Mr *Allix* to *Salisbury*, who is hard at work upon an edition of the Councils, in four Volumes.

(1) For the navy and building of new ships was granted the sum of 1,791,695 *l.* and for the maintenance of an army of 69,636 men, the sum of 2,294,560 *l.*

(2) The money bills were,

1. An act for doubling the duty of excise upon beer, ale, and other liquors, during the space of one year, ending *Novemb. 17. 1691.*

2. An act for certain impositions upon all *East India* goods and manufactures, and upon all wrought silks, and several other goods to be imported after the 25th of *December 1690, to November 10. 1695.*

No. 11. Vol. III.

3. An act for granting an aid of 1,651,702 *l.* 18 *s.*

4. An act for the continuance of several former acts therein mentioned, for the laying several duties upon wines, vinegar, and tobacco. The acts continued here, are that of the duties upon wines and vinegar, and that of tobacco and sugar, both 1 *James II.* namely,

	<i>l.</i>	<i>s.</i>	<i>d.</i>
For every tun of <i>French</i> wine and vinegar imported	8	0	0
For every tun of <i>Spanish</i> wines imported	12	0	0
For every pound of tobacco from our plantations	0	0	3
— of <i>Spanish</i> or foreign tobacco	0	0	6

These duties were granted to King *James*, from *June 24. 1685, to June 24. 1693*, and now continued from that time to the 20th of *June 1696.*

5. An act for encouraging the distilling of brandy and spirits from corn, and for laying several duties on low wines or spirits of the first extraction, viz.

Every gallon of low wines of the first extraction drawn from foreign materials	0	0	8
From brewers wash or tilt	0	1	0
From drink made of malted corn	0	0	1
From cyder or perry	0	0	3

This act begins *December 24. 1690*, and was to end *December 25. 1695.*

6. An act for several additional duties of excise upon beer, ale, and other liquors, for four years, to begin when the act for doubling the excise ends.

A supply of 570,000 *l.* was voted to be raised on these additional duties, for building seventeen third rate ships of sixty guns each, besides the ships already provided to be built. *Pr. H. C. II. 387.*

1690. brothers from making their fortunes, it was
Dec 5. dropped in silence. However, another bill was
brought in, for making void the marriage be-
tween Mrs *Wharton* and Mr *Campbell*; which,
notwithstanding the Earl of *Argyle's* petition in
his brother's behalf, passed through both
Houses (1).

As there were no grievances to inflame the
House, (by which in former reigns the most
promising beginnings of some sessions had often
miscarried) great dispatch had been used in
granting the supplies, for which the King gave
them thanks, assuring them that he would take
care to see the money diligently and strictly ap-
plied to the uses for which it was given; and
desiring them at the same time, to finish with
the utmost expedition what business remained to
be done, because the posture of affairs abroad
required his presence at the *Hague*.

However, some began to complain of a mis-
management of the publick money: but the
ministry put a stop to that, by moving for a bill
for appointing and enabling commissioners for
examining into the publick accounts, giving
them authority to bring all persons, whom they
should have occasion for, before them, and to
tender them an oath to discover their knowledge
of such things, as they should ask of them.
This was like the power of a court of inquisition;
but how unusual soever such a commission
was, it seemed necessary to grant it for the fi-
lencing all scandalous reports. In the House of
Commons the method of appointing these com-
missioners was, that the several members put
into glasses at the table the several lists of nine
persons names; and the choice fell upon Sir
Dec. 22. *Peter Rich*, Sir *Thomas Clarges*, Mr *Paul Foley*,
Colonel *Robert Auzon*, Sir *Matthew Andrews*,
Sir *Benjamin Newland*, Sir *Samuel Barnadiston*,
Sir *Peter Colleton*, and Mr *Robert Harley*. When
the bill was carried up to the House of Lords,
it was moved, that since the Commons had
named none but members of their own House,
the Lords should add some of their number.
This was done by ballot; and the Earl of *Ro-*
chester having made the motion, the greatest
number of ballots were for him. But he refused
to submit to this with so much firmness, that
the other Lords, who were named with him,
seemed to think they were in honour bound to
do the same; and therefore as no Peer would
suffer himself to be named, the bill passed as it
was sent up.

Many complaints were made of the illegal
commitments of persons suspected of high-trea-
son, though there was nothing sworn against
them. But the danger was so apparent, that
the House of Commons made a precedent for se-
curing a ministry, that should do the like upon
the like necessity, and yet maintained the *Habeas*
Corpus Act, for they indemnified the ministry
for all that had been done contrary to that act.

Great complaints were brought over from
Ireland, where the King's army was almost as
heavy on the country, as the Rapparees. There
was a great arrear due to them; for which rea-
son, when the King settled a government in

Ireland of three Lords Justices, he did not put
the army under their civil authority, but kept
them in a military subjection to their officers;
for he said, that since the army was not regu-
larly paid, it would be impossible to keep them
from mutiny, if they were put under strict dis-
cipline, and punished accordingly. The under-
officers, finding that they were only answerable
to their superior officers, took great liberties in
their quarters, and instead of protecting the
country, oppressed it. The King had brought
over an army of seven thousand *Danes*, under
the command of a very gallant Prince, one of
the Dukes of *Wirtemberg*; but they were cruel
friends, and thought they were masters. Nor
were the *English* troops much better. The *Dutch*
were the least complained of. *Ginckle*, who had
the chief command, looked strictly to them;
but he did not think it convenient to put those
of other nations under the same severe measures.
But the pay due for some months, being now
sent over, the orders were changed; and the
army was made subject to the civil government.
Yet it was understood, that instructions were
sent to the Lords Justices, to be cautious in
the exercise of their authority over them; so
that the country still suffered much by these
forces.

There was an important debate moved in the
House of Lords, by those, who intended to
revive the old impeachment against the Marquis
of *Carmarthen*, namely, 'Whether impeach-
ments continued from Parliament to Parlia-
'ment; or whether they were not extinguisht
'ed by an act of Grace.' Some antient pre-
cedents were brought to favour this by those,
who intended to keep them up; but in all those
precedents there had been an order of one Par-
liament to continue them on to the next. For
this reason they did not come up to the present
case; and how doubtful soever it was, whether
the King's pardon could be pleaded in bar to
an impeachment, yet since the King had sent an
act of Grace, which had passed in the first ses-
sion of this Parliament, it seemed very unrea-
sonable to offer an impeachment against an act
of Parliament. All this discovered a design
against the Marquis, who was believed to have
the greatest credit both with the King and
Queen, and was again falling under an universal
hatred. In a House of Commons every motion
against a minister is apt to be well entertained:
some envy him; others are angry with him;
many hope to share in the spoils of him; and
a love of change, a wantonness of mind, make
the attacking a Minister a diversion to the rest.
The scheme was well formed, and fourteen
leading men had undertaken to manage the
matter against the Marquis; in which the Earl
of *Shrewsbury* had the chief hand, who had a
very bad opinion of the Marquis, and thought
his advices would, in conclusion, ruin the King
and his affairs. But a discovery being at this
time made of Lord *Preston's* plot, and mana-
ged chiefly by the Marquis's means, it put
an end to the designs against him for the
present.

The

(1) She afterwards married Colonel *Bierly*, who
had a regiment of horse in King *William's* service. The
assisting his friend cost Sir *John Johnston* his life, for
he was hanged for it, notwithstanding the great appli-

cation that was made to the King, and to the rela-
tions of Mrs *Wharton* to prevent his execution. *Old-*
mixon, p. 54.

(1) Besides

1690-1. The King being impatient to be at the congress in *Holland*, came *January 5.* to the House of Lords, and having passed all the bills that were ready, made this speech to both Houses:

My Lords and Gentlemen,

The King's speech.
 I. H. C. II. 338.
 Having only told you, that it would be necessary for me to go into *Holland* much about this time, I am very glad to find that the success of your endeavours to bring this session to a happy conclusion has been such, that I am now at liberty to do it. And I return you my hearty thanks for the great dispatch you have made in finishing the supplies you have designed for carrying on the war, which it shall be my care to see duly and punctually applied to that service, for which you have given them. And I do likewise think it proper to assure you, that I shall not make any grant of the forfeited lands in *England* and *Ireland*, till there be another opportunity of settling that matter in Parliament in such manner, as shall be thought most expedient.

My Lords and Gentlemen,

As I have reason to be very well satisfied with the Proofs you have given me of your good affections in this session of Parliament, so I promise myself the continuance of the same at your return into your several countries. And as every day produces still fresh instances of the restlessness of our enemies, both at home and abroad, in designing against the prosperity of this nation, and the Government established; so I cannot doubt, but that the union and good correspondence between me and my Parliament, and my earnest and constant endeavours on the one hand, joined with the continuance of your zeal and affection to support me on the other, will, by the blessing of God, be at all times too strong for the utmost malice and contrivance of our common enemies.

And then the Lord Chief Baron *Atkins* Speaker of the House of Lords, declared to both Houses, that it was his Majesty's plea-

sure, that they should adjourn themselves until the 31st of *March* next; and that if his Majesty should think fit, that the Parliament should then sit, he would give them timely notice thereof by proclamation (1).

On the 15th of *November* the King ordered a new commission to pass the Great Seal, constituting the Lord *Godolphin*, Sir *John Lowther*, Mr *Richard Hampden*, Sir *Stephen Fox*, Mr *Thomas Pelham*, Commissioners of their Majesty's treasury. About a month after, his Majesty disposed of the vacant Bishopricks of *Ireland*, and appointed Sir *Charles Porter* to be Lord Chancellor of that Kingdom, and one of the Lords Justices, in the room of the Lord Viscount *Sidney*, who was recalled to be made one of the Secretaries of State on the 26th of *December*; in the beginning of which month Colonel *John Cuts* was made Baron *Cuts* of *Gewran*, in the Kingdom of *Ireland*. On the 30th of the same month *George William*, Duke of *Zell*, eldest Prince of the House of *Brunswick* and *Lunenbourg*, was made a Knight of the Garter; an honour which just a year before had been conferred upon the Elector of *Brandenburg*, afterwards King of *Prussia*. And on the 1st day of *January* 1690-1, Sir *John Trevor*, Speaker of the House of Commons, and first Commissioner of the Great Seal was admitted into the Privy Council.

The King having settled affairs at home, began his voyage for *Holland* on the 6th of *January*, notwithstanding the rigour of the season, and lay that night at *Sittingborne*; intending to embark the next evening at *Margate*. But finding, upon his arrival at *Canterbury*, that the wind was set in Easterly with a hard frost, he returned to *Kensington* on the 9th, and seven days after he set out again from *Whitehall*, and embarked at *Gravesend*, with a numerous retinue under a convoy of twelve men of war commanded by Rear-admiral *Rooke*, on the 18th in the morning, the vessels that attended his Majesty, being come up with the *Goree*, he was informed by a fisherman, that they were within a league and a half of the shore, whereupon being weary of the sea, he left his yacht, attended by the Duke of *Ormond*, the Earl of *Devonshire* Lord Steward, the Earl of *Dorset* Lord Chamberlain,

Honours and promotions.

The King goes to Holland. Ken. Burnet.

Is in great danger.

(1) Besides the acts mentioned, others passed this session were:

1. An act for reviving a former act for regulating the measures and prices of coals for seven years, from *December 1.* 1690. Sea coals by this act are to be sold by the chaldron of thirty-six bushels. Other sorts of coals by the hundred weight *Averdupois*. The Lord Mayor of *London* and the Court of Aldermen, and the Justices of Peace of the several counties, or any three of them, are empowered to set the prices of coals as shall be sold by retail, as they shall judge reasonable.

2. An act for paving and cleansing the streets in the cities of *London* and *Westminster*, and other places within the weekly bills of mortality, and for regulating the markets therein.

3. An act for raising the militia for the year 1691.

4. An act for preventing vexatious suits against such as acted for their Majesty's service in the cause of the kingdom. This act was passed, because the Privy Council, and other Lords and Gentlemen being magistrates and officers, had, whilst the *French* were upon the coast, apprehended several suspected persons, and

raised the militia, otherwise than was authorized by the laws.

By a private act the proprietors of the water-works in *York* buildings were incorporated.

Besides the acts that were passed, there were several bills, as well as that for the forfeited estates in *Ireland*, which were left unfinished, particularly a bill to regulate trials in cases of treason, which was much talked of in the House of Commons, and yet was deferred from time to time: Another to oblige the Lords Commissioners of the Treasury to take the like oaths as the Lord Treasurer: Another relating to the *African* trade: Another against robbers on the highway: Another for the speedier determining elections of members of Parliament: Another to charge the estate of the late Lord *Jessfres* in *Leicestershire* with the sum of 14760*l.* and interest, to *Edmund Prideaux*: Another for regulating and licensing hackney coaches: And another for the enabling chirurgeons to administer inward medicines in cases of chirurgery; which was petitioned against by the physicians and apothecaries. A bill was also brought in for reducing interest money from six, to four per cent. which after a second reading was rejected.

(1) The

1690-1. bertain, the Earl of *Portland*, the Earl of *Monmouth*, Monsieur *Overkirk*, and Monsieur *Zulstein*, and went into a shallop.

The seamen themselves were afraid, as the frost had been very severe, and the ice near the shore was so great, as made it dangerous to attempt landing; and all the persons of quality about his Majesty would have dissuaded him from that attempt. But nothing being able to move him from his resolution, they put away from the fleet, and quickly lost sight of it. Night came on, and the King remained for eighteen hours exposed to the injuries of the air and cold, to the mercy of the sea, and the chance of privateers, having nothing but his cloak to cover him; and the sea ran so high, that he and all his company were washed with the waves; tho' neither he nor any of them were the worse for all this cold and wet weather; and when the seamen seemed apprehensive of their danger, he said in a very intrepid manner, *What are you afraid to die in my company?* At last the shallop, by break of day, came near the *Isle of Goree*, where the King went ashore, and got a little refreshment in a fisherman's cottage.

Then he went into the boat again, and about two in the afternoon landed at *Oranien-Haak* not far from *Meilandstuyts*. At *Houndslardyeke* he was received by *Van Opdam*, *Belard*, *Wutzen*, and *Urylery*, appointed by the States for that purpose; and about six in the evening he arrived at the *Hague*. The States General, the States of *Holland*, the Council of State, the other colleges, the congress of foreign ministers, and all the persons of distinction at the *Hague*, made their compliments to him upon his safe arrival; and because he was come so suddenly, as to prevent the solemn reception, that was intended by the magistrates of that place, he was prevailed upon to make his public entry on the 26th, which was performed with great solemnity, several triumphal arches having been erected to represent his achievements, and all the Burghers

appearing in arms with unusual magnificence, 1690-1. In the evening the fire-works were played and the cannon discharged on the *Vierberg* opposite to his palace, and bonfires lighted through the whole town. Two days after the King went to the assembly of the States-General, then to the States of *Holland*, and lastly to the Council of State: He made a speech to each of those assemblies. He told the States General that the last time he was with them, he had declared his intention of going over to *England*, to deliver that Kingdom, from the evils with which it was threatened. That God had so blessed his just intentions, that he had met with success even beyond his hopes. That the *English* having offered him the crown, he had accepted it, as God was his witness; not out of ambition, but solely to preserve the religion and laws of the three Kingdoms, and to be able to assist his allies, and especially the United-Provinces against the power of *France*. That he could have wished to have aided them sooner, but was prevented by the affairs of *Ireland*, which being now in a better condition, he was come to concert measures with the allies, and to exercise the functions of Stadtholder. The rest of his speech consisted of expressions of his zeal and affection for the Republick. He was answered with the respect and acknowledgment due to a Prince, who was looked upon as the father of his country, the deliverer of *Europe*, the preserver of the Protestant religion, and the foul of the Grand-alliance.

After this was opened the most glorious congress, that ever yet appeared of Christian Princes and ministers, who were assembled at the *Hague*, to concert measures with King *William*, for the defence of the liberties of *Europe*, against the encroachments of *France* (1). King *William* in a very pathetic speech represented to them; that the imminent dangers, wherein they found themselves, sufficiently discovered the errors, that had been committed; so that he

needed

(1) These all assisted at the Congress, The Electors of *Brandenburg* and *Brandia*, the Dukes of *Lunenbourg*, of *Zell*, and of *Wolfsenbuttle*; the Landgrave of *Hesse Cassel*; Prince *Christian Louis* of *Brandenburg*, Prince *Waldack*; the Prince of *Nassau Stadtholder* of *Frisland*, the Prince of *Nassau Saarbrugg*, Governor of *Bois-le-duc*, the Prince of *Nassau Dillenburg*, the Prince of *Nassau Idstein*, the Duke Administrator of *Wirtemberg*; the two Princes of *Anspach*, the Landgrave of *Hesse-D'Armstadt*, the Prince his brother; the Duke of *Saxe-Eysenach*, Prince *Philip Palatine*, the Duke of *Zulstback*, the Prince of *Wirtemberg Neugladt*, the Prince of *Wirtemberg*, and the Prince his brother; the Duke of *Courland*, and Prince *Ferdinand* his brother, the Prince of *Anhalt Zerbst*, the Landgrave of *Hamburg*, three Princes of *Holsen-Beck*, the Duke of *Holsen*, Prince of *Commerci*, the Prince Palatine of *Birkenfeldt*, to which we may add the Princes of *Nassau Frisland*, the Princes of *Rodzeville*, the Counts of *Saffins*, the Princes of *Saxe Eysenach*, and other illustrious persons. The most remarkable of the Counts, were the Counts of *Horn*, *Erbaub*, *Tirimon*, de *Brocy*, de *Gryal*, d' *Arce* de *Riura*, de *Santra*, de *Lippe*, d' *Esponse*, de *Fugger*, de *Denhof*, de *Carclon*: with the Barons of *Pallant*, and *Spacim*, the Rhinegrave and his brother; the Marquisses of *Cassleronloys*, and *Cassanaga*, Governor of the Spanish Netherlands; and the Generals *Chauwert*, d' *Elwicht*, *Barfus*, d' *Autel*, *Palfi*, &c. The Embassadors and foreign Ministers present, were those

from the Emperor the Count de *Windtsgratz*, and *Berka*, with the Chevalier de *Campceti*; from the King of *Spain*, Don *Emanuel de Coloma*; from the King of *Denmark*, the Count of *Rebenklon* and *M. Genthe*; from the King of *Sweden*, the Count of *Oxenstern*; from the King of *Poland*, *M. Moreau*; from the Elector of *Bavaria*, the Baron of *Boomgarden* and *M. Prielmeyere*; from the Elector of *Brandenburg*, *M. Van Dieft* and *Smettau*, from the Elector of *Saxony*, *M. Haxhausen*; from the Elector of *Treves*, the Baron de *Leyen* and *M. Champagne*; from the Elector of *Mentz*, *M. Talberg* and *Meyers*; from the Elector of *Cologne*, the General and Baron *Berufaw* and *M. Sotelmaker*; from the Elector Palatine, *M. Hertermans*; from the Duke of *Savoy*, the Count de *Pielat* and the President de la *Tour*, from the Duke of *Zell*, *M. Zieger*; from the Bishop of *Munster*, *M. de Nort*; from the Landgrave of *Hesse-Cassel*, the Baron *Gorti*, and *M. Reppelaar*, from the Duke of *Wolfsenbuttel*, the Baron *Croset*; from the Duke of *Hanover*, *M. Klekk*; from the Duke of *Holsen Gattorp*, *M. Tourken*; and from the Prince of *Liege*, Counsellor *Meun*. Of King *William's* own subjects, who attended him to this solemnity, were the Dukes of *Norfolk* and *Ormond*, with the Earls of *Devonshire*, *Dorset*, *Essex*, *Nottingham*, *Scarborough*, and *Selkirk*, the Bishop of *London*, the Lord *Dravindrits*, the Lord *Dursley*, the Earls of *Portland* and *Monmouth*, the Duke of *Schomberg*, and his brother Count *Meinhard*, &c.

(1) The

1690 1. 'needed not use many arguments to shew them the necessity of taking juster and better measures. That in the circumstances they were in, it was not a time to deliberate, but act. That the enemy was master of all the chief fortresses, that were the Barrier of the common liberty; and that he would quickly possess himself of all the rest, if a spirit of division, slowness, and particular interest, continued among them: That every one ought to remain persuaded, that their respective particular interests were comprised in the general one. That the enemy's forces were very strong, and that they would carry all things, like a torrent, before them. That it was in vain to oppose complaints, and fruitless clamours, or unprofitable protestations against injustice.

'That it was neither the resolution of a barren Diet, nor the hopes of some men of fortune, arising from frivolous foundations, but soldiers, strong armies, and a prompt and sincere union between all the forces of the allies, that must do the work; and that these too must be brought to oppose the enemy without any delay, if they would put a stop to his conquests, and snatch out of his hands the liberty of Europe, which he held already under an heavy yoke. And that as for himself, he would not spare his credit, forces, or person, to concur with them in so just and necessary a design; and would come in the spring at the head of the troops faith-

fully to make good his Royal word, which he had so solemnly engaged to them.' 1690-1.

This speech from a Prince, in whom they all confided, had so good effect, that they came to a resolution of employing two hundred twenty two thousand men against France; of which the King of England was to furnish twenty thousand, and the rest of the Princes and States in proportion (1).

But notwithstanding the large quota's promised by divers Princes and States of Germany, England and Holland were forced to pay them, and to bear the burthen of the war. The congress determined likewise the operations of the next campaign; and though the Duke of Savoy was then reduced very low, King William took such care of him, and both furnished, as well as procured him such supplies, that his affairs had quickly a more promising aspect. Things were concerted among the Princes themselves, and were kept so secret, as they did not trust them to their ministers; at least, the King did not communicate them to the Earl of Nottingham, as he protested solemnly to Bishop Burnet, when he returned to England. The Princes shewed the King all the respects that any of their rank ever paid to a crowned head; and they lived together in such an easy freedom, that points of ceremony occasioned no disputes among them, though those are often, upon less solemn interviews, the subjects of much quarrelling, and interrupt more important debates (2).

The

(1) The Emperor was to furnish twenty thousand, the King of Spain in Flanders twenty thousand; the States General thirty five thousand; the Duke of Savoy and the Troops of Milan twenty thousand; the Elector of Bavaria eighteen thousand; the Elector of Saxony twelve thousand; the Landgrave of Hesse eight thousand; the Circles of Suabia and Franconia ten thousand; the Duke of Wirtemberg six thousand; the Elector of Brandenburg twenty thousand; the Prince of Liege six thousand; the Bishop of Munster seven thousand; the Elector Palatine four thousand; and the Prince of Lunenburg sixteen thousand.

(2) The following declaration was generally said to have been agreed upon at the congress, though some of the articles seem doubtful: 'Since we look upon the union, that is between us, as the work of God alone, it is but reasonable that we should make a solemn protestation to him, to deliberate nothing in this assembly, but what may be very just and equitable. We solemnly protest before God, that our intentions are, that we will never break off this union, nor make any peace with Lewis XIV, 'till the following articles be executed, to the execution of which we oblige ourselves for ever.

'I. 'Till he has made reparation to the Holy See for whatsoever he has acted against it; and 'till he has annulled and made void all those infamous proceedings against the holy father Innocent XI.

'II. 'Till he has restored to each party concerned what he has taken since the peace of Munster; and 'till he has demolished Brisac, and delivered up the country of Cœcy to the canton of Bern.

'III. 'Till he has restored to the Protestants all their possessions and goods; and 'till there be an entire liberty of conscience throughout the whole extent of the French dominions.

'IV. 'Till the estates of the kingdom be re-established in their antient liberties, so that the Clergy, the Nobility, and the Third Estate, may enjoy their antient and lawful privileges; and 'till the Kings, for the future, shall be obliged to call together the said estates, when they desire any supply, No. II. Vol. III.

'without the consent of whom they shall not raise any money, after any manner, or for any pretence whatsoever.

'V. 'Till the tax upon salt, that upon the third estate, and an infinite number of other unreasonable taxes and impositions, be abolished for ever.

'VI. 'Till he has restored to the Parliaments their antient and rightful authority; that so they might be enabled to distribute to every one justice freely, and without constraint, according to their consciences.

'VII. 'Till all the towns of the kingdom be re-established in their antient privileges, and till their revenues be restored, which had been taken from them with such violence and injustice.

'God, who knows the intention of our hearts, knows, that we bear no hatred against the French nation; and that we do not aspire to have the lawful dominions of the kingdom of France. And if all those, who are inhabitants, would join with us, we should soon dispatch this affair without effusion of blood, and without desolation of the kingdoms. And we promise all those, that shall do it, that we will treat them as our particular friends, and preserve their towns and possessions, as if they were our own. And as for those, that shall not do it, we shall look upon them as persons, that have approved and abetted all these persecutions, burnings, and other devastations, that have been made; and we will make them feel, without mercy, those pains and torments, which they have been the occasion of, that so many poor people have suffered.

'We were willing, that the whole world should have a perfect knowledge of our resolutions, particularly the French Gentlemen and persons of honour, who are oppressed with the heavy load of the government, and can no longer endure the slavery, which they lie under; to the end they may be able to take such measures, as may be assisting to us in recovering for them their antient liberty, which has been so cruelly and so unjustly taken from them.'

U u

(1) The

1691
Mons be-
sieged by
the French.
1691.

The congress broke up about the beginning of March; but the early and unexpected motions of the French, not only put a sudden stop to King William's journey for England, but likewise convinced the confederates of the truth of what he had said to them in his speech, *that it was not a time to deliberate, but to act*; a maxim which the King of France knew best how to practise. For on the 5th of March a detachment of French cavalry invested the strong city of Mons, before which place his most Christian Majesty arrived himself six days after, accompanied by the Dauphin, the Duke of Orleans, and the Duke of Chartres. The next day the trenches were opened; and the besiegers raised large batteries, and with threescore pieces of cannon, and five and twenty mortars, made prodigious havoc in the town. The garrison within consisted of about six thousand horse and foot, commanded by the Prince de Bergue, who was not wanting in his duty; but notwithstanding the vigorous resistance of the besieged, the French were advanced so far by the 22d of March, that having filled up the ditch of an imperfect horn-work on the south side of the town towards the gate of Barlemont, they boldly assaulted that out-work, and after the loss of a great number of men, began to make a lodgement upon it. Upon this the besieged, headed by some of their bravest officers, attempted to beat them off, and in effect obliged the workmen, and the grenadiers, that supported them, to give way; but at last the assailants regained their post, drove the enemy into the town, and pushed on the siege with so much the more vigour, as they were informed, that the King of England was advancing to raise it.

Mar. 11.

The King, upon the news of the siege, returned from Loo to the Hague, from whence he dispatched Prince Waldeck to Hall near Brussels, where the forces, that were drawing together for the relief of Mons, had their general rendezvous. From thence the King went to Breda, having before his departure named the general officers, who were to command in the army; and on the 27th of March arrived at Hall, where though he had an army of near fifty thousand men, yet he found that, through the neglect of the Spaniards, there was nothing provided for his expedition, not so much as even the necessary carriages.

Mons sur-
rendered.

In the mean time the siege of Mons was carried on but with indifferent success; for the French had only gained an horn-work, and there still remained two half-moons for them to take before they could come to the counterescarp of the place; and in the attack, which they made upon one of these half-moons, they were repulsed with considerable loss. But the Burghers being terrified by the enemy's bombs, which had burnt part of the town, and their fears being improved by the influence of their Priests, the principal of them with two Abbots went to the Governor, and pressed him to capitulate. The Governor, who was confident, that he might hold out eight or ten days longer, having had but three or four hundred men killed during the siege, and wanting neither ammunition nor provisions, refused to comply with their demands. Upon this they sent a drum of their own to beat a parley, and threatened to open the gates, and deliver both him and the garrison into the besiegers hands. Things being brought

April 1.

to this extremity, the Governor consented at last 1691. to capitulate, and surrendered the town on very honourable conditions. Whereupon King William immediately left the army, returned to the Hague, embarked for England, and arrived safely at Whitehall on the 13th of April.

The chief transaction during the King's absence, was the discovery of a plot. Towards the latter end of the year 1689, King James King's ab-
and his popish counsellors in Ireland laid the fence
foundation of the Lancashire plot, having sent St. Trials,
over commissioners into that and other northern P. 241.
counties to raise an army, which that King engaged himself to head in person in August 1690. But the plot being discovered by some of the confederates, and soon after effectually suppressed by his defeat at the Boyne; another project was set on foot by the Jacobites in England, who thought the opportunity of the King's going to the congress at the Hague was not to be lost. They fancied it would be easy, in his absence, to bring about the restoration of King James, now that there was so small a force left in the kingdom, and the nation so incensed at a burthen of four millions in taxes. The men that laid this design were the Earl of Clarendon, the Bishop of Ely, the Lord Preston, and his brother Mr Graham, and Pen the famous Quaker. It was resolved among them, that to prevent delays, some persons of Quality and known abilities should go over to France, to transact the affair for the whole party. The Lord Preston, Mr Ashton, a servant of King James's Queen, and Mr Elliot, were pitched upon for that purpose, and to carry letters, from those who had joined in the design, to King James and his Queen. The Bishop of Ely's letters were writ in a very particular stile. He undertook both for his elder brother and the rest of the family, which was plainly meant of Sancroft and the other deprived Bishops. In his letter Burnet's
to the Queen he assured her of his and all their zeal for the Prince of Wales, and that they would no more part with that than with their hopes of heaven.

The Gentlemen thus appointed by the party having hired a vessel of Mrs Jane Prat, of Barking in Essex, went on board near Battle-Bridge on the 30th of December 1690; but Nicholas Prat, husband of the woman and owner of the vessel, being a man zealous for the government, had discovered all that he knew, which was only, that he was to carry some persons over to France. The notice of this was brought to the Marquis of Carmarthen, and the matter so ordered, that Lord Preston, Ashton, and Elliot, were falling down the river as far as Gravesend, when Captain Billep, who had been ordered to attend their motion, came on board on pretence of searching for and pressing seamen, and drew the three passengers out of the hold, in which they were hid. Lord Preston left his letters behind him in the hold, together with King James's signet; and Ashton took them up with a design to have thrown them into the sea, but they were taken from him, and both they and their papers were brought to Whitehall. Lord Preston's mind sunk so visibly, that it was concluded, he would not die, if confessing all he knew would save him. Ashton was more firm and sullen; and Elliot knew nothing. There was among their papers one, that contained the heads of a declaration, to be prepared,

1691. in order to be published when the French have had success at sea, with assurances of pardon, and promises to preserve the Protestant Religion and the *Laws* (1). The most important of all was the result of a conference between some Lords and Gentlemen, both Tories and Whigs, in which it was undertaken to prove the possibility and method of restoring King James by a French power, without endangering the Protestant religion and civil administration, according to the laws of this kingdom (2). Besides these there were some other papers and letters (3); and particularly a paper, containing

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1691.

(1) The heads of the declaration were as follow :

" That the King will return with a design of making an intire conquest of his people, is so ridiculous as well as difficult, that it needs not be spoken to.

" That the King's declaration be worded in general terms, that he will govern by the laws, that they shall be the rule of his actions; that he will endeavour to settle liberty of conscience by law, that whatsoever things were formerly done by him, which occasioned jealousies in the minds of his people, shall be left to the determination of a Parliament, to be formally and regularly called as soon as is possible.

" That he has given sufficient evidence of his unwillingness to bring an army of strangers into his Kingdom, by refusing the succours the King of France offered him, and which were even ready to be embarked upon the first notice of the Prince of Orange's intended invasion.

" That he brings with him such an army only, as is necessary for his own defence, and for the security of his loyal subjects, who shall resort to him: that he will dismiss them as soon as he shall have rid the nation of those foreigners, who have invaded it, and trampled upon the laws and liberties of his people.

" The King's large exercising his dispensing power gave the great alarm to his people, and contributed most of all toward a general defection. Yet when that power came to be debated in the last Convention, there appeared so many difficulties in the limiting of it, every body, even the present Judges, believing it necessary, that a dispensing power should be in the King, that it was left fall, and that point remains as it was. And without mentioning that or any other particular, the King can be in no danger by leaving all things, which have been the occasions of jealousies, to the determination of a Parliament, where besides the King's professed friends and servants, there will not want others, who will be glad of opportunity to ingratiate themselves."

(2) The result of the conference was as follows :

* France. " I. F. * must either oblige or conquer us: If the last he will find few helps here, but a bloodier resistance than ever the Romans, Saxons, or Normans found, it being incredible, how unanimous and obstinate that very thought renders the people, so that it may make us a heap of ruins, but no nation that can ever help or import any thing to F.

* King Lewis. " II. If K. L* desires to oblige us, and make the work easy, that he may be at leisure to ply the Empire or Italy, or to have an advantageous peace, he must take off the frightful character we have of him, and shew us he has no such design, as returning our offended K. a conqueror upon us, but that he can and will be our friend and mediator; upon which terms he will find, that many Lords and Gentlemen will speedily shew themselves to his satisfaction, especially if he makes haste, and loses no approaching opportunity.

St Ger-mains. " III. If he incline to this sort of sense, he must over-rule the bigotry of St G.* and dispose their minds to think of those methods, that are more likely to gain the nation; for there is one silly thing or other daily done there, that comes to our notice here, which prolongs what they so passionately desire.

" The methods thought upon are these :

" First, to prevent dangerous and foolish intelligence, by forbidding all in that court to write any news hither, and that King James only have his correspondence, by whom to hear from, and speak

" to people here; since letters so often miscarry, and are filled with nothing but what we should not hear, and what we have, are arguments for the most part against the King's restoration.

" Secondly, Since there is a great body of Protestants, that never defected, and that many thousands are returning, and that they are the natural weight and power of these Kingdoms, by having the heads, hands, and wealth of their side, to the odds and advantage of at least two hundred protestants to one catholic; the K. may think of nothing short of a Protestant administration, nor of nothing more for the Catholics, than a legal liberty of conscience; for much a mutt* is against all other notions, to * Mathe. which all private passions and artificial frames in maticks. Government must yield or break. He may reign a Catholic in devotion, but he must reign a Protestant in Government. Cromwell could not, yet on a broader bottom, with a victorious army, subsist or keep what he had got.

" Thirdly, he must give us a model of this at St G. by preferring the Protestants, that are with him, above the Catholics; one being loyal upon less ties of interest, and to tell the nation here what they are to hope for when he comes.

" Fourthly, he must give encouragement to Lords and Gentleman here to come to him, at least seven or nine for a standing council, which will make us here think he is in some degree ours again, and that we have a relation to him, and some interest and share in him, by the men of quality of our own religion, that are with him. This will incomparably facilitate the matter here; nor will they, when they come, come empty, and in their own names, which is still better, and will be more satisfactory there.

" Fifthly, to induce this, English protestants should be encouraged by an edict of liberty from the K. of F. to have chapels at their own cost, in which to worship God after their respective ways, by which that King will make us reflect upon his conduct towards his Huguenots, rather to flow from the hazard he thought himself in by their anti-monarchical and refusing principles, than a desire of persecution.

" Lastly, all other requisite measures depending upon the acceptance this finds, an answer hereunto is impatiently desired by those, that have discoursed the K's. business to this maturity. So ended with an unanimous consent both Tories and Whigs upon this occasion, that are in a way of closing in his interest."

(3) Namely, *A List of the English fleet, which the Lord Preston and Mr Ashton, were carrying into France.*

Rates	Ships	In repair	not	Building
1	8	5	3	
2	12	11	1	
3	35	34	1	
4	38	34	4	4
5	14	14		1
6	9	9		
Fireships	25	25		8
Bomb Vessels	1	1		
Ketches	1	1		8
	143	134	9	21

" Brought in by Admiral Russel to the House of Commons, December 24th, ninety, the fleet, whereof sixty Dutch.

" Memorandum, the new ships building are expected.

1691. taining short memorials in Lord Preston's own hand, in which many of the nobility 1691. were

"pecked will be ready to be launched by the end of
"March."

An alphabet of names for carrying on the Correspondence.

"For Mrs Anne Ruffel, to be left with Mrs Rich-
"eson at the Blue Bear, in Ryder Street near St
"James's.

- "A — the King.
- "B — the Queen.
- "C — the Prince of Wales.
- "D — the Prince of Orange.
- "E — Canon and the Scots officers.
- "F — the Duke of Berwick.
- "G — Duke Tyrconnel.
- "H — Major General Sarsfield.
- "I — Lieutenant General Sheldon.
- "L — King of France.
- "M — Marhal Luxembourg.
- "N — Marhal Belfond.
- "O — Duke Powis.
- "P — Dutchels Powis.

- "Amsterdam — Brest.
- "Rotterdam — Dieppe.
- "Hague — Havre de Grace.
- "Brill — Dunkirk.
- "Harlem — Calais.
- "Italy — England.
- "Germany — Scotland.
- "Spain — Ireland."

The following letters were directed in false names, and are most of them written under divers cants, as under the colour of trade, law-suits, mortgages, &c. yet evidently relate to King James's restoration. The two first were supposed to be written by Dr Turner, Bishop of Ely.

To Mr Redding.

SIR,

"Though the bearer of this will do us the justice to assure you, we are as full of duty, as unfeignedly and unconcernedly yours, as yourself could wish; yet this Gentleman has undertaken. — You will forgive the presumption, if I do myself the honour to give you this fresh assurance in a few words, which I hope we do by our accounts. I shall omit no occasions, not neglecting the least, and making zealous wishes for the greatest, to shew ourselves such as we ought to be. Sir, I speak in the plural, because I write *my elder brother's sentiments as well as my own, and the rest of the family**, though lessened in number, yet if we are not mightily out in our accounts, we are growing in our interest, that is, in yours. He that delivers this, will, I hope, intirely to your satisfaction, represent us, and me in particular, as with all the devotion imaginable and unchangeable affection, Yours. God grant the happiest new year."

* This passage is supposed to mean Archbishop Sancroft and the rest of the deprived Bishops.

To Mrs Redding.

"As 'tis impossible for me to express that extraordinary great satisfaction it gave me this time twelve-months when I had the honour to receive that mark of your favour and goodness under your own hand; so I have lived in some pain for an opportunity to write you my humblest acknowledgements and trust duty, from which, by the Grace of God, I am no more capable of swerving, than of renouncing my hopes of heaven. I say this in behalf of my elder brother and the rest of my nearest relations, as well as for myself. You may entirely depend upon us, not only for a constant adherence to so well chosen a principle, but for our utmost activity to promote your interests, which are inseparable from our own. I need come to no particulars by this bearer, who can and will tell you our whole hearts;

and I wish you could see them, how sincerely they are devoted to your service. God grant you a most happy new year, and many, very many, and very happy. Our young master hath all our best wishes: he daily gains more friends, and we get ground of his adversaries.
"New year's Eve."

A letter directed for Mrs Charlton, Decem. 31. 1690.

"I must not let this bearer depart, Madam, without assuring you of my best respects. I have written by him to a friend of yours, but depend upon you to give my note credit.

"Though my creditors were no friends to the match, which has been so long in treaty, for your relations have been very hard upon me this last summer, yet as soon as I could go safely abroad, I pursued the business, and do beg you to believe, that no endeavours of mine shall be wanting to perfect the settlement. You once put me in hopes of seeing you before this *Christmas*. Your friends are sorry for the disappointment, pray lose no more time than is of absolute necessity. The bearer will tell you all things may now be easily settled, if the right way be taken. I long to hear how your young daughter does: the will find many friends, and I hope her portion will be well secured. God fend you a happy new year, and that I may be merry with you before it be far spent; and I beseech you, keep me in the good opinion of your friend. I will always make good what I promised to you."

A letter directed to Mr Jackson, Decem. 31. 1690.

"The bearer can give you so full an account of all things relating to your estate here, that I need not have troubled you at this time, but that I am desirous to lay hold of any opportunity I think safe, to assure you of my service; and that I will never quit your interest whatever the rest of the freeholders do. Your adversary has been so hard to his neighbours, that he has extremely dishonoured all the old tenants, and a little matter would redeem the whole estate, if you would appear in *Westminster Hall* yourself: the best counsel have a good opinion of your title, and will zealously pursue your instructions. I only beg you would hasten them to us, and that you will appear yourself as soon as is possible. No time should be lost and the cause may be brought to a final hearing before the end of *Easter-term*, if it be well solicited. I heartily wish you a happy new year, and I beg you to tell Mr Charlton, that I long to know wherein I may serve him, and that I will follow his directions to the utmost, while I live, God keep you and yours."

A Letter without direction.

Decem. 31.

"The interruption of the former correspondence had a very ill effect many ways, but for that reason no opportunity ought now to be lost, and I hope this will prove a happy one.

"In trade, as well as in government, schemes must be laid; for there is no living from hand to mouth any more in commerce than in politics. Lay therefore your designs probably, and pursue them diligently, and with vigour; though it be a hazardous time, yet by venturing boldly where venturing is advisable, it often returns great profit.

"There is nothing more to be said but to give the bearer fit and full seasons to tell what he knows, both as to the goods fit for our market, and when and where to be sent. The sea will quickly grow so troublesome, that unless you dispatch what you intend for us, you will lose a great opportunity of advantage. I hope the account he has to give of our negotiation here with the merchants, that deal with us, especially those, that have lately brought

us,

1691. were named (1). On the 16th, 17th, and 19th of January the Lord Preston, and Mr Aston, were

us their custom, will both encourage a larger trade, and excite the utmost diligence. I will say nothing of myself; it shall be enough, that I can live in the good opinion of one I bear so great a reverence and affection for. But for this honest factor, I must own I can hardly say enough. Truth and boldness are excellent qualities in a servant, and he has shewn both, as occasion has required him to show them.

I have but one word to add, and, pray, take it as the truest mark of unalterable respect. Chuse well, but have to do but with a few; for a multitude may give, but can never keep counsel.

I shall, with more impatience than becomes me, wait the result of this; and it will be a great mark of goodness to let us have the best and safest way.

Once more, let not the season spend unprofitably, for a more likely one can hardly come than between this and the first of March. Interpret this, I pray, as no private interest of my own, or partial motion of any other persons. It is my sense, my duty, and my friendship, which will not let me prevaricate, nor suffer those I love and honour to lose so happy and pressing an occasion of advantage. With the best wishes I close up this, and am, &c.

A Letter without direction.

Decemb. 31.

It is a presumption incident to those, that are any where upon the spot, to think, that they know better than those, that are not, what is fittest to be done in any occurrence. This makes me say, that now is the time to make large advantages by trading, the sea being freer than two months past, or we can hope it will be two months hence. This Gentleman is well instructed in our markets, and what the goods are we want, and when and where they shall be sent. It is most earnestly desired, that this happy opportunity may not be lost, especially by the late undertakers; and I would not for much they should receive the least disgust. They are somewhat positive in their terms; but they also say, they will be good and constant customers; and I have more than once seen the mischief of over-rating and over-staying the market. Opportunities are to be used; they cannot be given by men.

The bearer needs nothing from me to recommend him, but he is deserving in our opinion here, and many will take their measures by the usage he finds there. And indeed the pressing posture of our trading affairs will not permit more experiments.

If the several parcels arrive not, that have been promised, before the 10th of March at furthest, (especially the copper and linnen, of which the bearer will be more particular) I am satisfied we shall lose this summer's profit. I am the more pressing, because I am well assured of what I write; and if ever I judged right, it is upon this occasion.

I have said nothing of another Gentleman, that takes this opportunity to see those parts; but he has shewn a zeal and a sincerity in this affair equal to most. *Yo.* is not yet gone, by a misfortune; but he will follow with a good postscript in this affair. Of myself I will say nothing. I hope I need not, for nobody, without vanity, can be more sincerely and affectionately a friend and servant to the company than myself. I writ at large yesterday, and cannot write what the hand, that gives this, can say; and therefore will write no more, but that with the greatest respect I am, &c.

A Letter without direction.

S I R,

I vow to you, I do not repine at having lost all for your sake, which I got by your favour: but it grieves me extremely, that there is not that left, which can secure me from being troublesome to you; for that is the thing in the world I would not be. I have told my Lord my condition. What I desire of you, he thinks very moderate; I hope you will. Pray, Sir, be not backward in settling No. 11. Vol. III.

my little affair, for I have deserved your care. Your daughter and I must starve, if this government can make us. I hope our interests are not divided; that is, you have an equal tenderness at least for both. If you think fit to speak what I would have you to this bearer, he will give me a just account of it. You know he is obliged to be my friend, and I believe him grateful, since he ventures so boldly for you. He brings with him some merry papers. Adieu, for I dare write no more, but pray send a messenger on purpose to me, that I may exactly know what you will do, and would have me do. If you send upon no other business, there will be no danger. Pray, Sir, ask my Lord, and he will tell you, how I have been used, and upon what account. I believe you know it not.

Decemb. 29.

Your daughter is very well, very tall, and very pretty, as I am told.

Another Letter without direction.

Decemb. 31. 1690.

Was my condition more desperate and uneasy than it is, I desire no greater satisfaction than to have done my duty to so good a master. I with it was of more use to him; that is not my fault, nor of those I have acted with. Let it be looked into what has been foretold both as to England, Scotland, and Ireland, and see, if most of it is not come to pass already, and the rest will follow, if not prevented. I with it may also be considered what usage we have met with from men employed, and how they left your business and friends. How they managed it, you will know from all hands. Things they could not do, nor durst not undertake, were better undone, than not done by them, men in this place, and in these times, must have some courage as well as sense to do any thing with the people here. It is not my own ill usage makes me say this, but my concern for one I with the best in the world, and will give my proofs of this upon all occasions. I need not enlarge, since all our grievances are known to him, that brings this. For my own part, I will stay here so long as I can be safe, if with ne'er so great trouble; but it would be some comfort to know men (when driven from hence) may be so. Therefore the reports of the people's usage are terrible, as well as of the indifference of St Germ. family. We feel the smart of it by ridiculous letters falling daily into the hands of the government. Their master and mistress are little obliged by it no more than we. If there is any thing, Sir, you do particularly command me, or depend upon me for, let me know it. I cannot undertake much, nor furnish more. I have still helped every body, and paid to every thing I could; and if a twelvemonth ago my condition was what I then represented, you best know, if it has been mended. Use, and considering that of others, makes me grow more contented; and if the prospect of misery to us all was any satisfaction, that is now plainly seen.

Pray God bless us all, by restoring every man his own, and you with long life.

He, that gives you this, hath furnished for your use to me, &c. two hundred pounds, which I desire may be repaid.

I only beg, Madam, no ill malicious report may take any place in your thoughts, in regard to me. I value your good opinion, and will endeavour to deserve it. I can do little towards, but wish most heartily for your happiness. I know no interest, Madam, but my master's and your's, nor do I think they are to be made two. If you command me in any thing, I will faithfully obey you, as I ever have done him.

We all depend here upon this bearer's accounts of us and condition, his faith and courage hath been enough experienced.

(1) Short memorials in Lord Preston's own hand.

X x

This

(1691. were brought to their trials at the *Old Bailey*. Their design of going to *France*, and the treasonable papers found upon them, were fully proved. Some of them were written in the *Lord Presfon's*, and some in *Mr Ashton's* hand. They alledged in their defence, that similitude of hands was not thought a good proof in Colonel *Algernon Sidney's* case. But this was now only a circumstance: In what hand soever the papers were writ, the crime was always the same, since they were open, not sealed; and consequently they knew the contents of them, and thus were carrying on a negotiation of high-treason with the king's enemies. They were therefore found guilty and condemned.

Ashton executed.

Mr Ashton would enter into no treaty with the Court, but prepared himself to die, and was accordingly executed at *Tyburn* on the 29th of *January*, the Queen having remitted that part of his sentence which related to his drawing and quartering. He suffered with great decency and firmness. He left a paper behind him, in which he owned his dependance on King *James*, and his fidelity to him, and affirmed, that he

was sure the Prince of *Wales* was born of that King's Queen; but denied, that he knew of the contents of the papers, that were taken with him (1). This made some conclude, that his paper was drawn up by some other person, and too hastily copied over by himself, without making due reflection on this part of it; for *Bishop Burnet* compared this paper, which he gave the Sheriff, and which was written in his own hand, with those found about him, and it was visible, that both were written in the same hand.

The *Lord Presfon* went backward and forward; he had no mind to die, and yet was not willing to tell all he knew. He acted a weak part in all respects. When he was heated by the importunities of his friends, who were violently engaged against the government, and after he had dined well, he resolved to die heroically. But the next morning that heat went off, and when he saw death in full view, his heart failed him. The scheme he carried over was so foolish, so ill concerted, and so few engaged in it, that those, who knew the whole secret,

Lord Presfon pardoned. Burnet. Boyer.

This paper consists of many heads and particulars, without order or method, and seems to be only memorandums made by his lordship, to put him in mind what he was to enlarge upon when he came to *France*. It was as follows:

* Lady D. two thousand pounds, and two hundred pounds for shop-debts.

* Pension upon the

* 14 — 3 deckt ships — *Britannia*, ad.

* Sovereign out and R — *James*.

* 33 3d rates make the 14 and 30, sixty-seven.

* Sundry hospitals and fire-ships, some built on purpose proportionable.

* Of third rates, most manned; 14 not mann'd, great ones.

* Rest in some proportion mann'd, not well mann'd, nor will be.

* — *Britannia* not out till *March*; the rest per-haps in *April*.

* The *French* must be out in *April*, and in the *Duinas*. Look in at *Spithead* to secure them.

* The *Dutch* fleet cannot then join them.

* *Carter* and others at *Portsmouth*, the likeliest men to come to him — *Dutch* fleet 36 sail, 9 from

* 70, to 60 guns; — 12 from 50 to 60; — the rest betwixt 60 and 70 — Get to it before the conjunction, otherwise nothing. To fight in the chops of the channel; not to come so high as

* *Beachy*. *Portsmouth* not mann'd above 500. —

* One *Gibson* a *Scots* pedlar. — Lands beyond *South Sea* castle. — Nothing but palliades about

* *Gosport* — *Jennings* or *Strickland*, or *Trevannion* comes from *St Malo's* in one night — Most of

* the gentlemen have done him most mischief; the tarpaulins his best friends, which dispirited —

* *Danby* desires to be in the monk, keeps and fortifies *Hull* — King not to be on board the fleet

* Foolish letters from *St G's* taken every day in the D. post, and read in council — About

* *June* — *England* 67 great ships, *Dutch* 60 —

* commanded 35 to us, 24 to 26 by themselves. —

* *Ruffel* in the *Britannia*, Admiral — *Killigrew* the blue — the Duke — *Asby* the *Royal James* — *Delac* at

* the *Sovereign*, vice-admiral blue — *Carter* the vanguard. — Those who shall not oppose nor

* resist him, to be pardoned. — Not 21 days coming in, or shall not help the P. of O. 600000 l. to the

* States of *Holland*. — No taxes in his time —

* and the K. of *Fr.* will require noth.ing — *Chimney* money to be taken away — Not excepting

* outlaws — *Scotland* — Let know whether the King will come or not soon, and acquaint him

* the weakness of the Pr. council. — 3 dates —

* or the like F. of — That some kind answer —

* *Mr East* merchant of *Bristol* to be kept till called for

* *William St* — from *Amsterdam* — *Alexander* — *England* — *George* — *Scotland* — *Dorset*, *Cornwallis*, *Montagu*, *Stamford*, *Shrewsbury*, *Macclesfield*, *Montmouth*, *Devonshire* — In *Feb.* the King come to

* *Scotland* — Endeavour to unite the episc. and presbyt. parties. — A less sum not interfere with the Pr. K.

* from *Highlanders* — campaigns — land at *Leith* —

* The *Scots* army not a *French* one, 5000 good *Swedish* foot; the reputation of a protestant ally; two

* months to settle *Scotland* — A commission given to me from Mr P — For *Fl.* hinder *Eng.* and

* D. from joining — Two vessels of 150 l. price for *Pennsylvania*, for 13 or 14 months — *Ormond* and

* *Brandon* disbanded about the guards.

* To have 1200 seamen from *Denmark* and *Holland* — To save *Campbell* — To be left at

* the ship in sheets *Westminster* — *Flanders* — *R* —

* *Scots* ships in *Newcastle* harbour to plague *London* —

* The modest inquiry, the Bishops answer. — Not the chilling of them — But satisfying of friends — To tell

* him, that to protect friends, and as soon as foreigners are gone, he will dismiss his. — The woman,

* that was with the King in *Ireland*, and sent commission to *Stafford*, and failing, not to be sent again: her friends live in *Covent-Garden* — Private

* letters not. — Protecting lords against the usurper; three of five against the vacancy of the crown,

* *Beaufort*, *Newcastle*, *Thanet*, *Sawyer*, *Lutwich*, *Pemberton*, *Levinz*, *Winnington*, *Montagu*, *Shewer*.

* *London* clergy the worst; we have their wives, and they their oaths — K. betrayed by J. Porter:

* *Seymour* said it — *Lord Nottingham* says there will be a peace with *Fr.* and the K. left out — Bring

* foreigners to drive out foreigners; then dismiss them? leave all to free Parliament — No justices of peace,

* &c. actually in commission to be criminal.

(1) The paper at large was as follows:

* Mr Sheriff,

* Having observed, that the methods of making speeches at the place of execution were not always

* attended with the designed success; and thinking it better to employ my last minutes in devotion and

* holy communion with my God, I have prepared this paper to leave in your hands, as well to assert my

* principles, as to testify my innocence.

* As to my religion, I profess by God's grace, to die in the faith, into which I was baptized, that of

* the Church of *England*, in whose communion (nothing doubting of my salvation through the merits

* of my Saviour) I have always thought myself safe

* and

1691. cret, concluded, that if he had got safe to the Court of France, the project would have been so despised, that he must have been suspected as sent over to draw King James into a snare, and bring him into the King's hands. He was therefore pardoned. And as for Mr Elliot, there being no positive proof against him, he was not brought to a trial. Soon after, on the 25th of February 1690-1, the Queen issued out a proclamation for discovering and apprehending Dr Turner, the late Bishop of Ely, William Penn, the famous Quaker, and Mr James Graham, as accomplices of the Lord Preston and Mr Ashton; and the Earl of Clarendon was seized and committed to the Tower on the same account; but after some months, the King, in

regard to that Earl's relation to the Queen, would proceed to no extremities against him, but gave him leave to live confined to his house in the country. But the Bishop of Ely, Graham and Penn absconded.

Four days before the King's arrival, a fire ^{Whitehall} happened at ^{burnt.} Whitehall, which began about eight ^{Apr. 9.} o'clock at night, by the negligence of a maid ^{MS. letter} servant, (who, to save the pains of cutting a ^{Pulney} candle from a pound, burnt it off, and threw the ^{to Sir W.} rest down carelessly before the flame was out) at ^{Calc.} the lower end of the stone gallery, in those lodgings which were the Dukes of Portsmouth's, and burnt very violently till four the next morning; during which time almost all the stone gallery and buildings behind it, as far as

and happy. According to her principles, and late much esteemed doctrine (though now unhappily exploded) I have regulated my life, believing myself obliged by my religion to look upon my rightful lawful Prince (whatever his principles were, or his practices might be), as God's vice-gerent, and accountable (if guilty of male-administration) to God only, from whom he received his power, and always believing it to be contrary to the Laws of God, the Church, and the Realm, upon any pretence whatsoever, to take up arms against him. And let all the world take notice in this belief I die. But I have more particular obligations to the King, my master, whom I had the honour to serve, and received many signal favours from him for sixteen years past; so that gratitude (a thing not much esteemed at this time) as well as duty and religion, commanded the utmost service I could pay him. And when I had these considerations, that we were born his liege subjects; that we had solemnly professed our allegiance, and often confirmed it with oaths; that his Majesty's usage, after the Prince of Orange's arrival, was very hard, severe, and (I may say) unjust; and that all the new methods of settling this nation have hitherto made it more miserable, poor, and more exposed to foreign enemies; and that the religion we pretend to be fond of preserving, is now much more than ever likely to be destroyed; there seemed to me no way to prevent the impending evils, and save these nations from poverty and destruction, but the calling home our injured sovereign, who, as a true father of his country, has (notwithstanding all his provocations and injuries) a natural love and tenderness for all his subjects. And I am so far from repining at the loss of my life, that had I ten thousand, I should rather think myself obliged to sacrifice them all, than omit any just and honest means to promote so good and necessary a work. And I advise and desire all my fellow-subjects to think of their duty, and turn to their allegiance, before the severe judgments of God overtake them for their perjury and rebellion. But certainly the good and interest of these nations, abstracted from all other considerations, will ever long convince them of the necessity of doing it.

Having thus frankly declared my principles, I know the inference will be, that I have acted accordingly, and consequently, that I am now justly condemned. But, as I ingenuously own the inference, so I as positively deny the consequence; for whatever my inclinations or actions have been, yet as to the matter I was sentenced to die for, I declare myself innocent. And I will appeal even to the Judges themselves, whether or no, upon my trial, there appeared the least proof, that I knew a title contained in the papers. But presumptions were with the Jury thought sufficient to find me guilty, though I am told I am the first man, that ever was condemned for high-treason upon bare suspicion or presumption, and that contrary to my Lord Coke's

and other eminent Lawyers opinions. The knowledge of my own innocence, as to the indictment and charge against me, was that that armed me with so much assurance, and occasioned my casting my life upon the first twelve men of the panel, without challenging any. But though I have, I think, just reason to complain of the severe charge given by the Judges, and hard measure I have received; not to mention my close imprisonment, the hasty and violent proceedings against me, nor the industry used in the return of fitting persons to pass upon me; the denying me a copy of the panel, &c. Yet as I beg pardon and forgiveness at the hands of God, I do most heartily pray for, and forgive them, and all my enemies, all the world, nay even that Judge and Juryman, who did so signally (contrary to common justice) expose themselves to destroy me. But let the will of God be done; I rely wholly upon his mercy, and the merits of my blessed Saviour, for salvation. I do cheerfully and entirely resign myself into his hands, as into the hands of a faithful Creator, in sure and certain hopes of a happy resurrection. Bless, protect, and strengthen, O Lord God, my good and gracious King and master; in thy due time let the virtue, goodness, and innocence of the Queen my mistress make all her enemies blush, and silence the wicked and unjust calumnies that malice and envy have raised against her; make her and these nations happy in the Prince of Wales, whom, from unanswerable and undoubted proofs, I know to be her son. Restore them all, when thou seest fit, to their just rights, and on such a bottom, as may support and establish the Church of England, and once more make her flourish, notwithstanding the wounds she hath received of late from her perverting sons.

Forgive, forgive, O Lord, all my enemies; bless all my friends; comfort and support my dear afflicted wife, and poor babes; be thou a husband and a father to them: for their sakes only I could have wished to live; but pardon that with, O good God, and take my soul into thy everlasting glory. Amen.

JOHN ASHTON.

This paper was immediately followed by an answer to it, supposed to be written by Dr Edward Fowler, afterwards Bishop of Gloucester, in which it is observed, that there was reason to suspect that paper to have been drawn up by another hand than that of Mr Ashton; that the uncharitableness at least of the paper was unbecoming a person going out of the world; that passive obedience was not the cause of Mr Ashton's suffering, but the want of it; that King William was our only lawful sovereign then; that the measure of obedience is determined by law; that the Revolution is to be justified by several considerations; that Mr Ashton had no hard measure, since treason was proved upon him. The severity of the charge, says the answerer, lay in applying the statute 25 Eduw. III. to his fact, which was a design to carry into France

1691. the *Thames*, were consumed, and one or two men killed by the buildings that were blown up (1).

*Vacant
sees filled.
Kennet.
Burnet.*

The King, after having given the necessary orders for the reduction of *Ireland*, and for fitting out a large fleet which Admiral *Russel* was appointed to command, bestowed his care on filling the vacant ecclesiastical dignities. He had suffered the deprived Bishops to continue, now above a year, in their Sees. They all the while neglected the concerns of the Church, doing nothing, but living privately in their palaces. Bishop *Burnet* had, by the Queen's order, moved both the Earl of *Rocheſter* and Sir *John Trevor*, who had great credit with them, to try, whether, in case an act could be obtained to excuse them from taking the oaths, they would proceed to discharge their functions in ordinations, institutions, and confirmations, and assist at the publick worship, as formerly. But they would give no answer; only they said, that they would live

quietly, that is, keep themselves close, till a proper time should encourage them to act more openly. Upon this all thoughts of this kind were laid aside. One of the most considerable men of the party, Dr *Sberlock*, upon King *James's* going out of *Ireland*, thought, that this gave the present government a thorough settlement; and in that case he thought it lawful to take the oaths, and therefore not only took them himself, but publicly justified what he had done; which exposed him to very severe reproaches from those, whom he had abandoned. The discovery of the Bishop of *Ely's* correspondence and engagement in the name of the rest, gave the King a fair opportunity of filling the vacant sees, which he resolved to lay hold of. He judged rightly, that it was of great consequence both to his own service, and the interests of religion, to have the see of *Canterbury* well filled, since the rest would turn upon that.

By

France a treasonable scheme and project of an invasion, in order to deposing the King and Queen. This last the Judges declared had been always held to be High-treason. All the question then was, whether such a fact were an overt act of such a design; and so it was left to the jury, whether Mr *Aſton* intended to go over with such a design or not. If there be any severity here, it must be in the law; and that all those, who suffer by a law, are apt to complain of.

He particularly chargeth that Judge and that jurymen, who did, he saith, signally, contrary to common justice, expose themselves to destroy him. This is a very hard charge from a dying man, and ought to have great evidence to reconcile it to common charity; but he offers none. The jury were to act according to their consciences; and if they did so, how could they expose themselves contrary to common justice to destroy him? But what evidence told he give, that they did not so? Some have told him, that he was the first man, that was ever condemned for High-treason, upon bare suspicion or presumption, and that contrary to my Lord *Coke*, and other eminent lawyers opinions.

The main point as to the jury was, whether they were satisfied in their consciences, that Mr *Aſton* intended to go into France with such a design. And where the fact lies in the intention, there can be no direct evidence, without seeing the heart, but it must be gathered from a concurrence of circumstances strong enough to determine an honest man's judgment; and such the jury believed to be in his case. My Lord *Coke's* words are on the case of treason, that the compassing, intent, or imagination, though secret, is to be tried by the Peers, and to be discovered by circumstances precedent, concomitant, and subsequent, with all endeavour evermore for the safety of the King. It is true he saith afterwards *ſel.* 12. that conjectural presumptions, or inferences, or strains of wit, are not sufficient, but there must be good and manifest proof. Yet still this proof must be such as the thing will bear; for there can be no direct and plain proof of a secret intention. Either therefore no man can be justly condemned for a secret intention, manifested by an overt act; or there must be such a proof allowed, as is sufficient to satisfy a man's conscience, although it come not up to plain and direct evidence, as it is opposed to the highest degree of presumption.

But it may be said, that the presumption lies in judging the intention from the overt act; but that overt act must be manifestly proved. The overt act in this case was the carrying over treasonable papers into France, in order to an invasion. The sole question then was, whether there was manifest proof as to these papers. That the papers were found about him, was manifestly proved; and he owns, *ſel.* 110. that they were unfortunately found upon him,

but he saith, that he knew not the importance of them. It was manifestly proved, that he had an extraordinary concernment to have these papers thrown overboard, which he saith was perfectly out of friendship; and whether that was a true answer, was left to the consciences of the jury, who were to judge of this by all the circumstances antecedent, concomitant, and subsequent, by which they concluded him guilty. And I cannot see, how they went against common justice therein, especially since Mr *Aſton* well knew, that one of the most material papers taken, was of his own hand-writing, not the first draught, but the copy, which was showed him in the court; and when it was so, he desired, *ſel.* 106. that the original may be read, and not the copy. And he had good reason for it; for, as far as I can judge upon perusal of both, it is the very same hand, in which this speech was written. But what said Mr *Aſton* to the jury to clear this matter? He saith, *ſel.* 129. that his hand was not proved to any of the papers, and therefore there was nothing but supposition, or suspicion against him. It is true, there was no direct and plain proof of the hand, as there was in the case of my Lord *Preston*, (and it is a wonder it was omitted, for that would have been plain proof of his knowing what was in those papers.) However all the other circumstances put together were a sufficient proof of his privacy to the contents of them. And I wonder how Mr *Aſton* could so confidently in his paper declare himself innocent as to the matter, for which he was sentenced to die; when he knew the paper was of his own hand-writing, and plain proof hath been since made of his own delivery of it to a third person. Can a man be innocent and guilty of the same thing?

The only thing to be taken notice of, which remains, is a reflection on the government for his close imprisonment, and the hasty and violent proceedings against him. If there were any thing more than usual in such cases, as to his imprisonment, he ought to have mentioned the particulars; for otherwise it is to arraign the common justice of the nation. As to the hasty and violent proceedings of his trial, it was then told him, that the greatest advantage he had was in putting off his trial; for by that he knew how to lay the papers on my Lord *Preston*; which yet could not clear him as to those papers, which were not written with my Lord's hand, nor related any ways to him; but one of them was written with his own hand.

(1) During the King's absence, Sir Robert Cotton of Cambridgeshire, and Mr Thomas Frankland were made Post-masters general in the room of Major Wildman, who was removed by the Queen. And Sir Edward Villiers was on the 20th of March, created Baron Villiers of Hoo, and Viscount Villiers of Harford in Kent. He was master of the horse to the Queen.

(1) This

1691. By the choice, which he was to make, all the nation would see, whether he intended to proceed with his first design of moderating matters, and healing the divisions in religion; or whether he would go into the passions and humours of a high party, that seemed to court him as abjectly as they inwardly hated him. Dr Tillotson had now been well known to him for two years; his soft and prudent counsels, and his zeal for his service, had begot both in the King and Queen a high and just opinion of him. They had both for above a year pressed him to come into this post; and he had struggled against it with great earnestness. As he had no ambition nor aspiring in his temper, so he forelaw what a scene of trouble and slander he must enter into now in the decline of his age. The prejudices, which the Jacobites would possess all people with for his coming into the room of one, whom they called a Confessor, and who began now to have the publick compassion on his side, were well foreseen by him. He likewise apprehended the continuance of that heat and aversion, which a violent party had always expressed towards him, though he had not only avoided to provoke any of them, but had, upon all occasions, done the chief of them great services, as often as it was in his power. He had large principles, and was free from superstition. His zeal had been chiefly against Atheism and Popery; but he had never shewn much sharpness against the Dissenters. He had lived in a good correspondence with many of them, and had brought several over to the Church, by the force of reason, and the softness of persuasion and good usage, but was a declared enemy to violence and severities on account of differences in

religion. He laid before the King all the ill effects, which, as he thought, the promoting him would have on his service; but all this served only to increase the King's esteem of him, and fix him in his purpose. Dr Tillotson therefore, though with great uneasiness to himself, submitted to his command. Dr Simon Patrick, Bishop of Chichester, was likewise translated to the Bishoprick of Ely, in the room of Bishop Turner, and Dr Beveridge Rector of St. Peter's in Cornhill, was to be promoted to the Bishoprick of Bath and Wells, in the room of Bishop Kenn; Dr Fowler to the See of Gloucester, in the room of Bishop Frampton; Dr Cumberland to the See of Peterborough, in the room of Bishop White; Dr Moor to the See of Norwich, in the room of Bishop Lloyd; and Dr Grove to the See of Chichester, void by the translation of Bishop Patrick; and Dr Sherlock, inalter of the Temple, to the Deanery of St. Paul's; Dr Comber to the Deanery of Durham, in the room of Dr Granville; Mr. William Talbot to the Deanery of Worcester, in the room of Dr. George Hickes; and Dr Woodward to the Deanery of Sarum. Not many weeks after their Majesties nominated Dr. John Sharp, Dean of Canterbury, to the Archbishoprick of York, in the room of Archbishop Lamplugh; Dr Ironside, Bishop of Bristol, to succeed Dr. Herbert Crofts, lately deceased, in the Bishoprick of Hereford; Dr. John Hall to be Bishop of Bristol; and Dr. Richard Kidder, Dean of Peterborough, to be Bishop of Bath and Wells, Dr. Beveridge having declined that Bishoprick (1), so that in two years time the King had named fifteen Bishops; and they were generally esteemed as the most learned, the wisest, and best men, who were in the

(1) This gave great occasion to a pamphlet, printed, May 1691, intitled, *A vindication of their majesties authority to fill the sees of the deprived Bishops; in a letter out of the country, occasioned by Dr. B—'s refusal of the Bishopric of Bath and Wells*. It was afterwards reprinted in the collection of *State Tracts* published on occasion of the late Revolution in 1688, and during the reign of King William III. The author of this piece begins with observing, that Dr. Beveridge's refusal had occasioned great talk, and different censures, as men were divided in their interests and opinions; and that tho' he could easily apprehend several reasons, which might move wise and good men, where there were no greater and more pressing obligations to the contrary, rather to choose an ecclesiastical preferment void by death or cession, than by deprivation; yet 'our present circumstances, says he, are such, as ought to over-rule all niceties, the mischiefs of such a refusal being so intolerable, as nothing can excuse, much less justify it, but the absolute unlawfulness of succeeding in such preferments, while the deprived Bishop lives; which would be very odd for them to pretend, who have submitted to the present government.' He then endeavours to show, that friendship for the former incumbent is no good reason for refusing; and that such a refusal would give an unpardonable scandal both to the enemies and friends of the government, and to the government itself; and he states the Doctor's case in this manner. 'He submitted to the government, and took the oath of allegiance as early as any man; and never, that I heard, had the least scruple about it; and yet this was the time to have been scrupulous, if he would have been so; for it seems a little of the latest, when he is become a sworn subject to King William and Queen Mary, to question their authority to make a Bishop. and if the former Bishops were deprived, and new Bishops made, by such an authority as he can swear allegiance to, I cannot un-

derstand, that it can be unlawful to accept a Bishoprick from the hands of those, whom he owns, by his swearing allegiance to them, to have authority to give it; for this is an authority, which belongs to the imperial crown of England. Besides this, Dr. B— was one of those, who by commission from the Dean and Chapter of Canterbury; hath exercised Archbishopric authority, during the vacancy of the see by the deprivation of the Archbishop, as it is expressed in the commission. And I take this to be altogether as unlawful (if either of them were unlawful) to seize upon the authority of the Archbishop upon the account of his deprivation, as to take the Character, and exercise the authority of a Bishop in the see of a deprived Bishop. To receive the consecration of a Bishop, I suppose, is not the thing he accounts unlawful, nor to exercise the authority of a Bishop; and, then there is nothing he can think unlawful but to exercise the authority of a Bishop in the see of a deprived Bishop. And it seems to me as unlawful for a Presbyter to do this, as for a Bishop to do it, unless a Presbyter may do it without the revenues of the Bishoprick, but a Bishop must not do it with them. But this can be no ecclesiastical scruple, as so great a canonist must needs know; for if the civil power cannot dispose of such temporal matters, it can do nothing.'

The author remarks, that in a Christian nation and government the Church is incorporated into the state, and the sovereign power has a supremacy in all ecclesiastical causes; and that this supremacy, though it do not extend to the administration of holy offices or church censures, yet it reaches the persons and external jurisdiction of Bishops and the other Clergy, and the regulating and ordering the externals of religion; as the making and deposing Bishops, when there is just cause for it, belongs to the supremacy; which authority was exercised by the Jewish Kings over the High-priest himself: That therefore, when

1691. the Church. And it was visible, that in all these nominations, and the filling the inferior dignities, which became void by their promotion, no ambition nor court-favour had appeared, but on the contrary men were sought for, and brought out of their retirements, and most of them very much against their own inclinations. They were remarkable for their moderate principles and calm tempers: and their promotions were such a discovery of their Majesties designs with relation to the Church, that it served greatly to remove the jealousies, which some other steps the King had made, were beginning to raise in the Whigs, and very much softened the ill humour, which was spread among them.

The King goes to the Hague.

On the last day of April the King, in pursuance of his resolution to command in person the confederate army in Flanders, set out from Kensington, embarked at Harwich on the 2d of May, set sail with a fair wind for Holland, attended by a squadron of men of war under Rear-Admiral Rooke, landed the next day near Maesland Sluice, went from thence to Hounscardick, and arrived the same evening at the Hague; where we shall leave him for a while, to see how his orders were executed in Ireland.

Proceed-
1701, 1702
Ireland.
Boyer.
Kennet.
Story.
Burnet.

After both armies had gone into winter-quarters the preceding year, they remained quiet on both sides for a time; and though several designs were formed by each party against the other, yet no considerable action happened between them (1). The greatest mischief done to the English was by the Irish Rapparees, who committed great cruelties and depredations, and then retreated to their bogs and fastnesses, where the regular forces could not reach them. Nor

were the Lords Justices more successful in their attempts to suppress them, either by offers of mercy to such as should submit to their Majesties obedience, or by proposing a reward for every head of a Rapparee. But now the English army having taken the field about the beginning of June, the Rapparees mixed themselves with King James's forces, with whom they must wait the fortune of war. King William's forces being considerably augmented by the addition of those troops, which under Mackay had completed the reduction of the Scots Highlanders, Lieutenant General Ginckel, commanded in chief, and decamped from Mullingar, and next day came before Ballymore: the Marquis de Ruvigny being sent before with a detachment of horse and dragoons to possess himself of a pass between that place and Athlone. The batteries being raised, the General sent a message to Colonel Burke, who commanded in the town, 'that if he and the garrison would surrender within two hours, he would save their lives, and make them prisoners of war; if not, they were to expect no mercy.' To which the Governor made an evasive kind of answer, in hopes of obtaining better terms; but the cannon and bombs having made two breaches, the pontons being put into the water, and all things ready for storming the place, it occasioned so great a consternation among the enemy, that the same evening the garrison, which consisted of seven hundred and eighty men, besides four field-officers, and two hundred and fifty-nine Rapparees, laid down their arms, and submitted at discretion.

The English having repaired the damage done

Athlone
to be sieged.
Ibid.

a Church is incorporated into the State, an offence against the State, is a just reason to depose a Bishop from the exercise of his episcopal authority in such a State; especially if such a bishop wholly disowns the authority and government of the State, and refuse to submit to it. *State Tracts* I. 635---639.

(1) The most remarkable events, as well as the general State of Ireland, will appear from the following extracts of original letters written by Mr John Pulweny, Under-Secretary to the Lord Viscount Sidney, to Sir William Cole, Envoy extraordinary at Hanover.

S I R,

Whitehall, 24 February, 1690-1.

'Yesterday came in nine or ten mails, the last with letters of the 12th instant from Dublin. The news they bring is in substance, that Tyrconnel arrived at Limerick about the 14th of January with three frigates and nine vessels laden with provisions, clothes, some arms and ammunition; but that notwithstanding the joy, which this supply occasioned among the Irish, the officers shew but melancholy countenances, looking upon themselves to be but in an ill condition: That since the repulse of the Irish at Fermoybridge, which they attacked the 24th of January last, and were beaten off with the loss of about twenty of their men, they had drawn together again about fourteen troops of horse and dragoons, and fifteen hundred foot, and moved towards Ballymoghely under the command of Brigadier Carrol; and that thereupon Major-General Tetteau having assembled about seven hundred horse and three hundred foot from Corke and the neighbouring garrisons, marched against the rebels, who would not stand an engagement, but upon the approach of our troops fled in great confusion towards Limerick. That since Tyrconnel's arrival the rebels had been likewise in motion towards Athlone, giving our

troops an alarm, as if they intended to attack Mullingar, our principal garrison and magazine on that side; which occasioned the marching thither of Colonel Faulke's regiment from Dublin. But the enemy stopp'd half way between Athlone and Mullingar at a place called Ballymore, and built there a small fort, which they will as soon quit, when our men think it worth their while to march thither. That the Rapparees continue to commit great depredations in the country, and are very numerous; but that our parties often meet with them, and generally kill or take as many as they can come up with; and by the measures now taken it was to be hoped they would be soon reduced to a small number. Our parties had likewise had several rencounters with some of the enemy's formed troops with their usual success, killing divers of them, and taking some prisoners; but the particulars are not worth the mentioning here. That the Lords Justices had put out two proclamations, one to prevent the robberies and plunderings of the soldiers; for which satisfaction is to be made out of their pay upon due proof before some justice of the peace in the county, wherein such offence is committed, besides other punishment, according to the nature of it. The other, appoints William Robinson, — Johnston, Edward Corker, John South, and William Melneux, Esquires, or any three of them, to be commissioners for stating the accounts of the army, and ascertaining all debts due to and from the said army, and examining all accounts of money whatsoever paid unto or disbursed by any person for the use of the army. That Lieutenant-General Ginckel had likewise put out a declaration, wherein, after taking notice of the artifices made use of by the pensioners of France to delude the Irish, and to make them obnoxious to their ruin, he declares, that an Irish Roman Catholic gentleman, that came out of the enemy's quarters,

1691. to *Ballymore*, and put that town into a better condition for defence, they marched from thence on the 18th of *June*, and being joined the same day by the Prince of *Wirtemberg*, encamped at *Balymory's* pass, whilst a strong detachment of horse advanced towards *Athlone*. On the 19th, very early in the morning, the vanguard marched from *Balymory*, and beat the enemy from several out-ditches of the *English* town of *Athlone* on this side the *Shannon*, and lodged themselves there. The next day a battery of ten 18 pounders having ruined a bastion near the water-side, looking towards *Lansborough*, the General ordered an assault to be made; which was performed accordingly; and though the *Irish* made considerable resistance, yet the *English* went on, and kept firing till they came to the breach, which a *French* Captain of Grenadiers first mounted, throwing his grenade, firing his piece, and ordering his men to do the same. His bravery so encouraged his party, that though he was killed in the action, yet the *Irish* were soon forced to quit their post, some retiring over the bridge to *Connaught* side, and the rest leaping into the *Shannon*, where many were drowned.

After this success batteries were planted against the *Irish* town, which being finished by the 22d, the cannon and mortars began to play very briskly on the north-east side of the castle, where it was weakest, and continued to do so the next day, when the pontoons came up. The 25th was spent in raising batteries, one below, and another above the bridge, while a third was erected without the town-wall by the river-side, opposite to a bastion, which the *Irish* had

made on the other side the river. At the same time the General was contriving methods to march part of his army over the *Shannon*, at a ford towards *Lansborough*; but that design being frustrated, he resolved to force his way through *Athlone*, and therefore laboured hard to gain the bridge, wherein he found no small difficulty. However, on the 27th in the evening, the *English* burnt the wooden breast-work, which the enemy had made on the other side of the broken arch; and the next morning had laid their beams over, and partly planked them; which a party of the besieged endeavouring to destroy, they were all killed in the attempt. This did not deter another party of ten men from setting about the same work, which they resolutely effected, throwing down the planks and beams into the river, notwithstanding all the firing and skill of the *English*; which made the General resolve to carry on the work by a close gallery on the bridge, and to pass the *Shannon* the next day; but they met with such opposition, especially by having their gallery burnt by the enemy, that the farther prosecution of the attack was deferred for that day. On the 30th a council of war being held, it was warmly debated, whether it were advisable to make another attempt, or to draw off. There were not wanting strong reasons for the latter; but the Duke of *Wirtemberg*, the Major-Generals *Mackey*, *Talmagh*, *Ruvigny*, and *Telleau*, and Colonel *Cambon* urged, 'That no brave action could be performed without hazard: that the attempt was like to be attended with success;' and they proffered themselves to be the first, who should pass the river, and attack the enemy.

Their

ters, upon humble application to their majesties, had been fully informed of the mercy and indulgence designed to such of the *Irish* army and inhabitants, as did submit to their government; but that he having been hitherto obstructed to make his message known, the said Lieutenant-General had thought fit to take this way of making it public: that he had authority, and was ready to grant reasonable terms to them, who are willing to return to their duty, their majesties not desiring to oppress the *Irish* either by persecuting them for their religion, ruining them in their estates, or enslaving them in their liberties; their Majesties having a greater regard to the preservation of the inhabitants of that kingdom, than to the just resentment, which their behaviour had deserved. Lastly, that the Lords Justices had held several consultations with Lieutenant-General *Ginkel*, and the rest of the General officers, about the affairs of the army; and making the necessary preparations for an early campaign.'

Whitehall, 6. *March*, 1690-1.

'This day came in several letters by the common post, of the 3d instant, but all to private persons, and from one and the same hand, which is the Mayor of *Liverpool*, who writes, that a master of a vessel from *Dublin*, put in there that day, reports, that on the 27th past there happened, a very sharp engagement between our army and the rebels near *Ballymore*, in which we gave them an entire defeat, killing and taking prisoners between five and six thousand of them, and all their bag and baggage, with the loss of but two hundred on our side. That it was reported *Sarsfield* was mortally wounded; and that General *Ginkel* was brought to *Dublin* on *Saturday* night in a coach sorely wounded. This is the substance of the letters. There were other

particulars, which I have omitted, because this account coming but after an odd manner, we must wait for a confirmation of it from a better hand.'

Whitehall, *March* 10, 1690-1.

'I have nothing to trouble you with this post, but to refer you to yesterday's *Gazette*, which you will receive from Mr *Le Pin*; wherein you will find an account of a late engagement, with a defeat of the rebels in *Ireland*, which, though small in itself, yet will undoubtedly in its consequences prove very considerable, it being just upon the opening of the campaign, and a fresh instance of their not daring to stand against an *English* force, though never so small. But to let you see, how little reason there is to apprehend any great danger from such an enemy, I cannot but take notice to you of a passage omitted in the *Gazette*, which is, that they had placed their passadoes inwards; so that instead of hindering us from falling on them, they were a security to us from their breaking in upon our men. But I doubt not you will easily look upon this as an act of supererogation or *Irish* understanding. In fine, that *Sarsfield*, this mighty hero, is highly dissatisfied; and that there are great factions and discontents amongst them upon the account of the *French*, and the great necessities and distresses they labour under, we have all the reason in the world to believe, from the frequent accounts we have from deserters and prisoners daily taken from them.'

Whitehall, *March* 13, 1690-1.

'This day came in letters from *Dublin* of the 7th instant, which say, that Brigadier *Stuart* from his quarters near *Ballarbat* went out lately with a party of about seven hundred men towards *James* town, seventeen miles into the enemy's quarters, upon notice, that two regiments of the rebels were incamped

1691. Their opinion having prevailed, the detachment drawn out the day before was ordered still to be in readiness, and the General gave command that they should be brought down by six, the usual hour of relieving the guards, that the enemy might not suspect the design; which indeed they did not. All things being ready, the conjuncture favourable, and the signal given, Captain Sandys and two Lieutenants led the first party of sixty Grenadiers, all in armour, and twenty abreast, seconded by another strong detachment of Grenadiers, (which were to be supported by six battalions of foot) and with an unparalleled resolution took the ford, that was a little to the left of the bridge, against a battalion of the enemies, the stream being very rapid, and the passage very difficult by reason of some great stones, that were in the river. At the same time the English great and small shot began to play from their batteries and works upon those of the enemy on the other side, who fired as thick as possibly they could upon those who passed the river. But at length these, by an incredible effort of bravery, forced their way through the enemy's bullets, fire and smoke, and having gained the opposite bank, the rest laid planks over the broken part of the bridge, while the others were preparing the pontoons. By this means the English passed over so fast, that in less than half an hour they were masters of the town, and possessed themselves of the works, that remained entire towards the enemy's camp; the Irish being so amazed at the suddenness of the attack, and resolution of the English, that they quickly abandoned the place, and fled to the army, though not without considerable loss. The besiegers had not above fifty men killed in this memorable action, which Mackay and Tetsau,

Athlone
taken.

and la Millioniere conducted with great vigour, 1691. and to the good success whereof Talmash, who went with the Grenadiers as volunteer, the Duke of Wirtemberg, Count Nassau, and Brigadier Bellesis, greatly contributed by their courage and presence of mind. It would be difficult to shew in history so brave an enterprize, in which a fortified town was attacked across a river by only three thousand men, in the face of the enemy's army, that were masters of all the fords by the intrenchments, which they had cast before them. And therefore it was but just, that General Ginkel should entail on his family the honour of this achievement by the title, which was afterwards bestowed on him, of Earl of Athlone.

St Ruth, who commanded the French auxiliaries and the Irish army, did not upon this occasion, act suitable to the reputation, which he had formerly acquired. The English were no sooner entered the river, but an express was sent to him from the town, to which he only made this answer, 'That it was impossible for the English to pretend to take a town, and he near with an army to succour it; adding, That he would give a thousand pistoles they durst attempt it.' Sarsfield replied, 'That he knew the enterprize was not too difficult for English courage to attempt;' and therefore pressed St Ruth to send speedy succours to the town; which that General refusing to do; and still turning the undertaking to a jest, some warm expressions passed between him and Sarsfield, which bred a jealousy amongst them, that proved of fatal consequence not long after. St Ruth being soon convinced, that the English were in actual possession of the place, ordered several detachments to drive them out again; but then he was sensible of a former oversight, in not level-

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'camped there with fifteen hundred rapparees, and a very great prey of cattle; and had it not been for one of the protected Irish, who gave notice to early of our motion, that Colonel Clifford had time enough to join two other regiments, one of horse, and another of dragoons, to their party, we had so surprized them, as in all probability had given them there a greater defeat than the other we lately did near Athlone, whereof the last Gazette gave you an account, and taken their cattle too. But the enemy, though above four times our number, flying before our men, as they came near them, little execution was done, our party killing only nine or ten of the enemy in their flight, without any loss on our side: That the Lord Justice Coningsby, who has been very ill of a fever, is now upon his recovery: That the Irish give no alarms, nor seem to be in a posture to do it: That a cornet and eight troopers, deserters, who came over from the rebels the day these letters bear date, report the confirmation was so great at Athlone, that they shut the gates upon them, and left all to our mercy, and many of them perished: That, pursuant to the King's orders, the regiment of Derry foot commanded by Colonel White, Colonel Russell's regiment of horse, six troops of Colonel Worsley's regiment of horse, and four troops of the Earl of Oxford's regiment, are forthwith to be broke.'

Whitehall, 20. March 1690-1.

'Our last letters from Dublin are of the 15th instant, which bring no account of any particular action in those parts, but in general, that several Protestants, and men of very good sense, who made their escape lately from Limerick, do report there are great discontents in that place: that the small sum of money, that the Lord Tyrconnel brought

'over with him from France, is applied to not other use than the works, and given to deserters from us; of which sort there are not any horse or English, but of the Danish foot above two hundred are lately gone over thither, though they refuse to take service with the Irish, and are therefore to be transported to their own country: That the garrison of Limerick has already begun to open the magazines of the last season, the old being all spent: That they have no expectation of men from France, nor are they making any preparations for taking the field: That Sarsfield and Tyrconnel do by no means agree together, the latter having sent several times for Sarsfield to Limerick before he would go: That three Danish deserters going towards the enemy were met by four deserters coming from them; and the three being taken prisoners, and brought back to their quarters, were immediately executed: And, lastly, that one Daily, a judge in the late King James's time, and others, have been secured upon suspicion of deligning to betray Galway into the English hands.'

Whitehall, 27. March, 1691.

'We have had letters this morning of the 23d from Dublin, which say, that upon examination of the murder of Colonel Parker's men, though they had light enough to be verily persuaded, that all the protected Papists, who live near the place, where it was committed, were privy to the fact, or at least well pleased with it, and that the whole kingdom over they are ready to do the like at the instigation of their priests that insensibly endeavour to weaken us; yet they had been only able to fix this murder upon one man, who was hanged, and at his execution owned, that he had buried them, but would not discover

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1691. ling those fortifications of *Athlone*, that were next his camp; for now the *English* used the enemies works against themselves, so that they thought it advisable to decamp that very night.

General *Ginckle* having continued at *Athlone* till he had put it into a posture of defence, marched on with his army, and encamped along the river *Suck* upon *Roscommon* side, which was a very good pass, and which if the *Irish* had secured, they would have given the *English* a great deal of trouble. But they possessed themselves of a far more advantageous post, for they lay on other side of *Aghrim* castle, three miles beyond *Ballinasloe*, and were extended from the Church of *Kilcommadon*, on their right, to a Church called *Gourtnapori*, about two miles in length. On their left run a rivulet, having steep hills and little bogs on each side; next to which was a large red bog almost a mile over, in the end of which stood the castle of *Aghrim*, commanding the way that led to their camp, passable for horse no where but just at the castle, by reason of a small river, which running thro' a moist ground made the whole a morass. This morass extended itself along to the right, where there was another pass at *Urachree*, having a rising ground on either side of it; and the *Irish* camp lay along the ridge of an hill, on the side of which stood two *Danish* forts about half a mile's distance from the bog below, and this cut into many small inclosures, which the *Irish* lined very thick with musketeers, and managed a communication between them. General *Ginckle* having viewed the enemy's camp, found it very difficult of access; but considering, that he was now advanced so far, that he must either fight his way through, or retreat with loss and disgrace, ordered the army to march the next day towards the enemy. *St Ruth* supposing by the countenance of the *English*, that they were resolved to attack him, made a solemn speech to the *Irish*, in which he told them, 'How successful he had been in suppressing heresy in France, and bringing over a vast number of deluded souls into the bosom of the Mother-Church; That for this reason his master had made choice of him before others, to establish the Church in *Ireland* on such a foundation, that it should not henceforward be in the power of hell or heretics to disturb it; and that all good *Roman* Catholics depended on their courage to see these glorious things effected. He confessed, that matters did not entirely answer his expectation since he came among them; but that still all might be re-

covered. That he was informed, the Prince of *Orange's* heretical army was resolved to give them battle. That now or never was the time for them to recover their lost honours, privileges, and estates of their ancestors. That they ought now to remember, they were no mercenary soldiers; their all being at stake, and their design to restore a pious King to his throne, to propagate the holy faith, and extirpate heresy. And lastly, to animate their courage, he assured them of King *James's* love and gratitude, of *Lewis the Great's* protection, of himself to lead them on, of the Church to pray for them, and of saints and angels to carry their souls into heaven.' He closed his speech with a strict order, 'to give quarter to none, especially not to spare any of the *French* heretics in the Prince of *Orange's* army (1).' He took likewise the most effectual way possible to infuse courage into the *Irish*, by sending their Priests about among them, to animate them by all the methods they could think of; and, as the most powerful of all, they made them swear on the sacrament, that they would never forsake their colours.

On Sunday the 12th of July the *English* army early in the morning prepared to advance towards the enemy; but the weather proving foggy, they moved not till about twelve a clock, which was then done in as good order as the ground would permit. The general at the same time having viewed the posture of the *Irish*, and seeing the necessity of making himself master of the pass of *Urachree*, sent a *Danish* Captain with some horse to force it; but they not succeeding, he ordered two hundred of *Cunningham's* dragoons to march to certain ditches nigh the ford, to keep the enemy from coming over, and in the mean time the *English* army marched forward. By this time it was two of the clock, and the general finding it necessary to gain that ford, and the other ways, that led to the right of the *Irish* camp, as the most proper means of attacking them, commanded *Cunningham's* dragoons at the ditch to advance towards a party of the enemy posted on the other side; who upon their approach, with another party that sustained them, all retired behind a hill nearer the camp, where was posted a greater body. All these parties being still reinforced by others, obliged the *English* dragoons to retreat; whereupon General *Ginckle* ordered *Eppinger's* dragoons to get between those bodies and the enemy's camp. This motion was presently

1691.

The battle of Aghrim.
Story.
Boyer.

any of his accomplices; and on the 22d at night the Lords Justices were informed, that a considerable number of *Irish* designed to meet within two miles of *Dublin*, in order to some daring resolution for the rescue of their friends, who to the number of above eighty were prisoners there on that account; upon which a strong party was sent out to look after them, but they came back the next morning without meeting any such number of Papists, as was mentioned in the information. The carriage of the protected Papists, who on all occasions shew their implacable hatred to the *English*, and contribute all they can to their disturbance, will at last force the government to have recourse to greater severities than have yet been made use of. These letters say likewise, that the *French* were sending over some forces to make an attempt upon *Cork* and *King'sale*; but it No. 12. Vol. III.

deserves no credit, though this, I think, is taken for granted, that the *French* design thither another convey of provisions.

Whitehall, April 3. 1691.

While I am writing this, I come two packets from *Dublin* with letters of the 28th and 30th past, but without one word of news, except only the daily advantages the militia of that kingdom have over the *Rapparees*, and the progress that has been made into the discovery of the persons concerned in the murder of Colonel *Faulkes's* soldiers, which is little more than what the *Gazette* has already given you an account of.

(1) This speech was found afterwards amongst the papers of his Secretary, who was killed in the field. *Story's Continuation of the wars in Ireland*, p. 123.

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1691, sently discovered by the enemy, who had the advantage in pouring in so many men upon the *English*, that they would still have been too hard for the dragoons, had they not been seconded by the Earl of *Portland's* horse, who behaved themselves here with great bravery. What was at first only a skirmish, had by this time engaged a considerable body on both sides; yet the enemy retiring in some time brought the generals together to deliberate, whether it were not best to defer the battle till next morning. Which was agreed on so far, that their tents were ordered to be sent for. But when they perceived the enemy to be in some disorder by what had already happened, it was resolved not to delay the attack, lest the enemy should march off in the night, and so afford no more opportunities for a decisive action. Wherefore by the advice of *Mackay* it was agreed to begin the fight on the enemy's right, thereby proposing to draw part of their strength from *Agbrim* castle, near to which their main body was posted, that so the right wing of the *English* might have the easier passage over to attack their left; and then the whole *English* army might have the opportunity to engage, which was otherwise impossible. This advice had it's desired success. About half an hour after four in the afternoon, a party of the *English* left wing moved towards the enemy, and by five the battle began. The ditches were strongly guarded by *Irish* musketeers, and their horse advantageously posted to sustain them. And here the *Irish* behaved themselves with undaunted courage, defending their posts with unparalleled obstinacy; nor would they stir from one side, till the *English* put their pieces over at the other; and then having lines of communication from one ditch to another, they would presently post themselves, and flank the *English*, which occasioned great firing on both sides, and continued on the left almost an hour and a half, before the centre and the right wing of the army began to engage. In the mean time the *English* main army advanced, and *Mackay* and the rest observing several bodies of the enemy's horse and foot draw off from the left, and move towards their right, where the *English* pressed them very hard, they laid hold of that advantage, and ordered the foot to march over the bog, which fronted the enemy's main battle. The regiments of *Earle*, *Herbert*, *Creighton*, and *Brewer*, going over the narrowest place, where the hedges on the enemy's side ran farthest into the bog, they had orders to march to the lowest of the ditches adjoining to the side of the bog, and there to post themselves, till the horse could come about by *Agbrim* castle, and sustain them, and till the other foot had marched over the other bog below, where it was broader, and supported by *Foulke's* and *Stewart's* regiments. According to these orders, *Earle's* and the other three regiments advanced over the bog, most of them passing up to the middle in mud and water; and upon their near approach to the ditches, received the enemy's fire. But that did not hinder them from marching to the lowest hedge, and to drive the *Irish* from thence, and soon from hedge to hedge, till they were got very near their main body. On the other hand, the *Irish* had so well ordered the matter, that they had made an easy passage for their horse among all those hedges and ditches, by which means

they poured in great numbers, both of horse and foot, upon the *English*; which Colonel *Earle* observing, animated his men, by telling them, that now their safety lay wholly in their courage. However, being now both flanked and fronted, and exposed besides to all the enemy's fire from the adjacent hedges, the *English* were forced to quit their ground, and retreat to the bog again with considerable loss; and among others the Colonels *Earle* and *Herbert* were taken prisoners; *Earle* after being twice taken and retaken got free at last; but *Herbert*, was barbarously murdered after quarter given by the *Irish*, when they saw he was like to be rescued.

While these things passed on this side, Colonel *St John's*, Colonel *Tiffin's*, the Lord *George Hamilton's*, the French Protestants in the *English* service, and several other regiments, were marching over below the bog, while the *Irish* lay so close in their ditches, that several were doubtful, whether they had any men at that place or no. But no sooner were the French refugees and the rest got within twenty yards of the ditches, but the enemy fired most furiously upon them, which the other sustained with intrepidity, still pressing forwards, though they could scarce see one another for smoke, which the wind blew towards them. The battle seemed doubtful for some time, but now there was reason to believe, that victory was leaning on the side of the *Irish*; for they had driven the foot in the centre so far back, that they were almost got into a line, with the great guns, planted near the bog, of which the *English* had no benefit in that conjuncture, because the *Irish* were intermixed with their own men.

While the infantry was thus engaged, *Ruvigny's* regiment of French horse, which had formerly been the duke of *Schomberg's*, and Sir *John Lanier's*, being both posted on the right, *Lanier's* was afterwards drawn to the left, where they did very great service; and the right wing of the *English* horse were in the mean time making the best of their way to succour the foot, being sensible of their extreme danger, and that all lay at stake. The cavalry, besides the showers of bullets from a body of the enemy's dragoons and foot, that were conveniently posted under a covert place, was likewise obliged to press and tumble over a very dangerous pass; but having bravely surmounted all these difficulties, they lodged themselves at last in a dry ditch, in the hottest of the enemy's fire from *Agbrim* castle, and some old walls and hedges adjoining.

The *English* foot all this while laboured under very great disadvantage in the centre; which *Talmash* observing hastened to their relief with some fresh men, and gave orders to the broken regiments to halt and face about; which they immediately obeyed, and bravely charged the *Irish*, who had advanced upon them to the center of the bog, killed above three hundred of them, before they could retreat out of it, and then marched boldly up to their old ground again, from whence they had been so lately beaten. At the same time *Mackay* had fallen upon the enemy with a good body of horse on their left; and among the rest a French regiment of horse had forced a regiment of *Irish* dragoons from an advantageous post, and put to flight *Tyrconnel's* horse. Whereupon *Ruvigny*, at the head of the Earl of *Oxford's* regiment of horse, supported

Story.

1690. ported by his own, went along the side of the bog, and bore down all before him. And now the horse and foot of the *English* right and the *Irish* left being mixed, there was nothing but a continued fire, and a very hot dispute all along the line, the *Irish* with great resolution endeavouring to maintain their ditches, and the *English* with no less bravery to beat them from thence. However, the fight was not much longer doubtful; for though *St Ruth*, when he saw the *English* foot in the centre repulsed, in a bravado told those about him, that he would now beat the *English* army to the gates of *Dublin*, yet seeing, with great surprize, the regiments of *Oxford*, *Ruvigny*, *Langston*, and *Bierly*; together with *Levison's* dragoons; pressing over towards the cattle, he ordered a Brigade of his own horse from the right wing to march up to the left; then riding to one of his batteries, and giving orders to the gunners where to fire, and afterwards leading on some horse towards the place, where he saw the *English* endeavour to go over, he was killed by a cannon-ball, as he rode down the hill of *Kilcommadon*, the place where the main streſs of the battle was fought, being just under the *English* camp. His fall put his troops to a stand, and his guards drawing off with his corps, many of the rest drew off also; *Sarsfield*, who should have commanded them, (and who since the affair of *Ablone*, was upon the reserve with *St Ruth*) not knowing the order of battle. The *English* observing their disorder, pressed boldly on, and in a short time drove the enemy to the top of *Kilcommadon* hill, where their camp had lain; whereupon they began to commit their safety to flight, the foot running full speed towards a great bog behind them on their left, and the horse on the high-way towards *Loughbreagh*.

St Ruth
killed.

While this was doing in the right wing and centre, those who first engaged towards the left, bravely maintained their ground; and though the *Irish* once or twice made themselves masters of the *chevaux de frise*, that covered the *French* foot, yet the *French* resolutely regained them. However, little happened on that side for near two hours; neither did the *Danish* horse and foot, that were on the left of all, disturb the enemy as yet, but kept in awe several bodies of horse and foot, that faced them on the other side of the rivulet. But then perceiving *Mackay's* battalions in the centre to drive the enemy before them, left those bodies, that faced them, should fall back to the relief of the flying party, they engaged them very briskly, and were at first received with great resolution; but the *Irish* being upon the decline, they all fled out of the field, their foot being miserably slaughtered by the *English* horse and dragoons, and their horse pursued nigh three miles. The night coming on with a thick misty rain, prevented the *English* from getting between them and a very advantageous pass near *Loughbreagh*, which gave many of them an opportunity to escape. However it was computed, that there was no less than seven thousand of the *Irish* slain upon the spot, and of the *English* six hundred killed, and nine hundred and sixty wounded, which still makes this victory the more considerable, since the *English* army did not make up above eighteen thousand effective men; whereas the *Irish* were composed of twenty thousand foot and five thousand

horse and dragoons. As for the honour of this great day, General *Ginckle* himself confessed, that it was principally owing to the conduct and bravery of Monsieur *Ruvigny*, and to the *Oxford* and the *French* regiments of horse.

The *English* lay upon their arms all night, and then after a few days refreshment, the General marched to *Galloway*, the most considerable place now left in the hands of the *Irish* next to *Limerick*; and having posted his forces before it, he sent a summons to the garrison. The Lord *Dillon*, the Governor, made answer, that Monsieur *D'Usson*, who commanded in chief, as well as himself, and the rest of the officers, were resolved to defend the place to the last. But notwithstanding this resolution, the *English* had no sooner marched part of the army over the river, and taken the fort, which the *Irish* were building, but the enemy beat a parley, and hostages were immediately exchanged. The *Irish* demurring upon the manner of surrendering, the General grew impatient, and sent once or twice to them to come to a speedy conclusion. At last Lieutenant Colonel *Bourke*, one of the *Irish* hostages, was permitted to go in, to whom *Talmash*, being as was believed inclined to lay the treaty aside, and take the town by storm, said, "When they were ready to begin a gain, give us a sign by firing a gun into the air." But the other replied, "that they would not fire a gun from within till they were provoked from without." After some time the articles were agreed on, and the town delivered into the hands of the *English*. The consequence of which was the submission of *Balderick O Donnel*, with a considerable number of men under his command; and not long after the marching of the *English* army towards *Limerick*, which was the only place, that stood out, and where *Tyrconnel* died on the 14th of *August*. He had, with a particular view, studied to divert the *French* from sending over soldiers to *Ireland*, designing, in case of new misfortunes, to treat with King *William*, and to preserve himself and his friends; and now he began to dispose the *Irish* to think of treating, since they saw, that otherwise their ruin was inevitable. But as soon as this was suspected, all the military men, who resolved to give themselves intirely up to the *French* interest, combined against him, and blasted him as a feeble and false man, who was not to be trusted. This was carried so far, that, to avoid affronts, he was advised to leave the army. He staid therefore all this summer at *Limerick*, where he died of grief, as was believed; but before he died, he advised all that came to him, not to let things go to extremities, but to accept of such terms as could be got. And his words seemed to weigh more after his death, than in his life-time; for the *Irish* began generally to say, that they must take care of themselves, and not be made sacrifices to serve the ends of the *French*.

Galloway
summoned.
Story.

And surrenders.
Jul. 20.

Death of
Tyrconnel.
Burnet.

On the 25th of *August* the *English* army reached *Limerick*, and the same day made themselves masters of *Iraton's* and *Cromwell's* forts, which were now ordered to be called *Mackay's* and *Nassau's*, because gained under those commanders. Two days after *Castle Connell* and *Castle Carrick a Gunnell* standing upon the *Shannon* three miles below the town, were attacked, and the garrisons of both made prisoners of war. And at the same time some *English* ships coming up the

Limerick
besieged.
Story.

1691. the river fired some shot among the *Irish* horse, that were incamped near the banks; which very much surpris'd the enemy, who till then were made to believe, that either the *English* had no ships there, or else that those, which they had, would quickly be destroyed by the *French* fleet, which they hourly expected. But though the siege was vigorously carried on, and that in the mean time the *Irish* abandoned several small places in the country, and brigadier *Levison* routed many of their parties in the county of *Kerry*; though the bombs did very great execution upon their camp, and within the town, yet on the 17th of *September* it was warmly debated in a council of war, whether they should prosecute the siege, or march over the river to destroy all the enemy's forage in the county of *Clare*, and then turn the siege into a blockade. And it was so far carried for the latter, that an engineer was ordered to go with a detachment towards *Kilmulock*, and fortify that place. But before he got out of the camp, he was countermanded, and a great many palliades were brought into *Mackay's* fort, as if the army intended to winter there. On the 19th it was resolv'd to pass the river with a great party, either to press the siege on that side, or at least to burn the enemy's forage. The same day a battery was rais'd between *Ireton's* fort and the old church, to flank the *Irish*, in case of a sally from *St John's* gate; four mortars were brought from the great battery to *Mackay's* fort; that place being judg'd the fittest for bombarding, since the whole town lay in a line from thence; and orders were given, in case of an alarm from the *Irish* troops without, that every regiment should stand to their posts assign'd them for that purpose. On the 22d General *Ginckle*, who was indefatigable in his business, pass'd the *Shannon* over a bridge of boats, with strong detachments of horse and dragoons, ten battalions of foot, and fourteen pieces of cannon, leaving *Wirtemberg*, *Mackay* and *Talmash* to command on this side; and all that morning the enemy continually fired upon them from several batteries, but without any great harm. In the afternoon a party of Colonel *Matthews's* dragoons was vigorously attacked by a stronger detachment of the enemy, till the *English* foot coming up, the *Irish* retreated under their cannon. Then all the *English* grenadiers, sustained by four regiments of foot, were commanded to assault the works, that cover'd *Thomond* bridge, being one fort to the right, above a musket shot from the bridge, and another to the left somewhat nearer, besides several other fortifications, wherein the enemy had posted above two hundred men. The dispute was hot and obstinate for a while, and the attack extremely hazardous, the besieged ply-

ing the assailants with their cannon from the King's castle, and two or three more batteries, with some small shot from the wall. However, the *Irish* being undauntedly press'd upon by the grenadiers, they abandoned their posts. Upon which a strong detachment was sent from the town to support them; but the *English* went on with that courage and firmness, that they beat the enemy notwithstanding this reinforcement, and pursued them over the bridge to the town. A *French* Major, who command'd at *Thomond-gate*, fearing the *English* would enter the town with the runaways, order'd the bridge to be drawn up, and left the whole party expos'd to the fury of their pursuers, who killed six hundred of them, and made above one hundred and sixty prisoners, besides a great number that were push'd into the *Shannon* (1).

Upon this the *English* lodg'd themselves within ten yards of the bridge, notwithstanding a high tower, that stood near the end of the bridge next to them; and the *Irish* finding now all communication cut off between them and their horse, and despairing of the *French* succours, began to think of giving up the town. For soon after the action Colonel *Waclop* looking out of a tower, call'd to *Scravenmore*, and desired leave to come and speak with him, which was readily granted. After some discourse, he desired the same liberty for *Sarsfield* to speak with *Ruvigny*; which was likewise allow'd him, and accordingly both discours'd about terms for the surrender of the place, and towards evening they return'd into the town. The next day *Sarsfield* and *Waclop* came out again, and desired a cessation of arms for three days, till they could send to Lieutenant-General *Sheldon*, who lay with about fifteen hundred horse at *Six-Miles-Bridge*, in order that they might be included in the general capitulation, which was granted them; and the prisoners in the town were released. On the 26th *Sarsfield* and *Waclop* dined with the General; and it being then agreed, that hostages should be exchanged in order to a farther treaty, the Lord *Cutts*, Sir *David Collier*, Colonel *Tiffin*, and Colonel *Piper*, were sent into the town, in the room of the Lords *Westmeath*, *Evagh*, *Timelstown*, and *Louth*, who remained in the *English* camp. The next day the *Irish* sent out their proposals, but in such extravagant terms, that General *Ginckle* was so far from granting them, that he return'd answer, 'That though he was a stranger to the laws of *England*, yet he understood, that what they insisted upon was so far contradictory to them, that he could not grant any such thing;' and so order'd a new battery to be rais'd; but upon the request of the *Irish* he sent them twelve articles, which prov'd to be the sum of the capitulation. The *Irish*, it seems, were set on by the

(1) Among the prisoners was Colonel *James Skelton*, (who died of his wounds,) in whose pockets were found a paper with a spear's head or wound drawn upon it, and these words round it. 'This is the measure of the wounds of the side of our Saviour Jesus Christ, which was brought from *Constantinople* to the Emperor *Charmaine* in a Coffin of gould, and is a most precious relique, to the end that he or she that carried the same about him, no fire nor water, nor wind, tempest, knaife, lance or sword, nor the devil cannot hurt him; and the woman with child

the day thee seeth the same measure, shall not dye a sudden death, but shall be delivered by——and if any man carrie the same about him with good devotion, shall have the honor and victory of his enemy, the day that any doth read the same, or heard it read, shall not die an evil death. Amen.' This was suppos'd to be the hand-writing of some ignorant *Irish* Priest, and kept possibly by the Colonel out of devotion. *Storcy's Continuation of the wars in Ireland*, p. 225.

1691. the *French* to insist on very high demands, in hopes they would be rejected. But the King had given *Ginckel* secret directions, that he should grant all the demands they could make that would put an end to that war. This was the reason that the articles he sent them were so favourable, that a capitulation was soon agreed upon to the great disappointment of the *French*, and the no small grief of some *English*, who hoped this war should have ended in the total ruin of the *Irish* interest. On the 1st of *October* the Lords Justices of *Ireland* arrived in the *English* camp; and after some farther conferences with the commissioners on the part of the garrison, and their troops in the county of *Clare*, the articles for the surrender of the city of *Limerick*, and the castles of *Ross* and *Clare*, with all other places and castles, that were still in the hands of the *Irish*, were on the 3d of that month finally concluded. The *Irish* were all indemnified and restored to all they had enjoyed in King *Charles's* time. They were also admitted to all the privileges of subjects upon their taking the oaths of allegiance, without being bound to take the oath of supremacy. Not only the *French*, but as many of the *Irish* as had a mind to go over to *France*, had free liberty and a safe transportation. But *Ginckel* receiving a letter from a Lieutenant-Colonel in the *Irish* army, wherein he complained, that he was confined for refusing to go into *France*, he resented that violence to that degree, that he immediately ordered four guns to be planted upon *Bolls-bridge*, saying in some heat, 'that he would teach the *Irish* to play tricks with him.' Upon this *Sarsfield* came to the *English* camp, and some sharp expressions passed between him and the General, *Sarsfield* saying at last, 'that he was in the General's power.' 'Not so replied *Ginckel*, but you shall go in again, and do the worst you can.' However, the affair was at last composed, and the prisoners enlarged; and as many of the *Irish* as were willing to go, were shipped off for *France*, to the number of about twelve thousand, where, upon their arrival, they were welcomed by a letter from King *James*, directed to General *Sheldon*, then the officer in chief with them, the substance of which was; 'That having been informed of the necessities, which forced the Lords Justices, and the general officers of his forces, to surrender *Limerick*, and the other places, that remained to him in the kingdom of *Ireland*, he would not defer to let him know, and the rest of the officers, that came along with him, that he was extremely satisfied with his and their conduct, and of the valour of his soldiers, but most particularly of his and their declaration and resolution to come and serve where he was; assuring both him and the other officers and soldiers, that he should never forget this act of loyalty, nor fail, when in a capacity, to give them, above others, particular marks of his favour. In the mean time he charged *Sheldon* to inform them, that they were to serve under his Majesty's command, and by his commissions; and that his brother, the King of *France*, had already given orders to cloath them, and furnish them with all necessaries, and to give them quarters of refreshment.'

Thus ended the *Irish* war by the surrender of *Limerick*, to the great reputation of General

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Ginckel, and with so much the more glory to the *English*, as the *Irish* were so powerfully supported by the King of *France*. And it is worth observation, that a fleet of men of war and store-ships, which the *French* King had sent to the relief of *Limerick*, arrived in *Dingle-Bay* but a day or two after the articles were signed. These articles were punctually executed; and some doubts, that arose out of some ambiguous words, were explained in favour of the *Irish*; so earnestly desirous was the King to have all matters composed at home, that he might direct his whole force against the enemy abroad. The *English* in *Ireland*, though none could suffer more by the continuence of the war than they did, yet were uneasy, when they saw that the *Irish* had obtained such good conditions; and some of the more violent among them, who were most exasperated with the wrongs, which had been done them, began to call in question the legality of some of the articles. But the Parliament of *England* did not think fit to enter upon that discussion; nor made they any motion towards violating the capitulation.

General *Ginckel* came over to *England* full of honour after so glorious a campaign. The Parliament was so sensible of what he had done for the interest of the nation, that the House of Commons ordered Lord *Castleton*, Sir *Henry Godrick*, and five other members, to thank him and his officers for their great services in the reduction of *Ireland*. To which the Baron replied, 'I acknowledge this distinguishing honour done me by the House of Commons, and value it above a triumph. The success of their Majesties arms in *Ireland*, was owing chiefly to the valour of the *English*, and I will take care to communicate the vote of the House to the officers that served in *Ireland*, and always endeavour the prosperity of their Majesties and their government.' He was soon after made Earl of *Athlone* and Baron of *Aghrim*, and to support his honours had a grant of lands in *Ireland*, of twenty-six thousand four hundred and eighty acres, which was confirmed to him by the *Irish* Parliament, but which however we shall see hereafter put into the report of the commissioners for the *Irish* forfeitures. The city of *London* invited the new Earl, with the Duke of *Wirttemberg*, the Generals *Scravenmore*, *Lanier*, *Talmash*, and *Ruvigny*, with most of the field officers then in town, to dine with the Lord Mayor Sir *Thomas Stamp*, and entertained them with equal respect and magnificence. After all, it must be owned, that without detracting from *Ginckel*, a large share of all that was done, was due to some of the general officers, in particular to *Ruvigny* (who was afterwards made Earl of *Galloway*) to *Mackay* and *Talmash*.

With regard to the affairs of *Scotland*, they were now brought to some temper. Many of the Lords; who had been concerned in the late plot, came up, and confessed and discovered all, and took out their pardons. They endeavoured to excuse themselves, by alledging, that they had apprehended themselves to be exposed to ruin; and that they dreaded the tyranny of Presbytery no less than they did Popery; and they promised, that if the King would so balance matters, that the Lord *Melvil*, and his party, should not have it in their power to ruin them and their friends, and in particular, that they should not turn out the ministers of the episcop-

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Barnet.

thanked by the Commons. Jan. 4.

and made Earl of Athlone. Feb. 20.

Affairs of Scotland. Barnet.

1691. pal persuasion, who were yet in office, nor force Presbyterians on them, they would engage in the King's interests faithfully and with zeal. They likewise undertook to quiet the *Highlanders*, who stood out still, and were robbing the country in parties; and engaged to the King, that if the Episcopal Clergy could be assured of his protection, they would all acknowledge and serve him. They did not desire, that the King should make any step towards the changing the government, that was settled in *Scotland*; but only requested, that episcopal ministers might continue to serve in those places, which liked them best; and that no man should be brought into trouble for his opinion, as to the government of the Church; and that such episcopal men, as were willing to mix with the Presbyterians in their judicatories, should be admitted, without any severe imposition in point of opinion. This looked so fair, and agreed so well with the King's own sense of things, that he very easily hearkened to it; though it afterwards appeared, that all this was an artifice of the Jacobites to engage the King to disgust the Presbyterians, by losing whom, or at least rendering them remiss in his service, they reckoned they should soon be masters of that kingdom. For that party resolved now to come in generally to take the oaths; but, in order to that, they sent one to king *James*, to shew the necessity of it, and the service, which they intended by it, and therefore asked his leave to take them. That King's answer was more honest; he said, that he could not consent to that, which he thought unlawful; but if any of them took the oaths on design to serve him, and continued to advance his interests, it should never be remembered against them.

The younger *Dalrymple* was now made Secretary of State in conjunction with the Lord *Melville*; and he undertook to bring in most of the Jacobites into the King's service; but they entered at the same time into a close correspondence with *St Germain's*. The truth was, that the Presbyterians, by their violence, and other absurd practices, were rendering themselves both odious and contemptible. They had formed a general assembly in the end of the former year, in which they very much exposed themselves by the weakness and peevishness of their conduct. Little learning or prudence appeared among them; poor preaching, and wretched haranguing partialities to one another, and violence and injustice to those, who differed from them, appeared in all their meetings. And these so much sunk their reputation, that they were weaning the nation most effectually from all fondness to their government. But the falshood of many, who, under a pretence of moderating matters, were really undermining the King's government, helped in the sequel to preserve the Presbyterians, as much as their own conduct did now alienate the King from them.

*Affairs at
sea.
Boyer.
Burnet.*

The events at sea were not very considerable. For the fleets being now of almost equal strength

on both sides, the *French* as cautiously avoided a general engagement, as they eagerly sought it the year before. Their design was to intercept the *English* *Turkey* fleet, which was exceedingly rich; for which purpose they hovered a long time about the *Irish* coast; and had failed from before *King'sale*, but a few days when the *Smyrna* fleet came all safe into that harbour under a convoy of fourteen men of war, commanded by Captain *Aylmer*, having been held back seven weeks by contrary winds in their passage from *Cadix*. The *English* grand fleet all this while kept another course, for want of intelligence. But as soon as Admiral *Russel* was informed, that the *Smyrna* fleet was got into *King'sale*, he steered thither from *Cape Clear*, and afterwards took all imaginable care, that they might be safely conveyed into their respective ports; and then stood over to *Ushant* in quest of the enemy, whom he understood, to be returned that way to their own coasts. The *French* had orders to avoid an engagement. And though for the space of two months *Russel* did all he could to come up with them, yet they still kept at a distance, and failed off in the night. The season being over for action, *Russel* came into *Plymouth* in a storm, which was much censured, for that road is not safe, and the *Coronation* a second rate, and the *Warwick* a third rate, were lost upon the occasion. Great factions were among the Flag-officers, and no other service was done by this great equipment, but that our trade was maintained.

Let us now return to the King, whom we left at the *Hague*. His Majesty being gone to *Loos*, dispatched into *Flanders* Count *Solmes* and the Earl of *Mariborough*, to prepare all things against his arrival there. Some few days after, the King put himself at the head of the confederate army, whither he was followed by the Duke of *Ormond*, the Marquis of *Winchester*, and the Earl of *Essex*. The *French* had taken the field earlier than the confederates. Prince *Waldeck* had not got above eighteen thousand men together, when *Luxemburg* with an army of forty thousand men was marching to surprise *Brussels*; and at the same time the Marquis de *Boufflers*, with another army, came up to *Leige*. Prince *Waldeck* posted his army so well, that *Luxemburg*, believing it stronger than indeed it was, did not attempt to break through; in which it was thought he might have succeeded. The king hastened the rest of the troops, and came himself to the army in good time, not only to cover *Brussels*, but to send a detachment to the relief of *Liege*, which had been bombarded for two days. A body of *Germans*, as well as that which the King sent to them, came in time to support those of *Liege*, who were beginning to think of capitulating. *Boufflers* therefore drew off, and the *French* kept themselves so close in their posts all the rest of the campaign, that though the King made many motions to try, if it was possible, to bring them to a battle, yet he could not do it (1). Having therefore blown up the fortifications of

Sept. 3.

Campaign
in Flanders.
Burnet.
Boyer.
Kennet.

Beaumont,

(1) As the proceedings of this campaign might perhaps be censured by those, who did not consider the reason and circumstances of things, it will be proper to subjoin here a vindication of his Majesty's conduct in it, from an original letter of Mr *John Pulteney*, Under

Secretary to the Lord *Sidney*, written to Sir *William Dutton* Esq, Envoy extraordinary at *Hanover*, and dated at the camp at *St Gerard* the 27th of August 1691, N. S. 'It is plain, says he, that the French King finding our King intended to put himself

1691. *Beaumont*, a place which he had made himself master of, marched the army towards *Aeth*, from whence he departed the 7th of September for *Loo*, leaving the forces under the command of Prince *Waldeck*. The same day the confederate army marched from *Irknovel* to *Leuze*, and decamped again on the 9th in the morning, advancing towards *Cambren*; and about eleven o'clock the whole right wing, with the body of foot, and the greatest part of the horse of the left wing, had passed the little river and defile near *Catoire*. *Luxemburg* being informed of this motion, and encouraged by King *William's* absence, advanced at the same time with the troops of the *French King's* household, and a strong detachment of his cavalry, making together fifty five squadrons, his swift march not being discovered by reason of a great fog, and charged the rear-guard of the allies with great fury. Count *Tilly*, who commanded in the rear, drew up his men as well as the suddenness of the attack would permit, and received the shock with great bravery, but was soon over-powered and put into disorder. By this time several of those, that had already passed the river, were brought back by the Generals *Overkirk* and *Opdam*, and forming a second line, gave an opportunity to the first to rally. Two battalions were likewise posted behind the hedges adjoining to the defile, who much galled the enemy. Here the conflict was very fierce, till the second line was also forced to give way before the enemy; but the cavalry being soon rallied by *Overkirk*, who signalized his conduct

on this occasion, the *French*, who were unwilling to push the action too far, for fear of the *Dutch* infantry, which was also marching up, retreated in some haste and confusion, contenting themselves with having killed about a thousand of the confederates, and amongst them some men of great distinction, with the loss of about half the number on their side (1). And with this action the campaign ended in *Flanders*; during the course of which the King had several remarkable escapes, and particularly, that having once stood under a tree for a time, the enemy observing it, levelled a cannon so exactly, that the tree was shot down two minutes after the King was gone from the place. There had likewise been an attempt to blow up the artillery by one of the conductors of it. For at the first return of the army from *Beaumont*, on the 11th of August, about nine at night, two of the carriages belonging to the train of artillery, each laden with twenty five bombs and a barrel of powder, took fire, by the blowing up of a bomb in each carriage; and in that, which was on the left the powder blew up, and set fire to two others, so it was amazing, that the whole train was not blown up. But Monsieur *Goullon*, the Colonel of it, and the rest of the officers belonging to it, encouraged their men so effectually, that they all threw themselves into the midst of the flames, and drew out the two carriages from amongst the rest, notwithstanding one barrel of powder had actually taken fire, and was almost ready to blow up; and so they put out the fire. If this attempt had succeeded, the confusion, which

1691.

MS letter
of Pul-
teny to
Colt.

himself at the head of the confederate army to be in employed those parts, and knowing his natural temper to push, bent his greatest strength this way; and to give him what mortification he could, sent a powerful army, little inferior to our's even in number, and consisting of the chieft of all his troops to oppose him; but with orders at the same time not to hazard a battle, if it could possibly be avoided. Notwithstanding which our King marches forward, and passing the *Sambre*, breaks in upon their conquests, and tries all means possible to draw them to a battle, which they still avoid; and any body, who knows this country, and the art of war, as now practised, must needs own, that it is impossible to force them to a battle, without the greatest disadvantage and hazard imaginable. Wherefore having thus dared them to fight, and subsisted hitherto upon the spoils of their conquests, the country being near wasted and eat up, it is no wonder, if we are now obliged to draw off, and close the campaign without action. To besiege some town of theirs, that way to provoke them to a battle, was what the King very much endeavoured; but the want of magazines, and some neighbouring garrisons to supply us with provisions, *Monsieur* being lost, and the country round about those towns, which lay most convenient to be attacked, quite wasted, made it impracticable to be done. Nor will you wonder at the politics of our enemy in avoiding a battle, since the loss of one on their side would have lain all *Champagne*, and consequently their whole country up to the very walls of *Paris*, open to us.

In another letter, dated at the camp at *Enghien*, Sept. 10. 1691, N. S. he writes thus to Sir *William Dutton Colt*. 'Last Friday morning we marched from *Méfle*, and encamped that night at *Bois Seigneur Isaac*. The next day we continued our march, intending to have encamped that night at *Hautecroix*, with a design to have fallen upon the enemy the next day, in case they had lain still where we heard they then were. But in our march thither we were informed,

that the *French* were likewise upon theirs towards *Ninove*; so that we shortned our march, and encamped that night at *Lembek* near *Halle*. The *French* marched that day above eight leagues in the greatest disorder and hurry imaginable, being under an apprehension (as some deserters and prisoners tell us) left we should attack them. And yesterday we heard they had passed the *Deindre* near *Grammont*. Whereupon the King finding they would not stand, resolved to give over the chase, and to have gone from the army as to morrow morning for *Loo*, several of his Majesty's train being already gone before. But at night those measures were altered, and this morning early we marched from *Lembek*, and encamped at this place.—We have carried two great points here against the *French* this campaign, tho' we have had no battle; and that is, to drive them before us, as we have most apparently done; and the other to destroy the forage so much, that they will not be able to play the same trick next spring, as they did the last, for want of magazines. For last summer, after the battle of *Flerus*, they had little or nothing else to do but to make them; whereas this year there is not enough left wherewithal to do it.'

(1) Bishop *Burnet* gives the following account of this affair. 'When the time came of going into quarters, the King left the armies in Prince *Waldeck's* hands, who was observed not to march off with that caution, that might have been expected from so old a Captain. *Luxemburg*, upon that, drew out his horse with the King's household, designing to cut off his rear; and did, upon the first surprize, put them into some disorder. But they made so good a stand, that, after a very hot action, the *French* marched off, and lost more men on their side than we did. *Auverquerque*, commanded the body, that did this service.' Mr *John Pulteny*, in a letter to Sir *William Dutton Colt*, dated at *Loo*, Sept. 14. 1691, O. S. writes thus: 'Yesterday the King received an express from Prince *Waldeck*, giving

1691. which was in all reason to be expected upon such an accident, while the enemy was not above a league from them, drawn up, and looking for the success of it, must have had terrible effects. For it cannot easily be imagined, how much mischief might have followed upon it in the destruction of so many as would have perished immediately, if the whole magazine had taken fire, as well as in the panic, with which the rest would have been struck upon so shocking an accident. By the surprize of it the *French* might have had an opportunity of cutting off the whole army.

Affairs of Catalonia.

The *Spaniards* had already lost in *Flanders* the important town of *Mons*; but they received a still more sensible mortification nearer home. For the Duke of *Noailles*, who commanded the *French* forces, advancing with part of his army to *Belver*, to make head against the *Spanish* troops, sent the rest under the command of Lieutenant General *Chazeron* to besiege *Urgell* in *Cerdagne*. Though the place was not altogether indefensible, and had, besides that, a garrison of fifteen hundred men, and most of them disciplined, yet they barely surrendered it in a little time, and themselves, both officers and soldiers, to be prisoners of war; only the militia were dismissed home. Upon this the Court of *Madrid* sent several reinforcements to the Duke of *Medina Sidonia*, Vice-roy of *Catalonia*; however he could not hinder the *French* from fortifying *Belver*, nor make any other diversion; for advancing to attack *Prato Melo*, most of his troops abandoned him. Nor did the *Spaniards* make a better figure at sea than on land, since they could not prevent Marshal *d'Estrees* from bombarding *Barcelona* for three days together; which made a terrible desolation in that city.

*Affairs of Italy.
Rover.
Kennet.
Burnet.*

Nor were the arms of *France* less prosperous in *Italy* than *Catalonia*, at least in the beginning of the campaign. Monsieur *Catinat* having taken the field early, with a design to make himself master of *Nice*, invested that place on the 3d of *March*; but before he prosecuted the siege in form, he thought fit to detach parties to summon *Villa Franca*, and the forts of *St Asipice* and *Montalban*, which surrendered without any resistance. He met with almost the same good success at *Nice*; for on the 16th the Consuls of the city sent their deputies to him, who agreed at a certain hour, and upon a certain signal, to receive the *French* King's troops. The Governor, upon notice of their design, attempted to make himself master of one of the gates, in order to prevent it's being put in execution; but the citizens being resolved to secure their houses from the bombs, immediately took arms, fired upon the Governor's detachment, and delivered up the city to the *French*. The Governor of the castle, enraged at the

perfidiousness of the *Burghers*, endeavoured to fire their magazine, and played the cannon upon the convents and private houses, notwithstanding the threats of the *French*, that if he shot against the city, the garrison should have no quarter. On the other hand, the *French* made three attacks upon the castle, which were carried on with great vigour; and on the 20th one of their bombs set the powder-magazine on fire, which spread itself in a moment through all the castle, and blew up not only a good part of it, but killed above five hundred of the garrison, and about fifty of the besiegers in their trenches, by the pieces of stone and timber, that were carried thither. This disaster, together with the *French* being masters of the covered way, and second inclosure, obliged the Governor to capitulate, which he did on the 23d, and, after all, obtained honourable terms.

Immediately after the loss of this important place, Prince *Eugene* of *Savoy* went to *Vienna* to solicit succours; and the Duke of *Savoy* repaired incognito to *Milan*, to confer with the Count de *Fuenfaldia*, the Governor, and hasten the departure of the troops of that Duchy. But besides the slowness of the *Germans* and *Spaniards* in assisting the Duke, another cause contributed very much to the ill condition of his affairs. King *William* and the States of *Holland* allowed the Duke the sum of one hundred thousand pounds a year, chiefly for the maintenance of several regiments of *French* refugees and *Vaudois*; which money was mostly diverted to other uses by those, who had the management of the Duke's affairs, and were in the *French* interest, and inveterate enemies to the Protestants; so that the officers not receiving their full pay, the regiments were left incomplete, and the soldiers undisciplined. To remedy these disorders, and cause the war to be effectually carried on against *France*, King *William* thought proper to send Duke *Schomberg*, the Marquis de *Miremont*, Monsieur d'Obercan, a *Swiss*, and some other brave and experienced officers into *Piedmont*; but before they could reach *Turin*, the *French* had made such a considerable progress, that few places were left in the Duke of *Savoy's* hands besides his capital. The summer was not far advanced, when *Catinat* made himself master of *Villana*; which encouraged him to undertake the siege of *Carmagnola*, a place seated in the Marquisate of *Saluzzes*, and not above nine miles distant from *Turin*. The trenches were opened on the 22d of *May*, and three attacks carried on with so much vigour, that the besieged, finding themselves inclosed on all sides, and without hopes of relief, consented to march out, the disciplined men with their arms, the militia without, and to be conducted to *Turin*. This was no sooner done, but the Marquis de *Fenquieres* was commanded with a

1691.

Duke Schomberg sent into Italy.

Coni in-

strong

ing an account, that on *Tuesday* last about nine or ten in the morning, as our army was passing the river in their march between *Leuse* and *Cambron*, the right being got over, the *French* taking the advantage of a great mist, (which hindered our passing over by three hours so soon as otherwise we should have done) fell with ten thousand horse, amongst which was the *Maison de Roi*, upon our Rear-guards, and killed between four and five hundred

men, but were, notwithstanding that, received so well by our men, that the *French* were at last forced to retire. There is not as yet any exact account of what particular persons of note are killed on our side or the enemy's, though they pretend to name on our's the little Prince d'Anhalt, Count de Bentheim, and the Sieur Riperca, Captain of horse, and Major St Felix killed or taken prisoners, besides some others of less note.



THE

A MAP OF THE
KINGDOM OF
IRELAND
from the latest & best Observations,
For M^r. Tindal's Continuation
of M^r. Rawlin's History

WESTERN

THE

IRISH
SEAS

OCEAN

CH


S. T.

EXPLANATION.

♀ **CITY,**
 ♂ **LARGE TOWNS.**
 ♂ **Market Towns,**
 • **Villages,**
 ■ **Ennis.**
 1 **Cath.**

† **Archbishopsricks,**
 † **Bishopsricks,**
 † **Boroughs,**
 † **Barracks of Horse,**
 † **D^o of Foot,**
 † **Redoubts.**

Irish Miles, 50 to a Degree.



English measured Miles, 60 to a Degree

P. H. S. at C.

1691. strong detachment of horse and foot to invest *Coni*, a place defended by nine battions and some outworks, but principally strong by its situation on a steep craggy hill, and garrisoned by seven hundred *Vaudois* and *French* refugees, about five hundred of the militia of *Mondovi*, and some other troops commanded by the Count de la Rovere. The Duke of *Savoy* being informed of the enemy's design, ordered the regiment of *Salusses*, with some other troops, to the number of near three thousand, to throw themselves into the place; but *Feuquieres* having notice of their march, attacked them with great vigour, and being received with no less courage, many were killed on both sides. The issue of this encounter was, that part of the relief entered the town, which was presently invested by the *French* to the number of twelve thousand men, who prosecuted the siege very vigorously.

Duke *Schomberg* arrived at *Turin* the 8th of *June*, where he found affairs in a most desperate condition, and the minds of people under the deepest consternation. *Carmagnola* had been lately taken; *Coni* was actually besieged, and given for lost; Monsieur *La Hoguette* had forced the passages of the valley of *Aosta*, which give him entrance into the *Vercellois*, and the frontiers of the *Milanese*. And the Duke of *Savoy*, instead of opposing the enemy's career, encamped with his small army on the side of the hill of *Montcalier*, from whence he had the mortification to see his towns taken, and his palace at *Rivoli* destroyed. *Turin* was under the apprehensions of a bombardment, and the removal of the Princesses, with the Court, and all their most precious goods, to *Vercell*, had still increased the terror of the Inhabitants. The emissaries of *France* said aloud, that the Duke would be dispossessed of all his dominions this campaign: That the confederates entertained him with chimerical succours; and that the King of *England*, who was his last resource, sent him only Duke *Schomberg*, with a magnificent retinue, instead of real assistance; and that therefore the best way for him was to betake himself immediately to his most Christian Majesty's mercy. Things being reduced to this extremity, Duke *Schomberg* had a very difficult part to act, especially at a court, and in a country, which he had never seen but in printed relations and maps. He therefore employed some time in making himself acquainted with both, and till then was very reserved in speaking his thoughts. The first thing he judged necessary to be done was to revive the drooping spirits of the people, by giving life and motion to the army, and shewing some vigour to the *French*. He advised the Duke to order his infantry to descend to the foot of the hill, and to extend his horse to the right between the hill and the *Po*; and made the Colonels of the army sensible, that the best way to render both officers and soldiers brisk and active, was to send them often upon parties. And because the *French*, being used to despise the Duke of *Savoy's* troops, came and foraged even in sight of his Grand Guard, *Schomberg* was of opinion to go and insult them. Accordingly on the 12th of *July* the Duke of *Savoy* with the General officers, and about three thousand horse advanced towards the enemy's forage; but upon his approach the *French* retired, and *Catinat* did not think fit to sustain his foragers, which might have oc-

casioned a general engagement. It happened the same day, that *Schomberg* having spoke high Dutch to a German officer in the Duke's presence, the Duke said, 'that he had once tried to learn that language, but was discouraged by the difficulty he found in it;' upon which *Schomberg* offering to teach him, 'No, my Lord, replied he; it is the trade of war I design to learn of you.'

In the mean while, though the garrison and inhabitants of *Coni* defended themselves with great resolution, yet it was not possible for them to hold out much longer. It was therefore high time to think of relieving a place the loss of which must be attended with the total ruin of the Duke's affairs. And how to do it with most safety and appearance of success, was variously debated in a council of war, wherein *Schomberg* did not content himself with speaking his advice, but gave it afterwards to the Duke. His opinion was, that Monsieur *La Hoguette* appeared in the valley of *Aosta*, with no other design than to keep the confederates in suspense, and thereby favour the siege of *Coni*: That as soon as the troops of the confederates should begin to move, he would return into the *Tarentoise*: That the Duke ought to run where the danger was most pressing, left by endeavouring to remedy all, he should remedy nothing: That after all, he could not do better than to fight *Catinat*, whose army was inferior, at least in number, to that of the allies, *Feuquieres* having carried away ten or twelve thousand men with him before *Coni*. That, at the worst the confederates could but be beaten, which was still to be preferred before the loss of *Coni*, and the reinforcement of *Catal*; and that the *French*, if they should have the advantage, would yet pay dear for their victory; and their army being considerably weakened by sickness, desertion, and their losses before *Veilanne*, *Carmagnola*, and *Coni*, they would not think of any other enterprize that summer. The Duke and Prince *Eugene* gave ear to *Schomberg's* opinion; but the Marquis de *Legonez*, lately made Governor of *Milan*, and Don *Gaspar Henriquez de Zara*, opposed it with frivolous reasons, not daring to speak the true one; which was, that the war was maintained at the Duke of *Savoy's* cost; and that as long as the *French* were kept out of the *Milanese*, it was policy in the Spaniards not to hazard a decisive action. However the relieving *Coni* being of so great importance, it was resolved, that an hundred mules laden with provisions and ammunition should be sent thither under the convoy of twenty two hundred horse commanded by Prince *Eugene*. Accordingly that Prince set out on the 16th of *June* in the night from the camp, and leaving the *French* army on the right, marched to the left along the hills, that terminate the plain, that he might reach *Coni* with less danger. The next day, the *French* made an assault upon the place, wherein they were repulsed with great loss; and towards the evening Prince *Eugene* reached *Magliano*, a place within seven miles of *Coni*, where he was reinforced by five or six thousand of the militia of *Mondovi*. Of this *Catinat* had no sooner notice, but he sent an express to Monsieur de *Bulonde*, who commanded at the siege, not to stir out of his lines, and to acquaint him farther, that two thousand five hundred men were on their march to reinforce him under the com-

1691.

The siege of Coni raised

Duke Schomberg arrives at Turin.

1691. mand of Monsieur Sylestre, *Maréchal de Camp*. However *Bulonde* thought it convenient to raise the siege (1) on the 18th of June, and that with so much haste and confusion, that he left behind him two or three pieces of cannon, three mortars, good store of bombs, powder, warlike utensils, tents, and provisions, besides many of his sick and wounded men, amongst whom were five engineers. But, for his reward, he was no sooner arrived at the camp, but *Catinat* had orders to put him under arrest. The French lost two thousand five hundred men before the place, the preservation of which was principally owing to the bravery of the French Protestants in garrison there, and more particularly to the courage, vigilance, and conduct of Colonel *Julien*, whose services the Duke of Savoy acknowledged with the present of a diamond ring of considerable value. The Court of France was struck with the utmost consternation upon the news of the raising this siege, and *Louvois* himself was inconsolable; and going to the King to give an account of it with tears in his eyes, his Majesty answered him with great coolness, 'you are cast down for a little matter. It is plainly seen, that you are too much used to good success. For my part, who remember to have seen the Spanish troops in Paris, I am not so easily cast down.'

Immediately after the raising the siege of *Coni*, the French troops under Monsieur *de la Hoguette*, according to *Schomberg's* prediction, abandoned the valley of *Aosta*; and *Catinat*, who was encamped near *Carignan*, retired with his army towards *Villa nova d'Albi*, after having sent *Fexquieres* with two thousand foot and one thousand horse to change the garrison of *Casale*. And if the Germans had come up, or the Spaniards being willing to fight, *Schomberg* would have prevented the reinforcement of that garrison, which was already reduced to fifteen hundred men.

June 30. Some days after, Duke *Schomberg* applied himself to the affairs relating to the forces in English and Dutch pay. Monsieur *Vandermeer*, appointed by King *William* to be their Commissary and Pay-master, and the several Colonels, presented their accounts to the Duke, which he examined with great exactness; and afterwards made a particular inquiry into the behaviour of the inferior officers. Upon the whole matter, he found in those regiments, not only a great remissness in the martial discipline, but likewise other irregularities; which being partly occasioned by ill pay, the Duke gave effectual orders to have that point remedied; and because a

Captain of *Loches's* regiment had killed a sutler in a riot, and another Captain led an infamous life, he caused them to be cashiered. At the same time he ordered all the officers in *Turin* to repair immediately to their respective commands, and declared to them, that he expected, that his Majesty's service should be performed with the utmost strictness of discipline. It was no wonder, that these troops were so disorderly, there being no body to inspect them besides *Vandermeer*, a man generally hated and despised; and they would certainly have disbanded themselves this campaign, if it had not been for the Duke of *Schomberg's* arrival.

The inglorious retreat of the French from before *Coni*, gained no small reputation to the Duke of Savoy's arms throughout all Italy, and had a particular influence on the resolutions of the Conclave at that time sitting at Rome for the Election of a new Pope, in the room of *Alexander VIII.*, who died on the 1st of February. The affairs of *Piedmont* had kept that assembly in suspense all that time, the Italians fearing to disoblige the Court of France, by filling the papal chair with a person in the interest of Spain. But the Duke of Savoy's late success, and the approach of the German succours, raised the courage of the Italian Cardinals, who, notwithstanding the opposition of the Cardinal *D'Elvrees*, a Frenchman, and his faction, concerted measures with the Spaniards and Imperialists, in order to get Cardinal *Pignatelli*, a Neapolitan, elected Pope (2). The Cardinals *Cantelmi* and *Giudici* managed the design with that address, that when the French spoke of it to *Giudici*, he seemed very cool in the matter, as if he thought it could not succeed, since *Pignatelli* would be very unacceptable to the Spaniards, on account of the differences, which formerly happened between him and the Viceroy of Naples. This stratagem had the desired effect, and made the French more zealous for him. The Spaniards and Imperialists seeing the French engaged, concurred with all their voices, so that at the scrutiny of sixty-one voices, that composed the Conclave, fifty-three were given for Cardinal *Pignatelli*, who was accordingly chosen Pope, being then seventy-six years and four months old. He possessed great dignities in the Kingdom of Naples, and had been created Cardinal in the year 1681 by *Innocent XI.*, in memory of whom he took the name of *Innocent XII.*, and of whose inclinations, interests, and maxims, he had been a long observer.

By this time the German succours, to the number of eighteen thousand horse and foot, having

(1) The Marquis *de la Fare*, in his *Mémoires & Reflexions sur les principaux Evénemens du Règne de Louis XIV.* l. 10. seems to censure the attempting this siege, which he imputes to the orders of Monsieur *de Louvois* against Monsieur *Catinat's* judgment. 'Monsieur *Catinat*, says he, carried on the war in *Piedmont* with great conduct, courage, and success. He won the battle of *Staffardo*; and it was none of his fault, that we did not afterwards attack and make ourselves masters of *Turin*. But the repeated orders of Monsieur *Louvois*, his relation and benefactor, obliged him, against his will, in the latter season, to order Monsieur *Bulonde* to lay siege to *Coni*, which he was obliged soon after to raise. Neither the capacity of Monsieur *Catinat*, which at last occasioned him to be Marshal of France, nor the voice

of the people, were able to hinder the King from sacrificing him to Monsieur *Chamillard*.'

(2) Bishop *Burnet* tells us, that the party of the zealous stood long firm to *Barbigo*, who had the reputation of a saint, and seemed in all things to set Cardinal *Barromeo* before him as a pattern. But they at last were persuaded to consent to the choice of *Pignatelli*, a Neapolitan, who, while he was Archbishop of Naples, had some disputes with the Viceroy concerning the ecclesiastical immunities, which he asserted so highly, that he excommunicated some of the judges, who, as he thought, had invaded them. The Spaniards had seemed displeased at this; which recommended him so to the French, that they also concurred to his elevation.

1691. ing joined the Duke of Savoy; and the Elector of *Bavaria* being arrived to command them, the *French*, who not long before threatened no less than to besiege *Turin* itself, were obliged to repair the *Po*, and to send several expresses to Court to solicit a reinforcement. The confederates, on the other hand, having vainly endeavoured to engage *Catinat* to a battle, bent their thoughts upon retaking some of the other places, which they had lost in the beginning of the campaign. Accordingly Prince *Eugene* invested *Carmagnola* on the 17th of September, and carried on the siege with so much vigour, that in eleven days the garrison was forced to capitulate. And because after the first taking of this place the *French* did not punctually observe the articles in relation to the *Vandois*, these took this opportunity to be revenged; and having way-laid them, took away their arms and part of their baggage. This being observed by the *Germans*, they came in for a share of the booty, so that the *French* were entirely stripped. *Catinat* made great complaints of this violation of the martial law; but the confederates answered, 'That they were sorry such things should happen; but that he himself had set them the first example: However, that for the future they would prevent any such disorders, provided he would do the same.'

In the mean time the Marquis d'*Hocquincourt*, with a body of *French* troops, having laid siege to *Montmélian*, made himself master of the town without much resistance. But the castle still holding out, it was resolved by the confederates to send into *Savoy* eleven thousand *Spaniards*, two thousand of the refugees, and two thousand of the Duke of *Savoy's* troops, to the relief of that fortress. These detachments were already marching by the valley of *Aosta*, when they received counter-orders immediately to join the main army, the confederates having formed a design to attack *Catinat* in his intrenchments. But that enterprize not succeeding, the allies bent their arms against *Carmagnola*, which *Catinat* was so far from attempting to relieve, that having quitted *Fossano*, *Savillana*, and *Saluzzes*, he retreated towards *Pignerol*, where he had still the mortification to hear, that the *Vandois*, assisted by the *French* refugees, had routed three thousand men, whom he had detached to lay waste their vallies. However, this did not hinder the council of *France* from resolving upon the reduction of the castle of *Montmélian*, whither *Catinat* was ordered to repair with part of his army. This General arrived before the place on the 6th of November, and after a most vigorous siege, wherein they had to dispute as well with the rigours of the season, as with the desperate defence of the garrison, that fortress was at last, on the 2d of December, surrendered to the *French* upon honourable conditions; by which means they became entire masters of all the Dutchy of *Savoy*; the King of *France* all this while calling the Princes and States of *Italy*, by Monsieur *Rebenac* his Ambassador, lest growing jealous of his successes, they should close in with the confederates, and thereby increase the number of his enemies, who in these parts began to be too strong for him. The loss of *Montmélian* was chiefly imputed to *Caraffa*, who commanded the Imperial army, and was more intent on

raising contributions, than in carrying on the war, and crossed every good motion that was made. Duke *Schomberg* undertook to relieve the place, and was assured, that many Protestants in *Dauphiné* would come and join him. But *Caraffa*, and even the court of *Turin*, seemed to be more afraid of the strength of herself, than of the power of *France*; and chose to let that important place fall into their hands, rather than suffer it to be relieved by those, whom they did not like. When the Duke of *Savoy's* army went into quarters, *Caraffa* obliged the neighbouring Princes, and the states of *Genoa*, to contribute to the subsistence of the Imperial army, threatening them otherwise with taking winter-quarters among them; so that how ill soever he managed the Duke of *Savoy's* concerns, he took care of his own. But upon the complaints made against him on all hands, he was recalled, and *Caprara* sent to command in his room.

The campaign upon the *Rhine* was very considerable this year, tho' on that side too the *French* were rather gainers. Their first design was to surprize the city of *Mentz* by a treacherous correspondence, which they held in the place with one of the Emperor's commissioners, *Conslurg*, a *Westphalian*; which being prevented by a timely discovery, they turned their arms against *Altsheim*, a town five or six leagues from that city, which they carried after some resistance, and then retired towards *Creusnach*. On the other hand, the Imperial army, commanded by the Elector of *Saxony*, with the Generals *Caprara* and *Schoning* under him, passed the *Rhine* not far from *Manheim*, where the *French* had intrenched themselves, in order to prevent it. But though great things were expected from the *Germans*, they rather lost than gained by passing that river; for the *French*, to divert them, crossed the *Rhine* also at *Philipsburg*, which, after a warm consultation in a council of war, obliged the *Germans* to follow them, though not with that diligence and success, but that the others took the town of *Portzheim*, situate in the Marquissate of *Baden Dourlach*, on a neck of land, that gives entrance into the country of *Wurtemberg*, which the *French* had all along a design to put under contribution, and had never so fair a prospect of affecting it as at this time. With the taking of this place, and another of less consequence, besides the ravaging of that part of *Juliers*, that belongs to the Elector *Palatine*, the *French* ended their campaign that way. And as for the *Germans*, the execution of their designs was partly prevented by the death of the Elector of *Saxony*, which happened on the 2d of September, in the 44th year of his age.

The Emperor's affairs in *Hungary* went on successfully this year, under the command of *Prince Lewis of Baden*; though he committed an error, which had like to have proved fatal to him. His stores lay near him in great boats on the *Danube*; but upon some design he had made a motion off from that river; and of which the Grand-Vizir took the advantage, and got into his camp between him and his stores; so that he must either starve, or break through to come at his provisions. The *Turks* not having had time to fortify themselves in their new camp, he attacked them with such fury, that they were quite routed,

1691.

The campaign on the Rhine.
Ibid.

Affairs in Hungary.
Barnet.

The Turks are defeated.

1691. routed, and lost their camp and cannon, and a great part of their army, the Grand-Vizir himself being killed (1). If the Court of Vienna had really desired a peace, they might have had it, upon this victory, on very easy terms; but they resolved to be masters of all *Transilvania*; and, in order to that, undertook the siege of *Great Waradin*, which they were forced to turn into a blockade; so that it did not fall into their hands 'till the spring following. The Emperor was led on by the prophecies, that assured him of constant conquests, and that he should, in conclusion, arrive at *Constantinople* itself; so that the practices of those, whom the *French* had gained about him, had but too much matter to work on in himself. Besides, the news of the total reduction of *Ireland*, confirmed him in his resolutions of carrying on the war in *Hungary*. It was reckoned, that *England* being now disengaged at home, would, with the rest of the Protestant allies, be able to carry on the war with *France*. And the two chief passions in the Emperor's mind being his hatred of heresy, and his hatred of *France*, it was said, that those about him, who served the interests of that court, persuaded him, that he was to let the war go on between *France* and those he esteemed hereticks, since he would be a gainer, which side soever should lose; for either *France* would be humbled, or the hereticks be exhausted, while he should extend his dominions, and conquer infidels. King *William*, on the other hand, had a sort of regard and submission to the Emperor, which he had to no other Prince whatever; so that he did not press him, as many desired he should, to accept of a peace with the *Turks*, that so he might turn his whole force against *France*.

† The Elector of Bavaria made Governor of Flanders. Burnet. Lett. Hist. I. 86.

Flanders lay exposed to great danger, where the feebleness of the *Spanish* government so exhausted and weakened the whole country, that all the strength of the confederate armies was scarce able to defend it. The *Spaniards* had offered to deliver it up to King *William*, either as he was King of *England*, or as he was Stadt-

holder of the *United Provinces*. He knew the bigotry of the people so well, that he was convinced it was not possible to get them to submit to a Protestant government; but he proposed the Elector of *Bavaria*, who seemed to have much heat, and an ambition of signaling himself in that country, which was then the chief scene of the war; and he could support that government by the troops and treasure, that he might draw out of his own Electorate. Besides, if he governed that country well, and acquired a fame in arms, that might give him a prospect of succeeding to the crown of *Spain*, in the right of his Electors, who, if the house of *Bourbon* was set aside, was next in that succession. The *Spaniards* agreed to this proposal; but they would not make the first offer of it to that Elector, nor would he ask it; and it stuck for some time at this. But the Court of *Vienna* adjusted the matter, by making the proposition, which the Elector accepted; and was accordingly appointed Governor, and the choice of him declared at *Madrid* in the Council of State; which put new life into those oppressed and miserable provinces.

This was the general state of affairs when the King returned to *Lea*, where having spent almost two months in the diversion of hunting, he came to the *Hague* to settle the operations of the war for the ensuing year, and then to return to *England*. The contrary winds, that detained him there, made him large amends, by bringing over Mr *Henry Furness* with the agreeable news of the surrender of *Limerick*, for which the King bestowed the honour of Knighthood upon him; and on the 18th of *October* embarked in the *Mary Yatch* in the *Maeße*, being attended by a squadron of men of war, under the command of Sir *Claude de Shovel*, Rear-Admiral of the *Blue*; and the next day safely landed at *Margate*, whence he immediately went to *Kensington*.

The Parliament, which was adjourned to the 31st of *March*, and from thence continued by several adjournments and prorogations to the 22d of *May*.

(1) The Lord *Pagett*, the English Envoy Extraordinary to the Emperor, in a letter to Sir *William Dutton Colt*, Envoy Extraordinary at *Hanover*, dated at *Vienna* 3^d August 1691, gives the following account of this victory.

‘ Though I have not leisure to say so much as I would, yet I think myself obliged to tell you shortly, that though a peace with the *Turk* is not concluded, yet I believe it may now quickly be made. For upon the 19th instant Prince *Lewis* fought their army, and beat them soundly. The first relation of the engagement was brought hither by the Prince of *Vaudemont* upon Friday the 24th imperfectly. That Day the Emperor had the particulars of it, which are, that the *Turk* has lost twenty five thousand of his best soldiers upon the place, besides such as were killed in the flight and retreat. Many of their most esteemed officers, *Bashaws*, &c. lost their lives, amongst which the Grand Vizir, the *Seraf-kier*, the Aga of the Janifaries were the chief. The residue of the army is entirely broken; their standards or great boats disappear; their shattered troops have repassed the *Save*; and the garrison left in *Belgrade*, which is not strong, is in great consternation. All the baggage is taken, and one hundred and fifty four field-pieces of brass, tents, provisions, and in short all they brought into the field either for subsistence or parade, is taken by Prince *Lewis* of *Baden*, who, with his victorious army, (though

very much weakened in the conflict, having lost about eight thousand good old soldiers, and many brave officers, amongst whom General *Souches*, the Prince of *Arenberg*, and the Prince of *Helfstein*, killed, are the chief) the general hopes are yet, that the campaign will end in a peace with the *Porte*.’

In another letter dated at *Vienna* August 23, 1691, Sept. 2.

Lord *Pagett* writes thus:

‘ Our Court has been so taken up with rejoicing for the late important victory in *Hungary*, that scarce any other business is talked of. And indeed it has mended matters very much on that side; and the Grand Vizir, *Seraf-kier*, and Aga of the Janifaries are said to be of the number of the slain, besides twenty five thousand other *Turks*. On our part are reckoned eight thousand killed, among whom a great many brave officers. But how all this may dispose them to a peace, I am not yet able to say, since it is not known, who will succeed the Grand Vizir, if slain, and manage the *Turkish* affairs. Deserter say, that they are in great confusion, and the small remains of their army, assembled near *Belgrade*; which place likewise is reported to be in no small consternation. Prince *Lewis*, to whose excellent conduct and personal valour much of the success of this action is due, is since declared by the Emperor, Lieutenant-General.’

1691. 22d of *October*, being then met, the King made the following speech to both Houses.

The King's speech at the opening.
 ' My Lords and Gentlemen,
 I Have appointed this meeting of the Parliament as soon as ever the affairs abroad would admit of my return into *England*, that you might have the more time to consider of the best and most effectual ways and means for the carrying on of the war against *France* this next year.

' I am willing to hope, that the good success with which it hath pleased God to bless my arms in *Ireland* this summer, will not only be a great encouragement to you to proceed the more cheerfully in this work, but will be looked upon by you as an earnest of future successes, which your timely assistance to me may, by God's blessing, procure to us all. And as I do not doubt, but you will take care to pay the arrears of that army, which hath been so deserving and so prosperous in the reduction of *Ireland* to a peaceable condition; so I do assure you, there shall no care be wanting on my part to keep that Kingdom, as far as it is possible, from being burthen some to *England* for the future.

' My Lords and Gentlemen,
 I do not doubt but you are all sensible, that it will be necessary, we should have a strong fleet next year, and as early at sea, as we had this summer. And I must tell you, that the great power of *France* will as necessarily require, that we should maintain a very considerable army ready upon all occasions, not only to defend ourselves from any insult, but also to annoy the common enemy, where it may be most sensible to them. And I do not see how it is possible to do this with less than sixty-five thousand men.

' I shall only add, that by the vigour and dispatch of your counsels and assistance to me in this Session of Parliament, you have now an opportunity in your hands, which, if neglected, you can never reasonably hope to see again, not only to establish the future quiet and prosperity of these Kingdoms, but the peace and security of all *Europe*.'

Congratulatory address.
Ibid.
 Both Houses congratulated his Majesty upon his safe and happy return, after so many hazards, to which he had exposed his person, and upon the success of his arms in the reduction of *Ireland*; and assured him, that they would assist him to the utmost of their power in carrying on a vigorous war against *France*, in order to procure an honourable and lasting peace to his own dominions, and to secure his neighbours from the injuries and invasions of the common oppressor. Addresses were also presented to the Queen, to acknowledge her prudent care in the administration of the government during the King's absence.

A party formed against the Government.
Burnet.
 Notwithstanding these professions of the Parliament, it soon appeared, that a party was avowedly formed against the Government. They durst not own it before, while the war in *Ireland* continued. But now, since that was at an end, they began to infuse into all people, that there was no need of keeping up a great land army; and that the *English* ought only to assist their allies with some auxiliary troops, and

increase their force at sea. Many persons, who did not understand the state of foreign affairs, were drawn into this notion, not considering, that if *Flanders* was lost, *Holland* must submit, and take the best terms they could get; and the conjunction of those two great powers at sea must soon ruin our trade, and in a little time subdue us entirely. But it was not easy to bring all people to apprehend this aright, and those who had ill intentions, would not be beaten out of it, but covered worse designs with this pretence. And this was still kept up as a prejudice against the King and his Government, that he loved to have a great army about him, and that when they were once modelled, he would never part with them, but govern in an arbitrary way, as soon as he had prepared his soldiers to serve his ends.

Another prejudice had more colour, and as *Jealousies* bad effects. The King was thought to love the *Dutch* more than the *English*, to trust more to them, and to admit them to more freedom with him. He gave too much occasion to a general disgust, which was spread both among the *English* officers and the nobility. He took little pains to gain the affections of the nation; nor did he constrain himself enough to render his Government more acceptable. He was shut up all the day long; and his silence, when he admitted any to an audience, distasted them as much, as if they had been denied it. The Earl of *Marlborough* likewise thought, that the great services, which he had done, were not acknowledged nor rewarded, as they well deserved, and began to speak like a man discontented. And the strain of almost the whole nation was, that the *English* were overlooked, and the *Dutch* the only persons favoured or trusted. This was national; and the *English* being too apt to despise other nations, and being of more lively tempers than the *Dutch*, grew to express a contempt and an aversion for them, that went almost to a mutiny. It is true the *Dutch* behaved themselves well, and regularly in their quarters, and paid for every thing punctually; whereas the *English* were apt to be rude and exacting, especially those, who were all this winter coming over from *Ireland*, who had been so long in an enemy's country, that they were not easily brought into order; so that the common people were generally better pleased with the *Dutch* soldiers, than with their own countrymen. But it was not the same as to the officers. These seeds of discontent were carefully managed by the enemies of the Government; and by this means matters went on heavily in the House of Commons. The King was believed to be so tender in every point, that seemed to relate to his prerogative, that he could not well bear any thing, that was a diminution of it; and he was said to have taken a dislike and mistrust of all those, whose notions leaned to public liberty, though those were the very persons, who were firmest to him, and the most zealous for him. The men, whose notions of the prerogative were the highest, were suspected to be Jacobites; yet it was observed, that many of these were much courted, and put into employments, in which they shewed so little affection to the Government, and so close a correspondence with its professed enemies, that it was generally believed they intended to betray it. The blame of employing these men was cast upon the Earl of *Notting-*

1691. *Nottingham*, who, as the Whigs said, infused into the King jealousies of his best friends, and inclined him to court some of his bitterest enemies.

The Earls of Rochester and Ranelagh made Privy-Counsellors. The Earls of *Rochester* was reckoned a man of parts, and to have had a good pen, but did not speak gracefully. When he came into business, and rose to high posts, he grew violent, but was thought incorrupt. He had high notions of government, which he thought must be maintained with severity. He delivered up his own notions to his party, that he might lead them. He was one of the commissioners of the Treasury in the reign of King *Charles II.* and afterwards Lord President of the Council; but growing weary of a place which procured him neither confidence nor dependance, he was, by the Duke of *York's* interest, made

1679. Lord-Lieutenant of *Ireland*. At King *James's* accession he was made Lord-Treasurer, and was one of the Ecclesiastical Commissioners. Soon after, for refusing to turn Catholic, he lost the white staff, and had a pension of four thousand pounds a year for his own and son's life, besides two valuable grants. He was one of the managers for a Regency in opposition to those who were for a King. Queen *Mary* was so possessed against him at first, that he in vain endeavoured to recover her favour. But at last, by means of Bishop *Burnet*, the Queen laid aside her resentment, and by degrees admitted him into a high measure of favour and confidence. The Bishop was quickly convinced of his error, for the Earl went into an interest very different from what he imagined he would have pursued. He was for setting up notions of persecution and violence, which he had promoted in King *Charles's* time, and talked against all favour to Dissenters, professing himself an enemy to the present Bishops, and their methods of endeavouring to gain them by gentle usage.

The Earl of *Ranelagh* was a man of great parts, and as great vices. In King *Charles's* time the revenue of *Ireland* was in his management, and he was looked upon as one of the ablest men that island had bred, capable of all affairs, even in the midst of a loose run of pleasure and much riot. He had the art of pleasing masters of very different tempers and interests so much, that he continued above thirty years in great posts. He had been pay-master of the army in King *James's* time, and being fit for the post, he was continued in it all this reign. He was likewise among those that had voted for a Regency.

The taking off Parliament-men who complained of grievances, by places and pensions, was believed to be now very generally practised. Sir *Edward Seymour*, who had in a very injurious manner, not only opposed every thing, but had reflected on the King's title and conduct, was this winter, to the great mortification of the Whigs, brought into the Treasury and the Cabinet Council. He was a man of great birth, being the elder branch of the *Seymour* family, and was a graceful man, bold and quick. He had a sort of pride peculiar to himself, and had with it neither shame nor decency. He was in King *Charles's* time the most assuming speaker that ever sat in the chair. He knew the House and every member in it so well, that by looking about he could tell the fate of any question, and accordingly managed matters.

The supplies granted for the service of the next year amounted in all to three millions, four hundred and eleven thousand, six hundred and seventy-five pounds for the fleet and army (1). But the dispatch of these supplies was retarded by several incidental affairs this session; particularly the settling the conditions on which the Charter of the *East-India* company was to be confirmed, which took up much time (2). The amusement also given to both Houses by one

(1) For the fleet (including the ordnance and charge of building one dry and two wet docks at *Portsmouth*) was granted 1,575,898 *l.* and for the army of sixty-four thousand nine hundred and twenty-four men, 1,935,787 *l.* To raise these sums, 1,651,702 *l.* was granted upon land; and for the remainder were passed an excise upon beer, ale, and other liquors, for one year, and a poll-tax, by which all persons (except such as received alms of the parish, poor house-keepers and their children) were to pay twelve-pence quarterly for one year; all tradesmen and artificers, having an estate of the clear yearly value of three hundred pounds, and upwards, ten shillings; all gentlemen or reputed gentlemen, having an estate of three hundred pounds or more, as also all Clergymen and teachers, who had any ecclesiastical benefice or contribution to the value of eighty pounds per annum, or upwards, twenty shillings; every Lord of Parliament, either spiritual or temporal the sum of ten pounds; and all persons, who refuse to take the oaths to their Majesties double the sums charged by the respective heads.

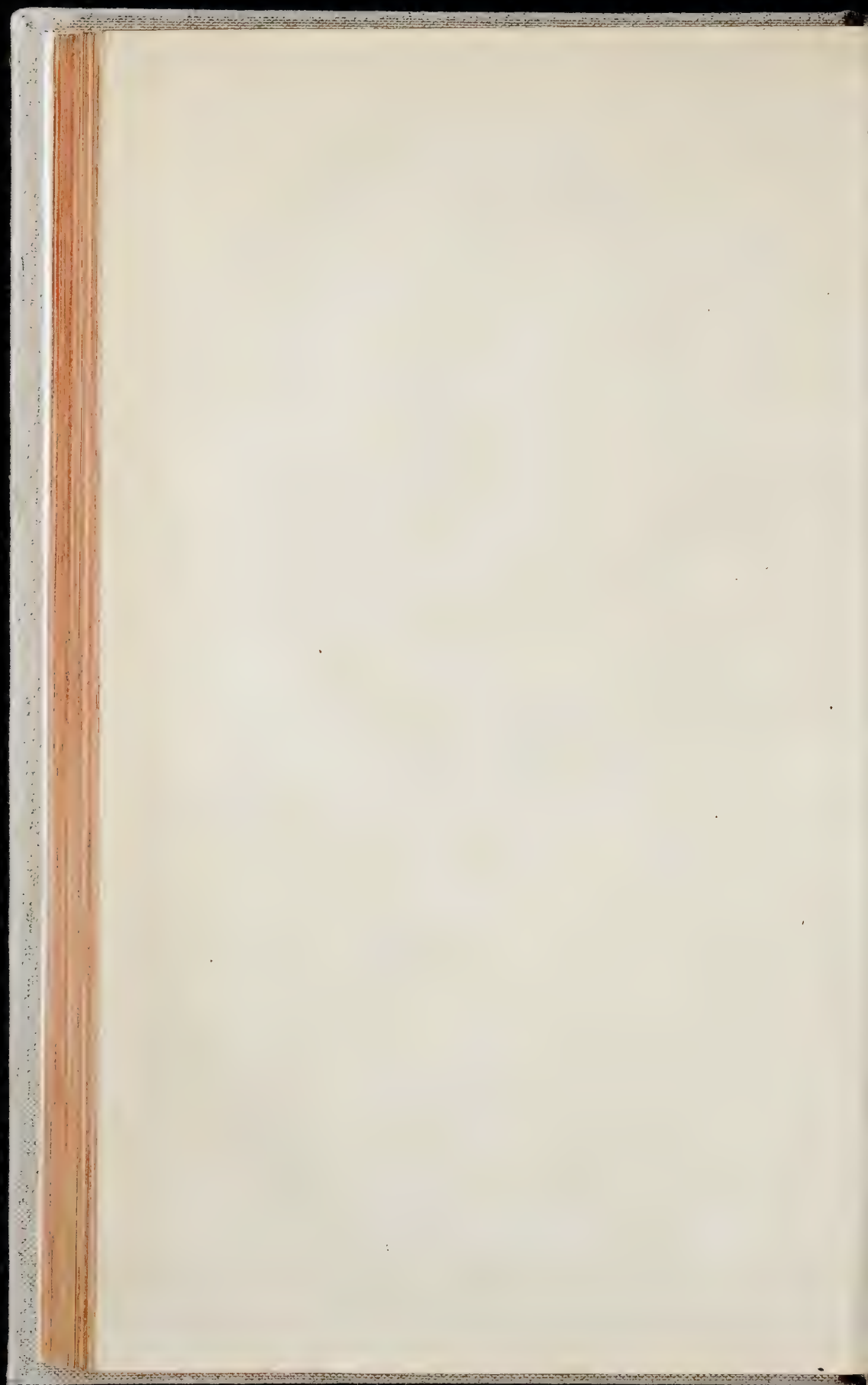
(2) On the 28th of *October* several merchants, presented a petition to the Commons against the *East-India* company; and at the same time the *East-India* company put another petition in behalf of themselves; the consideration of both which was referred to a committee of the whole House. About a fortnight after the heads of the complaints against the *East-India* company were delivered to their Governor; to which they having put in their answer, the same was communicated to the petitioners, and the *East-India* company ordered to make their defence on the 20th of *November*.

Not only the appointed day, but several others were spent in examining the accounts, which Sir *Joseph Herne*, the Governor of the *East-India* company, delivered in, as a state of their stock and debts at home and abroad; and in considering several other petitions relating to the *East-India* trade, till at last the Commons agreed to the following resolutions, on the 17th of *December*. 1. That a sum not less than 1,500,000 and not exceeding two millions, was a fund necessary to carry on the *East-India* trade in a joint stock. 2. That no one person should have any share in a joint stock for the *East-India* trade exceeding 5000 *l.* either in his own name, or any other in trust for him. 3. That no one person should have above one vote in the said company; and that each person, who had 500 *l.* stock therein, should have one vote. 4. That the company to trade to the *East-Indies* should be obliged to export every year in their trade goods, being the growth and manufacture of this nation, to the value of 200,000 *l.* at least. 5. That no private contracts should be made, but all goods sold at public sales by inch of candle, except salt-petre for the use of the crown. 6. That the *East-India* company be obliged to sell to the King yearly salt-petre refined (the refraction not exceeding four or five per cent. out of one hundred and twelve) five hundred tons, at the rate of 30 *l.* per tun. 7. That no lot should be put at any sales in the *East-India* company at one time, exceeding 500 *l.* 8. That no person should be Governor or Deputy-Governor of the company to trade to the *East-Indies*, who had less share in the stock than 2000 *l.*

or



James Hyde, Earl of Rochester. In the collection of the Right Hon. the Earl of Burlington. Engraved by J. Smith. 1741.



1691. *William Fuller*, was another cause of delay to the supplies. The conspiracy of the Papists in *Lancashire* to raise a rebellion in the kingdom, in order to re-inthronize King *James*, was attested by several witnesses, which the Jacobites were so dextrous as to take off either by fair or violent means; but nevertheless their sinister designs being confirmed by the papers taken with the Lord Viscount *Preston*, and several other circumstances, which amounted to a moral demonstration, some persons of note were seized, and search made after others; which brought the business to be examined before the Commons. At this juncture *Fuller*, who was then a prisoner in the *King's-Bench*, set up for an evidence, and at his own desire was brought to the bar of the Commons, where he produced several papers, which were perused by the House; and, according to his prayer, it was resolved, 'that an application be made to his Majesty, that he would please to give to Mr *Fuller* a blank pass for two persons, for their safe coming from beyond sea, or any other place, hither, to give their evidence, for their protection, while they were here, and for their safe return, if desired.' About six weeks after *Fuller* was ordered to attend the House of Commons, with the persons mentioned by him; but he pretending to be sick and not able to come abroad, several members were ordered to repair to him, to secure his papers, and to take his information upon oath. The next day *Fuller's* examination was presented to the House, and read; and he mentioning Mr *James Hayes* and Colonel *Thomas Delaval* to be the two witnesses, which he had informed the House of, several members, attended by messengers, were ordered to go to the places directed by *Fuller*, and bring the said persons with them. They went but found no such persons as had been described to them; whereupon *Fuller* was order-

red to produce them himself, and also one *Jones*; 1691. which he not being able to do, the Commons unanimously declared, 'that *William Fuller* is a notorious impostor, a cheat, and a false accuser, having scandalized their Majesties and their Government, abused this house, and falsely accused several persons of honour and quality.' And they further resolved, 'that an address be presented to his Majesty, to command his Attorney-General to prosecute the said impostor.' *Fuller* was accordingly prosecuted, and sentenced to stand in the pillory; which ignominy he underwent without the least modesty or concern.

The warm dispute between the two Houses, raised by the bill for regulating trials in cases of High-treason, was a farther interruption of the publick business. This bill having been laid aside by the Lords in the preceding session, Nov. 18. was now again brought in and passed by the Commons, and sent to the Lords for their concurrence, who added a clause to it, 'that upon the trial of any Peer or Peers for treason or misprision of treason, all the Peers who have a right to sit and vote in Parliament, should be duly summoned to attend twenty days at least before the trial, and should vote at the trial of such Peer or Peers.' As it had been the custom for the Lord Steward, for the time being, to summon by his Serjeant at Arms a competent number only of Peers, to be triers of Peers, and as the Lord Steward was appointed by the King's commission, the Commons disagreed to the clause, as thinking it an alteration in the constitution; which occasioned several conferences between the managers of both Houses (1). But the result of all was, that the Lords insisted upon their clauses, and the Commons adhered to their disagreement.

The Commons having resolved, that the miscarriages of the fleet should be inquired into, 1691-2. Enquiries into the to,

or Committee-man, that had less than 1000 l. 9. That the election of Governor, Deputy-Governor, and Committee for the company to trade to the *East-Indies*, be made every year. 10. That all dividends be made in money. 11. That no dividends be made, without leaving a sufficient fund to pay all debts, and carry on the trade. 12. That a valuation of the stock be made every five years by the accountant of the company upon oath, to be seen by all such as are concerned therein. 13. That no ships, either with permission or without, for the future, be allowed to go to the *East-Indies*, except only such as should be of a company, or be established by act of Parliament. 14. That no by-laws should be binding to the company, but such as were approved by a general court of adventurers, and were not repugnant to the laws of the land. 15. And lastly, that the Joint-stock of a company to trade to the *East-Indies* be for twenty one years, and no longer.

The next day the three following resolutions were added to the rest, viz. 'That all persons now having above the sum of 5000 l. in the stock of the present *East-India* company, in their own or other persons names, be obliged to sell so much thereof, as should exceed the said sum of 5000 l. at the rate of 100 l. for every hundred. That the members of the committee of the *East-India* company be obliged to give security to be approved of by the house, that the stock and estate they now had, should be made good 749,000 l. all debts paid. And, lastly, that (security being first given) an humble address be presented to his Majesty, to incorporate the present *East-*

India company by charter, according to the regulations agreed upon by the House, that the same might pass into an act.' On the 23d of December Sir *Thomas Cooke*, Sir *William Langborne*, Sir *Thomas Rawlinson*, and others, the committee of the *East-India* company, delivered in proposals concerning the security to be given; which being disapproved, the said committee was ordered to produce the persons they proposed to be security; which being done accordingly on the 29th of December, the Commons, after a long examination of the whole matter, approved of the security proposed, and on the 8th of January appointed a committee to prepare and bring in a bill to establish an *East-India* company, according to the regulations agreed upon by the House; but it came to nothing. On the contrary several petitions being presented against it, to which the *East-India* company did not give satisfactory answers, the Commons addressed King to dissolve it, and grant a charter to a new company. The King's answer was, 'It is a motion of very great importance to the trade of this Kingdom, I will consider of it, and in a short time give the Commons a positive answer.' However he was pleased to confer the honour of Knighthood on Sir *John Gildenburgh*, who was going to *India* in quality of the company's Commissary-general.

(1) *Charles Montague*, afterwards Earl of *Halifax*, distinguished himself at the first conference as a manager for the Commons. For the Lords, were the Duke of *Bolton*, the Marquiss of *Halifax*, the Earls of *Mulgrave*, *Rochester*, *Nottingham*, *Monmouth*, and *Stamford*.

1691-2.
conduct of
the fleet.
MS. Lett.
of Public
ney to
Colt.
Nov. 10.
1691.

to, Admiral *Russel* presented to the House the instructions given by the Commissioners for executing the office of Lord High Admiral of England, a list of the ships, and an extract of several letters and orders touching the proceedings of the fleet during the last summer's expedition; all which were compared and examined with the copies of the several orders, that had been issued by the Commissioners of the Admiralty to the said Admiral, and a list of the ships, that had been lost or damaged since the year 1688, delivered to the House of Commons by the Lord Falkland from the Commissioners of the Admiralty. And it appearing to the House, that in the whole matter the great fault, lay upon the Admiralty, a Committee was appointed to receive their answer to the accusation. The Admiral being likewise asked, how he came to lie at the Buoy in the Nore after the fleet was ready, and the wind fair for six days together? answered, that he did not think himself strong enough to go out at first, since he could not sail with above fifty ships, the Dutch refusing to go to the blockade before *Dunkirk* (which was to be maintained) till their complement came up; and that after the same was arrived, he then wanted provisions. And he said, that the reason why he staid so long in *Torbay* after the wind served to go out, was for want of orders from the Admiralty, notwithstanding he had sent several times to their Lordships for that purpose; it being one of the articles in his instructions, that whenever he came into port, he should not stir out again but by orders from the Admiralty.

Ibid.
Nov. 20.

On the 12th of November the Commons were acquainted, that Mr *Bridges*, a member of their House, could give an account of an information given him by a Captain in their Majesties fleet, that Sir *Ralph Delaval* had lately taken a French boat going for Ireland, with papers of dangerous consequence to the government. Whereupon Mr *Bridges* was ordered to name the person; and he having named the Lord *Danby*, a conference was desired with the Lords upon matters relating to the safety of the Kingdom. Accordingly the Lord *Danby* attending in his place in the House of Lords, acquainted them, that he being on board Sir *Ralph Delaval's* ship, when the packet of papers was opened, which had been taken in the French prize, he saw, amongst other papers, a copy of a letter from the Earl of *Nottingham* to Sir *Ralph*. Whereupon being ordered by the House to put what he had then said into writing, and to sign it, he withdrew, and did the same accordingly. Presently after a packet from Sir *Ralph* being brought to the Earl of *Nottingham*, while he was in the House, he opened it before them, wherein were the papers taken in the said prize; and Sir *Ralph* in his letter to his Lordship said the inclosed were all that were taken; which containing, as he thought, nothing of consequence, he did not send them sooner. But the copy of the Earl of *Nottingham's* letter not being amongst them, Lord *Danby* said, there were not all the papers,

he being confident he saw the abovementioned 1691-2. copy of the Earl's letter; and named another captain of the said Squadron, who, as he believed, saw it as well as himself. Upon this Sir *Ralph Delaval*, (who had been ordered to attend the House of Commons,) the other Captain, and the master of the French prize, were ordered to attend the House of Lords. But upon a full examination of the whole affair, it was found, that there was not a copy of any letter from the Earl of *Nottingham* to Sir *Ralph Delaval* in the packet taken on board the French boat, but only a letter written by his Lordship to Sir *Ralph* for sending up the papers intercepted by him. Upon this occasion the Commons took into their consideration the confession and examinations of the Lord *Preston* and Mr *Crome*, which, according to their desire, the King had ordered to be laid before the House.

About this time Dr *James Welwood*, a Scots physician, to signalize his affection to the government, employed his pen in detecting and exposing the sinister designs of their Majesties enemies in a weekly paper, intitled, *Mercurius Reformatus*, or *The New Observer*. But his zeal having carried him so far as to reflect on the proceedings of the Commons, that House, ever jealous of their privileges, ordered both the author and printer of the said paper to be sent for in custody of their Serjeant at arms; from whence they were at last discharged, after having been reprimanded for their offence. However, Dr *Welwood* was fully recompensed for the trouble and charge of his confinement, being soon after made one of the physicians in ordinary to his Majesty (1).

About the middle of January many of the French Protestants presented a petition to the Commons, praying the consideration of that House in order to their relief. This petition having had but little effect, by reason of the multiplicity of affairs, that were depending in that House, those distressed refugees applied themselves to the King with their case in print, and their Majesties declaration of the 25th of April 1689. in their favour; both which the King commanded to be laid before the Commons on the 17th of February. A week after, the House considered his Majesty's message, and the motion already made for a supply to be given towards the relief of the petitioners; but before they came to a resolution, the King's affairs required their rising, by a sudden adjournment, which prevented the passing several bills, that were depending. Among these was a bill for ascertaining the commissions and salaries of the Judges, and to put it out of the King's power to stop them. The Judges had their commissions, during their good behaviour; yet their salaries were not so secured to them, but that they were at the King's pleasure. But the King put a stop to this, and refused to pass the bill; for it was represented to him, by some of the Judges themselves, that it was not fit they should be out of all dependance on the Court; though it did

(1) Several other affairs amused the House of Commons to little purpose, as a bill for regulating abuses in elections and returns to Parliament, which was rejected on the 12th of December, without pleading; a bill for the better improvement of the woollen manufacture of this kingdom, which was also thrown out before a second

reading; a bill for the better repair of the harbour of Dover, which was likewise rejected; a bill to regulate the hackney-coaches; another to discourage the exportation of bullion, and encourage the importation of it, and converting the same into the coin of this realm; and a third to encourage privateers, wherein no progress was made.

(1) The

1691-2. did not appear that there was any hurt in making Judges, in all respects, free and independent (1).

The Parliament is prorogued. Feb. 24. Pr. H. C. II. 407. As the King was desirous to be early in *Holland*, he came, on the 24th of *February*, to the House of Peers, and passing several Bills (2), closed the session with the following speech to both Houses.

My Lords and Gentlemen,

The King's speech. I Return my hearty thanks to you all for the great demonstrations you have given me of your affections in this session, and for your zeal for the support of the government. And I must thank you, Gentlemen of the House of Commons in particular, for the great supplies you have granted for the prosecution of the war. I assure you, I shall take care so to dispose of the money you have given me for the publick occasions, as that the whole nation may be intirely satisfied with the application of it.

My Lords and Gentlemen,

"I think it proper to acquaint you with my intentions of going beyond sea very speedily; which I am afraid have been already retarded more than is convenient for the present posture of affairs. And upon that account I think it necessary to put an end to this present meeting, the season of the year being now so very far advanced, that it may prove of the last ill consequence to continue it any longer."

Then the Parliament was adjourned to the 12th of *April*, and afterwards prorogued by proclamation to the 29th of *May*.

Acts passed this third session. The most material acts passed this session were as follow:

1. An act for explaining and supplying the defects of the former laws for the settlement of the poor. As the poor had been taken care of by the monasteries, it was necessary, after their dissolution, to make Laws about them. Accordingly, by an act of the 43d of *Elizabeth*, overseers of the poor were first established, who were to set to work the children of such as could not keep them, to bind them apprentices; a boy to the age of twenty-four, a girl to the age of

twenty-one, and to raise money for a stock of 1691-2. hemp, flax, &c. to employ such as had no means to maintain themselves, and for the relief of the lame, old, and blind, that could not work. This act was continued by the 3d and 16th of *Car. I.* and by the Statute of the 13th and 14th of *Car. II.* Any poor man coming to settle in a teneement under ten pounds a year, may be removed to the place of his last settlement within forty days. Now by this act of the 3d and 4th of *Will. and Mar.* the forty days continuance in a parish, intended by the 13th and 14th of *Car. II.* to make a settlement, shall be accounted from the publication of a notice in writing, which the poor person shall deliver, of the house of his abode, and the number of his family, to the church-warden or overseer of the poor; which notice is to be read publicly in the Church the next *Sunday*, and registered in a book, under the forfeiture of forty shillings to the poor of the parish.

2. An act for the encouragement of the breeding and feeding of cattle. By this act from the 1st of *March* 1691, any person may export into any part of the world, all sorts of beef, pork, butter, cheese, and candles, free from any imposition whatsoever.

3. An act for the better ascertaining the tythes of Hemp and Flax. As the sowing of these is very beneficial to *England*, by reason of the multitude of people employed in manufacturing them, and as the manner of tything them is exceeding difficult, creating many chargeable and vexatious suits; by this act every acre sown with hemp or flax, is to pay a sum not exceeding four shillings, before the same be carried off the ground.

As to the honours and preferments during the last year, *John George*, Elector of *Saxony*, and *Charles* Earl of *Dorset* and *Middlesex*, were made Knights of the Garter. The Earl of *Pembroke* was made Privy-Seal, and his place of Commissioner of the Admiralty given to Lord *Cornwallis*. The Lord Viscount *Sidney*, one of the Secretaries of State, was made Lord Lieutenant of *Ireland*, Sir *John Sommers* was made Attorney-General in the room of Sir *George Treby*, advanced to the place of Chief Justice of the Common-Pleas. Sir *Rowland Gwin* was removed from the place of Treasurer of their Majesties chamber, for words reflecting on the Lord Viscount *Sidney* (3). The Bishoprick of *Lincoln* being vacant

(1) The other Bills that were depending were as follow.

1. A bill for lessening the interest of money, which the Commons had passed, and sent up to the Lords for their concurrence. 2. For disabling minors to marry without the consent of their fathers or guardians, and for preventing clandestine marriages, which the Lords had sent down to the Commons. 3. For the paying of the army according to the musters of effective men, punishing mutineers and deserters, and preventing false musters; to which the Lords had made some amendments, that occasioned great disputes. 4. Against the buying and selling of Offices. 5. For the better apprehending of high-way men. 6. To prevent frauds by clandestine mortgages. 7. Against duelling.

(2) Acts passed this Session were,

1. An act for abrogating the oath of supremacy in *Ireland*, and appointing other oaths; when the bill was sent up to the Lords, the Earl of *Nottingham* alledged, No. 13. Vol. III.

that it was in some parts contrary to the articles of the capitulation of *Limerick*; upon which some amendments were made, particularly that the lawyers of *Limerick* should not be comprehended in the bill. This occasioned two conferences between the Houses, the result of which was, that the Lords at last concurred to the bill without their alterations. *Pulteney's MS. Letter to Colt. Nov. 17, 1691.*

2. An act for taking away Clergy from some offenders, and to bring others to punishment.

3. An act against deer-stealers.

4. An act for the better repairing the high-ways, and for settling the rates of carriage of goods.

5. An act for relief of creditors against fraudulent devices.

(3) We have a very particular account of this affair in the following letters of Mr *Warre*, &c. to Sir *William Dutton Colt*, Envoy extraordinary at *Hanover*.

D d d

To

1691-2, vacant by the death of Dr Barlow, was given to Dr Thomas Tennison, who was recommended to the King for his exemplary piety, and moderation towards the Dissenters, whom the King still endeavoured by all gentle methods, to bring over to the Church (1).

471. of
Scotland.
Barnet.

Some changes were likewise made in Scotland, where affairs were put into another method. Lord Tweeddale was made Lord Chancellor of that Kingdom, Lord Melville appointed Lord Privy-Seal, and most of his creatures were laid aside. But several of those who had been in Montgomery's plot, were brought into the council and ministry. Mr Johnson, who had been Envoy Extraordinary to the Elector of Brandenburg, was called home in February, and made Joint-Secretary of State for that Kingdom with the Lord Stair. It began soon to appear there, how ill the King was advised, when he brought in some of the plotters into the chief posts of that Government. As this disgusted the Presbyterians, so it was very visible, that these pretended converts came into his service, only

to have it in their power to deliver up that 1691-2. Kingdom to King James. They scarce disguised their designs; so that the trusting such men was astonishing to every body. The Presbyterians had very much offended the King; and their fury was instrumental in raising great jealousies of him in England. He well foresaw the ill Effects, which this was like to have, and therefore recommended to the general assembly to receive the episcopal Clergy, and to concur with them in the government of the Church upon their desiring to be admitted; and in case the assembly could not be brought to consent to this, he ordered it to be dissolved, without naming any other time or place of meeting. It was not very probable, that there could be any agreement, where both Parties were so much inflamed one against another; and those, who had the greatest credit with both, studied rather to exasperate than to soften them. The episcopal party carried it high; they gave out, that the King was now theirs; and that they were willing to come to a concurrence with Presbytery,

From Mr Warre.

Whitehall, April 1. 1692.

"Sir Rowland Gwin acquainted the Queen, that my Lord Sidney sold all the places in Ireland. The Queen was surpris'd at it, and having taken some notice of it to his Lordship, he earnestly prayed it might be examined; and Sir Rowland was ordered to attend the Council yesterday, that he might produce his proofs. But I do not hear of any he gave, either then or this morning at the Cabinet Council; so that he is now commanded to attend the Council on Thursday next; and it is not believed he will be able to give any tolerable reason for this accusation; at least hitherto he has not pretended to any more than some general reports, no better than coffee-house talk; and some such excuse perhaps he may make on Thursday next."

From another letter of the same date.

"I told you in my last, that Sir Rowland Gwin had made himself an affair with my Lord Sidney, of which I can give a fuller account. About ten or twelve days ago Sir Rowland went to the Queen, and pretending a mighty zeal for her service, took upon him to inform her of a great abuse and corruption in disposing of employments and offices in Ireland, for that they were all sold to those, that bid most. The Queen asked him, whether he had acquainted my Lord Lieutenant with what he told her, that he might enquire into the abuse, and give a stop to it: he answered, that his Lordship was the unfittest man in the world to apply to in this matter, for that it was done by his order, and that he received the money. The Queen was pleas'd to tell this to my Lord Sidney, who resenting it, as he had reason, sent for Sir Rowland on Wednesday was se'nnight to his house, who not imagining the occasion of it, came to him. Our friend Mr. P. [Pulteney] was ordered by his Lordship, to be present. When Sir Rowland came, my Lord let him know what the Queen had told him, and desired to know, what grounds he had for the complaints he had made. Sir Rowland was surpris'd and quite out of countenance; he said, he had no ill intention against his Lordship, but only told the Queen as a report he had heard; and that his Lordship might have an opportunity to justify himself. My Lord told him, that if this had been his aim, he would have come to himself first, and acquainted him with the scandal that was thrown upon him. In short, my Lord told him, that he would have the matter examined before the Council, and that he should produce his

authors. Accordingly my Lord Nottingham wrote him a letter, to let him know, that it was the Queen's pleasure, that he should attend the Council yesterday to make good his Charge against my Lord Sidney; which method was observed by reason of his being a member of Parliament; for otherwise it is probable a messenger would have fetched him. Yesterday, when the Council were met, we were all big with Expectation to see what he had to say for himself; but we were disappointed, for the Business was not called for. The reason I cannot yet certainly learn; all I know is, that Sir Rowland came to the Council-door, and desired to speak with my Lord Nottingham, who came to him, and then Sir Rowland went away. We imagine it was to desire farther time, or to make some other excuse. Whatever it was, he gained that Council-day by it; but there is since a second and positive order sent him to attend her Majesty in Council on Thursday next. You may believe my Lord Sidney is resolv'd to push the thing, and not to let it fall till he has publick reparation."

From Mr Warre.

Whitehall, April 8. 1692.

"Yesterday, the Queen being present in Council, Sir Rowland Gwin was called in, who as he had done before at the Cabinet-Council, owned he had told the Queen, that it was reported that places were sold in Ireland, but denied to have said, that my Lord Sidney took the money for them, as the Queen herself was pleas'd to declare he had. My Lord Sidney gave the board an account likewise, that Sir Rowland had not at first disowned the thing to him, but said he had no ill intention against his Lordship, telling it as a report of the town, and that he would recollect himself, and endeavour to produce those he heard it from. Mr. Pulteney, who was then present, declared the same thing; and Mr. Murray did likewise testify, that Sir Rowland had owned to them, that he had told the Queen of the selling of places in Ireland. After which Sir Rowland was asked, if he had any thing farther to say; and his answer was, Not before your Lordships, and so went away. And after some debate of the matter it was resolv'd, that it should be entered upon the council-book, and published likewise in the next Gazette, that the Report Sir Rowland Gwin had carried to the Queen about selling places in Ireland, &c. was groundless and scandalous; and that her Majesty is fully satisfied of the falseness of it."

(1) The rest of the honours and preferments were as follow:

1691-2. tery, on design to bring all about to episcopacy in a little time. The Presbyterians, who at all times, were stiff and peevish, were more than ordinarily so at this time; they were jealous of the King; their Friends were now disgraced, and their bitterest enemies were coming into favour. They continued therefore obstinate, and would abate in no point of their government; upon which the assembly was dissolved. But they pretended, that by law they had a right to an annual meeting, from which nothing could cut them off; alledging, according to a distinction much used amongst them, that the King's power of calling synods and assemblies was *cumulative* and not *privative*; that is, he might call them, if he would, and appoint time and place; but that if he did not call them, they might meet by an inherent right, which the Church had, and which was confirmed by law. Therefore they adjourned themselves. This was represented to the King as a high strain of insolence, that invaded the rights of the crown, of which he was become very sensible; and most of those, who came now into his service, made it their business to incense him against the Presbyterians, in which he was so far engaged, that it alienated that party much for him.

The affair of Glencoe. About this time likewise, a very barbarous massacre was committed at *Glencoe*, which occa-

sioned great Reflections on the King, though it 1691-2. was done without his knowledge, as will plainly appear, when in the course of the history, an account is given of the proceedings of the *Scots* Parliament when this affair was taken into consideration.

But the most remarkable incident which happened in England during this session; was the disgrace of the Earl of *Marlborough*, which had very ill effects. The Earl of *Nottingham* came to him some day in January, with a message from the King, telling him, that he had no more use for his service, and therefore demanded all his commissions (1). What drew so sudden and so hard a message, was not known: For he had been with the King that morning, and had parted with him in the ordinary manner. It seemed some Letter was intercepted, which gave suspicion. It is certain, that the Earl thought he was too little considered, and had upon many occasions censured the King's conduct, and reflected upon the *Dutch* (2). But the original cause of his disgrace, is supposed II. 90. by Bishop *Burnet*, to arise from another consideration, namely, the motion made in Parliament for a settlement on the Princess of *Denmark*, independent of the King, which as has been observed, was imputed to the Countess of *Marlborough*, as most in favour with the Princess.

Upon

William Harbord, Esq; was appointed Ambassador Extraordinary to the Ottoman port. He embarked the 10th of November 1691, for *Holland*, to proceed by the way of *Vienna* to *Constantinople*. The King had received a congratulatory letter from the *Grand Seigneur*, desiring his mediation for a peace with the Emperor. About the Middle of February, Sir *William Phipps*, Knt. was appointed Governor of the Province of *Majachusetts* bay, and commander in chief of all the militia of *New England*, and Sir *Edmund Andros*, Knt. Governor of *Virginia*, *Benjamin Fletcher*, Esq; Governor of *New-York*, and *Samuel Allen*, Esq; Governor of *New-Hampshire* in *New-England*; the Earl of *Bedford* was made Lord Lieutenant of the County of *Middlesex*; and Sir *John Lowther*, Vice-Chamberlain of his Majesty's household, and *Thomas Pelham*, Esq; having resigned their places, as Commissioners of the treasury, the same were disposed of, the one to Sir *Edward Seymour*, and the other to *Charles Montague*, Esq; who had lately distinguished himself to great advantage, and signalized his zeal for the Government, in the House of Commons. Two days after the King conferred the honour of Knighthood upon *Godfrey Kneller*, Esq; principal Painter in ordinary to their Majesties. On the 17th of March, *Anthony Lord Viscount Falkland* and *Robert Lord Lexington* were sworn of the Privy-Council; and on the 19th, *Thomas Coningsby*, Esq; one of the Lords Justices of Ireland, was created a Baron of that Kingdom by the title of Baron *Coningsby* of *Clanbraxile* in the county of *Armagh*; and about a month after Sir *Henry Capel* was made Baron *Capel* of *Tewksbury*, in the county of *Gloucester*. On the 24th of March, *Vere Earl of Westmoreland*, took the usual oaths as joint Lord Lieutenant of the county of *Kent*, with *Henry Lord Viscount Sidney*; and *Charles Lord Lansdown* was sworn likewise joint Lord Lieutenant of the county of *Devon* and *Cornwall*, with *John Earl of Bath*; and in May, *Thomas Trevor*, Esq; was made Solicitor-General.

(1) His post of Lieutenant-General of the infantry was given to Major-General *Talmash*, that of Colonel of the third troop of guards to the Lord *Calchefer*, that of Colonel of a regiment of fusiliers to the Lord *George Hamilton*, afterwards Earl of *Orkney*, and that of Gentleman of his Majesty's bed-chamber to the Lord *Lansdown*. MS. Letter of Mr. Pulteney to Sir

William Dutton Colt, from Whitehall, January 22. 1691-2.

(2) It was said that all the resentment was for the liberty he had taken to tell the King, "That though himself had no reason to complain, yet many of his good subjects were sorry to see his royal munificence confined to one or two foreign Lords." The Earls of *Portland* and *Rochford* both *Dutchmen*, are supposed to be meant. Whereupon the King is said to turn his back without making any answer, and soon after dismissed him from all his employments; nor was he employed again, or called to Council, till after the peace of *Ryswick*. *Life of the D. of Marl. I. 71.*

Monsieur Bernard (in his historical letters for Feb. 1692. p. 209.) says, "It is very difficult to penetrate into the true reason of the Earl of *Marlborough's* disgrace, and you cannot imagine how many different conjectures there are upon this head. You know, that the Earl was the favourite of King *James*, who from a very moderate fortune raised him to a condition capable of satisfying the most ambitious person. He was one of the first that went over to the present King, which gained him the esteem of all the English, who loved the Protestant religion, and the liberties of their nation. His first engagements have made some persons suspect, that he might have renewed some correspondence with his old master. But it is thought by others, that if this were the case, it would have cost him more than the loss of his employments. Others are of opinion, that he has had a dispute with some Lords of the Court, who are in an higher favour than himself; and that the King seeing him in the wrong, and being apprehensive, that the consequences of such disputes might be very inconvenient, has thought proper to remove him. Some are persuaded, that his Lady has been in the fault by talking a little too much. Others suppose, that he has shewn some discontent, because he had not the command of the English troops conferred on him, and intimated, that he thought himself not sufficiently confided in. Others trace the matter higher, and alledge, that after the taking of *Cork* and *Kingsale*, where the Earl commanded the army, he expected to be made a Duke, and master of the ordinance, which not being granted him, he has ever since shewn great dissatisfaction."

It

1691-2. Upon the Earl's disgrace, his Countess was forbid the Court, and the Princess was desired to dismiss her from her family (1). But to this she would not submit. She thought she ought to be allowed to keep what persons she pleased about herself. And when the Queen insisted on the thing, she retired from the Court. There were no doubt ill Offices done on all hands, as there were some that pressed the Princess to submit to the Queen, as well as others who pressed the Queen to pass it over, but without effect. Both had engaged themselves, before they had well reflected on the consequences of such a breach, which continued to the end of the Queen's life, and was by her carried so far, that besides other lesser matters, she ordered that no publick honours should be showed the Princess. The enemies of the government tried what could be made of this, to create distractions, but the Princess gave no encouragement to them. So this misunderstanding had no other effect, but to give her enemies much ill-natured joy, and a secret spiteful diversion.

The King goes to Holland. March 5. The King having settled affairs at home, embarked for Holland the 5th of March, and arriving the next morning in the *Maese*, landed at *Orange Polder*, went the same day to the *Hague*, and not long after to *Loo*.

The Jacobite plot for the restoration of King James. Boyer. Kennet. The King had scarce reached Holland before the Jacobites began to be elevated with the hopes of their master's restoration. One *Lunt*, who was employed to bring over and disperse King James's commissions, having had the good fortune to be discharged from imprisonment, was again entertained in 1691 by the *Lancashire* Papists to enlist men, and buy arms, that if the

King should be taken off in *Flanders*, (for which 1691-2 a project was laid, as will hereafter be seen) they might be ready for an insurrection in *England*, as soon as the blow was given. These preparations having spent the summer of the year 1691, and the campaigns in *Flanders* being ended, without any news, either of the assassination or invasion, *Lunt* was sent in November into *France*, to acquaint the abdicated King, that they were in a condition to receive him, and therefore desired him to inform them, when his affairs would permit him to make a descent into this Kingdom. *Lunt* returned in December following with advice, that King James would be in *England* the next spring; and that in the mean time Colonel *Parker*, and others, should be sent over with full instructions how to put themselves into a posture fit for his Majesty's reception; for now the descent from *la Hague* was resolved upon.

Parker and *Johnson* the Priest, who in conjunction with some few others, had projected the intended murder of the King, and with many the invasion, landed in *England* about the latter end of January 1691-2. And thinking the assassination to be the only means to make the invasion practicable, and the conquest of *England* easy, they communicated this design to as many as they could trust, in hopes, (as Mr Goodman deposed before the Secretary of State) to have done it before the King went to *Holland*. But they were so long in contriving how, by whom, when, and where it was to be done, that the time elapsed before their consultations came to maturity. However, *Parker* assured them that the assassination-plot would be reassumed in *Flanders*

It is also said, that the King having formed a design upon *Dunkirk*, and communicated it to the Earl of *Marlborough* and two others, found he was betrayed. Upon which, sending for each of the three persons separately, he taxed them with breach of trust. Two denied it, and took their oaths of it, the King himself swearing them; but the Earl of *Marlborough* refusing to swear, owned at last, that he had told it to his wife, who is supposed to have acquainted her sister the Lady *Trycannel* with the secret, by whom it was revealed to the King's enemies. The two others intrusted with the secret are said to be the Marquis of *Carmarthen* and the Earl of *Shrewsbury*.

(1) This event (says the Dutchess of *Marlborough*, in the *Account of her conduct*, p. 41) might perhaps be well enough accounted for, by saying that Lord *Portland* had ever a great prejudice to my Lord *Marlborough*, and that my Lady *Orkney* (then Mrs *Villiers*) though I had never done her any injury, except not making court to her, was my implacable enemy. But I think, it is not doubted, that the principal cause of the King's message, was the Court's dislike that any body should have so much interest with the Princess as I had; who would not implicitly obey every command of the King and Queen. The disgrace of my Lord *Marlborough* therefore, was designed as a step towards removing me from about her. The following letter from the Queen to her sister, affords ground for this opinion.

Kensington, Friday, the 5th of Feb.

"Having something to say to you, which I know will not be very pleasing, I chuse rather to write it first, being unwilling to surprize you; though, I think, what I am going to tell you, should not, if you give yourself the time to think, that never any body was suffered to live at court in my Lord *Marlborough's* circumstances. I need not repeat the

"cause he has given the King to do what he has done, nor his unwillingness at all times to come to such extremities, though people do deserve it.

"I hope, you do me the justice to believe, it is as much against my will, that I now tell you, that, after this, it is very unfit Lady *Marlborough* should stay with you, since that gives her husband so just a pretence of being where he ought not.

"I think, I might have expected you should have spoke to me of it. And the King and I, both believing it, made us stay thus long. But seeing you was so far from it, that you brought Lady *Marlborough* hither last night, makes us resolve to put it off no longer, but tell you, she must not stay; and that I have all the reason imaginable to look upon your bringing her, as the strangest thing that ever was done. Nor could all my kindness for you (which is ever ready to turn all you do the best way, at any other time) have hindered me shewing you that moment, but I considered your condition, and that made me master myself so far, as not to take notice of it then.

"But now I must tell you, it was very unkind in a sister, would have been very uncivil in an equal, and I need not say I have more to claim. Which, though my kindness would make me never exact, yet when I see the use you would make of it, I must tell you, I know what is due to me, and expect to have it from you. 'Tis upon that account, I tell you plainly, Lady *Marlborough* must not continue with you in the circumstances her Lord is.

"I know this will be uneasy to you, and am sorry for it: and it is very much so to me to say all this to you, for I have all the real kindness imaginable for you, and as I ever have, so will always do my part to live with you as sisters ought. That is, not only like so near relations, but like friends. And, as such, I did think to write to you. For I would have made myself believe your kindness for

her

1692. ders by the same persons, who had undertaken it last Campaign; which encouraged the Jacobites to make preparations for what was to follow, namely the invasion.

A descent
in Eng-
land pre-
pared by
King
James.

The scheme of this descent was laid in France, and Parker and others were sent over to communicate it to the Jacobite party here. This Parker did (according to the depositions of Captain Blaire before the Privy-council) by calling their general officers and confederates together, and acquainting them, 'That their old Master had now obtained of the most Christian King thirty-thousand effective men; and that, when the spring was a little more advanced, King James, who was already marching into Normandy, would be wafted over with them into England; with assurance, that if that number was not great enough to reduce his rebellious subjects, France would spare him thirty-thousand more.' Therefore he desired all to be in readiness with the utmost speed and secrecy imaginable; and addressing himself particularly to Captain Blaire (at the instance of Johnson the Priest) told him, *That he was going to command in Lancashire, but intended to move southward at his Majesty's landing; and therefore desired the Captain to join him, in regard his own men were raw, and the Captain's, for the most part, were all old officers and soldiers.*

King
James's
letter to
his late
Privy-
Council.
April 2.
St. Tr.
II. 234.

In this interval King James's Queen being big with child, and drawing near her time, he sent a letter to several Lords and others of his late

Privy council, requiring such of them as could possibly come, to attend him at St Germain's, to be witnesses of his Queen's labour. The letter was also directed to several Ladies, as well as to the wives of some Commoners, but the invitation was not accepted by any of them (1).

Not long after King James sent over his declaration, dated at St Germain's, April 20, 1692. to this effect, 'That whereas the King of France, according to his promise, had put him into a way of endeavouring his restoration, St. Tr. II. 253. and to that end had lent him as many troops, as were abundantly sufficient to untie the hands of his subjects, and to make it safe for them to return to their duty, and repair to his standard; and yet purposely declined sending over such numerous forces, as might raise any jealousies in the minds of any of his good subjects, as if he intended to take the work out of their hands, and deprive them of so glorious an action, as the restoration of their lawful King (all which troops he promised to send away, as soon as he was put into peaceable possession). Though the thing spoke for itself and he did not think himself obliged to say any more upon the occasion, than that he came to assert his own just rights, and to deliver his people from the oppressions they lay under; yet considering how strangely they were deluded by the Prince of Orange's declaration, and to prevent as much as in him lay the same for the future, he was willing to look

"her made you at first forget that you should have for the King and me; and resolved to put you in mind of it myself, neither of us being willing to come to harsher ways.

"But the sight of Lady Marlborough, having changed my thoughts, does naturally alter my stile. And since by that I see how little you seem to consider what even in common civility, you owe us, I have told it you plainly; but withal assure you, that let me have never so much reason to take any thing ill of you, my kindness is so great, that I can pass over most things, and live with you, as becomes me. And I desire to do so merely from that motive. For I do love you, as my sister, and nothing but yourself can make me do otherwise. And that is the reason I chuse to write this, rather than tell it you, that you may overcome your first thoughts; and when you have well considered, you will find, that though the thing be hard (which I again assure you, I am sorry for) yet it is not unreasonable, but what has ever been practised, and what you yourself would do, were you in my place.

"I will end this with once more desiring you to consider the matter impartially, and take time for it. I do not desire an answer presently, because I would not have you give a rash one. I shall come to your drawing-room to-morrow before you play, because you know why I cannot make one: At some other time we shall reason the business calmly; which I will willingly do, or any thing else that may shew, it shall never be my fault if we do not live kindly together: Nor will I ever be other by choice, but your truly loving and affectionate sister,

M. R.

To this letter the Princess sent the following answer.

"Your Majesty was in the right to think your letter would be very surprising to me. For you must needs be sensible enough of the kindness I have for my Lady Marlborough, to know, that a command from you to part with her must be the greatest mortification in the world to me; and indeed of such a nature, as I might well have hoped your kindness

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"to me would have always prevented. I am satisfied she cannot have been guilty of any fault to you. And it would be extremely to her advantage, if I could here repeat every word that ever she had said to me of you in her whole life. I confess, it is no small addition to my trouble to find the want of your Majesty's kindness to me upon this occasion; since I am sure I have always endeavoured to deserve it by all the actions of my life.

"Your care of my present condition is extremely obliging. And if you would be pleased to add to it so far, as upon my account to re-call your severe command (as I must beg leave to call it in a matter so tender to me, and so little reasonable, as I think, to be imposed upon me, that you would scarce require it from the meanest of your subjects) I should ever acknowledge it as a very agreeable mark of your kindness to me. And I must as freely own, that as I think this proceeding can be for no other intent than to give me a very sensible mortification, so there is no misery that I cannot readily resolve to suffer rather than the thoughts of parting with her. If, after all this that I have said, I must still find myself so unhappy as to be farther pressed in this matter, yet your Majesty may be assured that, as my past actions have given the greatest testimony of my respect both for the King and you, so it shall always be my endeavour, wherever I am, to preserve it carefully for the time to come, as becomes

From the Cockpit,
Feb. 6th, 1692.

Your Majesty's
very affectionate sister
and servant,
ANNE.

To this the Princess received no answer, but a message by the Lord Chamberlain to forbid the Countess of Marlborough's continuing any longer at the Cockpit. Upon this the Princess left the Cockpit, and removed to Lion house, which she borrowed of the Duke of Somerset.

(1) The letter was directed not only to Privy-councillors but to the Duchesses of Somerset and Beaufort, the

E e e

1692. * look back and take the matter from the beginning. And it could not be forgotten, that as soon as he had notice of the Prince's intentions to invade him, he put himself both by sea and land into the best posture of defence he was able, and seemed to have done the same so effectually, that though the *French* King offered him considerable succours, he refused them, and threw himself wholly upon the fidelity of the *English* army; and at the same time applied himself to give reasonable satisfaction to the minds of his good subjects, and undeceive them in respect to the danger of the intended invasion. But they perceived it not 'till it was too late, and the defection grown so general, that he was at length necessitated to retire into *France*, in order to avoid the present danger, which threatened him, and to preserve himself for better times, and a more happy opportunity, which was then put into his hands. Upon what foundation of justice or common sense, the Prince's faction in *England* were pleased to treat his escape out of the hands of his enemies in the stile of an *Abdication*, which was never before used to signify any thing but a voluntary resignation; but upon which they

* built such a superstructure, as to make an ancient hereditary monarchy become elective. * He then proceeds to shew the miseries and inconveniencies, which he supposes had already, and would still attend such unwarrantable proceedings; insists upon the indisputable title of his only son, hoping his Queen was then with child of another; sets forth the calamitous condition of *Europe*, by reason of that war, an end of which there could be no reasonable prospect of 'till his restoration; prohibits his subjects to pay any taxes to support the present usurpation; and to gain them all over to his service, he declares he would pardon all of them who should return to their duty (except the persons hereafter named) provided all magistrates, upon notice of his landing, made some publick manifestation of their allegiance to him, and submission to his authority. And he further declared, that if any of the soldiery, who were in the Prince's service, should come in to him, they should be pardoned, and have their pay and arrears. He likewise promised to maintain the Church of *England*, and earnestly recommended to his Parliament the settling of liberty of conscience; and, in a word, to do

the Marchioness of *Hollifax*, the Countesses of *Derby*, *Mulgrave*, *Rutland*, *Brooks*, *Nottingham*, *Lumley*, and *Danby*; the Ladies *Fitz-harding*, and *Fretchville*, and to the wives of Sir *John Trevor*, Speaker, Sir *Edward Seymour*, Sir *Christopher Mulgrave*, Sir *Thomas Stamp*, Mayor; Sir *William Aylmer* and Sir *Richard Levett*, the two Sheriffs, and lastly to Doctor *Chamberlain*, the famous Man-midwife. The letter was as follows:

JAMES R.

* Right trusty and well beloved cousin and counsellor, we greet you well. Whereas our royal predecessors used to call such of their Privy-council, as could conveniently be had, to be present at the labour of their Queens, and witnesses of the births of their children; and that we have followed their example at the birth of our dearest son *James Prince of Wales*; however that precaution was not enough to hinder us from the malicious aspersions of such as were resolved to deprive us of our Royal right; that we may not be wanting to ourself, now it hath pleased Almighty God, the supporter of truth, to give us hopes of further issue, our dear comfort the Queen being big, and drawing near her time; we have thought fit to require such of our Privy-council, as can come, to attend us here at *St Germain's*, to be witnesses to our said Consort the Queen's labour: We do therefore hereby signify this our Royal pleasure to you, that you may use all possible means to come with what convenient haste you can, the Queen looking about the middle of *May* next. And that you may have no scruple on our side, our dear brother the most Christian King has given his Royal word and promise to you, as we hereby do, that you shall have leave to come, and, the Queen's labour being over, to return with all safety. The iniquity of the times, the tyranny of strangers, and misled party of our own subjects, brought us under the necessity of using this unusual way; yet we hope it will convince the world of the truth and candour of our proceedings, to the confusion of our enemies. We, not doubting of your compliance herewith, bid you heartily farewell. Given at our Court at the Castle of *St Germain's*, the 2d of *April*, N.S. 1692, and in the eighth year of our reign.

This letter was animadverted upon in a pamphlet, printed the same year, and intitled, *The late King*

James's letter to his Privy-counsellors; with just reflections upon it, and upon the pretended Prince of Wales; and a short account of the judgment of the Parliament 1 Edw. IV. in consultation of the author of The case of allegiance to a King in possession; with the reasons why the sham birth hath not been publicly exposed. The author of this piece observes, 'That the birth of the pretended Prince of *Wales* would have been less suspected, if all the witnesses, who swore materially, were not to be thought parties; if the Bishops had not been sent to the Tower, as it were on purpose to remove the necessity of sending for the then Archbishop of *Canterbury*, who had not at that time resigned himself up to the *French* interest; if there had been credible proof of the late Queen's having been with child, before she was brought to bed; and she had not passed the years, at which it was usual for *Italian* women to bear children.'

He takes notice afterwards, 'That some men whose crimes in former reigns, and professed enmity to the liberties of *England*, had engaged them in a party, which opposed the accession of their Majesties to the imperial throne of this realm, after they had invited his Majesty's arms, and importuned him to take upon him the administration, raised a great clamour upon the silence of Parliaments in relation of the putative Prince of *Wales*, as if it were a tacit admission, that he was real. But certainly in this the Parliaments chose to shew, that the government is settled upon such a bottom, as makes it not the least material, whether Prince or no Prince; well knowing, that the Convention, which afterwards became a Parliament, upon acting under a legal head, (as did the Parliament, which afterwards turned into a Convention by the depol of *Richard II.* acted with *Henry IV.*) exercised a power, which was vested in them by the constitution of this monarchy, and followed the wise examples of *Henry VIII.* and Queen *Elizabeth* of glorious memory, *Henry VIII.* though he had bastardized both his daughters, *Mary* and *Elizabeth*, yet settled the crown upon them both successively, in remainder after his son *Edward*, without taking off the illegitimation of either daughter: Whereby he certainly placed the right of their successions upon a surer foundation, from the authority of the King and States to dispose of the crown, than if he had declared either of the sisters to be legitimate. Nor indeed would he have done this

1692. 'do every thing, that might tend to the honour and welfare of the nation (1).'

When Parker went into *Lancashire* he took with him several good officers, some of whom stayed with him in that county, and others he disposed of in *Yorkshire* and the Bishoprick of *Durham*. His head-quarters were at *Mr Walmesley's* at *Dungan-Hall*, from whence he issued out his orders. And because their arms were, for fear of a discovery, hid in woods and grounds, or buried between walls and in cellars and out-houses, he ordered them all to be taken out,

and immediately distributed among the officers and enlisted men; while *Mr James Fountaine*, as Lieutenant-Colonel to the Lord *Monigomery*, and Colonel *Holman*, were completing each a regiment of horse in *London*, to join King *James* at his landing. For by this time that King, with his army of *English, Scots, Irish, and French*, was at *la Hogue*, ready to embark for *England*. And at the same time the Jacobites here sent Captain *Lloyd* express to the Lord *Melfort*, to acquaint him that they had corrupted several of the *English* sea-commanders, particularly

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'without shewing at the same time that one was illegitimate, the question being, Whether the mother of *Mary*, or the mother of *Elizabeth*, was the true and lawful wife. And tho' *Queen Elizabeth* had full opportunity and power to cause the act, which bastardized her to be repealed, especially after the Protestant religion was thoroughly settled, and that party crushed, who held the Pope's authority to make good the marriage of *Henry VIII* with his brother's wife carnally known by him; yet she wisely contented herself with a title derived from that constitution of the Monarchy, by virtue of which the crown had been settled, rather than to fetch one from heaven by a divine right of birth.' *State Tracts* II. p. 234.

(1) The exceptions were, the Duke of *Ormond* the Marquis of *Winchester*, the Earls of *Sunderland*, *Bath*, *Danby*, and *Nottingham*, and the Lords *Newport*, *Delamere*, *Wiltshire*, *Colchester*, *Cornbury*, *Dunblain*, and *Churchill*; the Bishops of *London* and *St Asaph*; Sir *Robert Howard*, Sir *John Worden*, Sir *Samuel Grimstone*, Sir *Stephen Fox*, Sir *George Treby*, Sir *Bazil Dixwell*, Sir *James Osendon*, Dr *John Tillotson*, Dean of *Canterbury*, Dr *Gilbert Burnet*, *Francis Russell*, *Richard Levison*, and *John Trenchard*, Esquires; *Charles Duncomb* Citizen of *London*, — *Edwards*, — *Stapleton*, — *Hunt*, Fishermen, and all others, who had offered personal indignities to him at *Feverham*, or 'had an hand in the barbarous murder of *Mr John Aston*, and of *Mr Cressy*, or of any others who had been illegally condemned and executed for their loyalty; and all spies, and such as had betrayed his counsels during his late absence from *England*.' This Declaration was answered by Dr *W. Lloyd*, Bishop of *St Asaph*, in a pamphlet printed in 1692, under the title of *A second letter to a friend concerning a French invasion, in which the declaration lately dispersed under the title of His Majesty's most gracious declaration to all his loving subjects, commanding their assistance against the Prince of Orange and his adherents, is intirely and exactly published, according to the dispersed copies; with some short observations upon it*. He observes, 'That there is nothing in the declaration, which a reasonable man, who remembered King *James's* reign, especially the conclusion of it, would have expected in it. If the design, says he, of such a declaration be to give satisfaction to the minds of the subjects, it ought at least to have contained as good words and fair promises, as a Prince could give. He knew very well what it was, that had alienated his subjects from him; that they apprehended their laws, their religion, and their liberties, to be in great danger; and could not but know, that he had given them too just occasion for such jealousies and fears. And it is wonderful, that he should think of publishing a declaration, and not think fit to give the least satisfaction about these matters; not to say one word about popery and arbitrary power, nor to give any express promises, that he would remove these fears. The only thing he appeals to is the justice of his cause; and does not think himself obliged to say any thing more upon this occasion, than that he comes to assert his own just rights, &c. But this was not the controversy between him and his people; they did not dispute then his right to the crown (though

they have some reason to do it now) and yet were willing to part with him, when he thought fit to leave them; and if he knew what made them so, and hoped to return again by their assistance, and with their good liking, any one but those of his own Council would have thought him obliged to say something of it.' He then vindicates the Prince of *Orange*, from the reflections cast upon him in the declaration, and denies that he afterwards appeared to be any other than his own declaration had represented him. 'He came not for the crown, but to reform abuses, and to secure the succession, which the right of his Princess, and his own right and interest, the preservation of the Protestant religion, and of the liberties of *Europe*, gave him a right and authority to meddle with. But besides his expectation, and original intention, he has the crown, which he came not for. He has deceived no body in it; but if any one be deceived, King *James* and the people of *England* have deceived him; the one in leaving the crown, and the other in placing it on his head, where indeed it ought to be, both in right of his Princess, and for his own merits; for he, who saves a nation, had he no other claim or title, may very well deserve to wear the crown, especially when it was with the free consent of the Princess, our most gracious Queen, and upon the desires of the estates of the realm, and still necessary to save the nation.' He afterwards endeavours to shew, that the French King was author of all the present wars in *Europe*. 'Who, says he, has been the great disturber of the peace of *Europe*, but his most Christian Majesty? With whom are all the Princes of *Europe* at war but with him? Who else has hindered the success against the common enemy, and the enlarging the bounds of the Christian Empire? Who invited the Turk into *Europe*? Who encourages him to continue the war after so many fatal defeats, which may probably prove the ruin of his whole Empire? In a word, what other Christian Prince is the great Turk's ally and confederate in this war? And is not this war continued and encouraged by all the power and interest of the French King, on purpose to disturb the peace of *Europe*, that, while the Imperial forces are otherwise employed, he may make a prey of his weaker neighbours? Who but the late King could hope to persuade the world, that to restore him to his Kingdom is absolutely necessary to the Peace of *Europe*; that before his restoration no rational projects of a treaty can be formed in order to a peace? He may be mistaken in this, for the French King may quickly be glad to make a peace, and leave him and his restoration out of the treaty. For things are come to that extremity now, that it is in vain to think of peace, 'till *Lewis* the Great be reduced to such a state as to accept it, and unable to break it. And this Argument returns upon him; for the peace of *Europe* is a necessary reason why he should not be restored.'

With regard to King *James's* promises to protect and defend the Church of *England*, the writer observes, that this would be a great favour indeed from him, if he should return with a French power. 'But the Church of *England*, says he, is protected already by Princes, who think it their duty to do it; and we think

think

1692. cularly Rear-Admiral Carter (1), and with that false intelligence they transmitted to him an exact list of the number and rates of the *English* fleet, and how long it would be before it was possible they could be joined by the *Dutch*; desiring him to lay it before his most Christian Majesty, and to procure his command to Marshal de Tourville to seek and immediately to fight the *English*, before they could be reinforced by the *Hollanders*. Upon the receipt of this message, the Lord Melfort applied himself to the King of France, who immediately gave his positive commands to Tourville to engage the *English* fleet, without waiting for the *Toulon* squadron under Monsieur d'Estrees.

The Queen's vigilance and care at this juncture.

The Queen being informed of these preparations, gave orders for hastening out the fleet, and putting the militia in readiness. She sent over for three regiments of foot, Selwin's, Beveridge's, and Lloyd's, from Holland, under the command of Lieutenant-General Talbot, which, together with some other troops remaining then in the kingdom, formed afterwards a camp near Portsmouth. And to be better secured from the dangers of an insurrection, she published a proclamation on the 4th of May, commanding 'all Papists and reputed Papists forthwith to depart from the cities of London and Westminster, and from within ten miles of the same;' and to provide for the advice and assistance of a sitting Parliament, she published another proclamation on the 5th of May, requiring the attendance of the members of both Houses on the 24th of May, a day, to which the Parliament had been prorogued, declaring, 'That they should on that day meet and sit for the dispatch of such weighty and important affairs, as may be requisite for the safety of the kingdom, in a time when it was threatened with a powerful invasion from abroad.' In the next place she caused a diligent search to be made after several of the most disaffected persons, and ordered warrants to be issued out against them, upon which they withdrawing themselves from their usual places of abode, and being fled from justice, she published a procla-

Supposed persons taken up.

mation on the 9th of May, to discover, take, and apprehend the Earls of Scarisdale, Litchfield, Newburgh, Middleton, and Dunmore, the Lord Griffin, the Lord Forbes, eldest son of the Earl of Granard, James Griffin, Sir John Fenwick, Sir Theophilus Oglethorpe, Sir Andrew Forester, Colonel Henry Slingby, James Graham, Mr Orby, second son of Sir Thomas Orby, deceased, Colonel Edward Sackville, Oliver St George, son of Sir Oliver St George, Major Thomas Soaper, Charles Adderly, David Lloyd, George Porter, son of Thomas Porter, deceased, and Edward Stafford (2). And to be the better guarded, she ordered the militia of Westminster, being two regiments of foot of about fifteen hundred men each, and a troop of horse to appear in Hyde-Park on Monday May the 9th, under the Earl of Bedford Lord Lieutenant of Middlesex; and the next day the trained bands of the City of London, in six regiments, under the command of the Lord Mayor and other their respective Colonels, consisting together of about ten thousand men, were drawn out in the same place. Her Majesty was pleased to go in person among them on both days, and was extremely satisfied with the good order they appeared in, and the great zeal and readiness which they shewed for her service. And because a malicious and dangerous report was spread abroad, as if some of the officers of the fleet were disaffected to the service, and that the Queen had thereupon ordered the discharge of many of them from their employments, she commanded the Earl of Nottingham to acquaint Admiral Russel, that she was satisfied, that this report was industriously raised by the enemies of the government; and that she repos'd so intire a confidence in their fidelity and zeal for their Majesties service, and the defence of their country, that she had resolv'd not to displace any of them. Whether any of the sea-officers were staggering in their duty, is from the uncertain; but however, it was good policy in the Queen to send this message; which was no sooner communicated to them by Admiral Russel, but Sir John Ashby, Admiral of the Blue; Sir Ralph Delaval, Vice-Admiral of the Red; Mr Rooke,

'think ourselves much safer in the inclinations of a Protestant King and Queen, than we can be in all the promises of a zealous Papist. And therefore this can be no argument in our case, because it offers us a worse security for our protection, than what we already have; for it is always great odds on nature's side. And yet this promise to the church of England seems fainter and cooler than some he has formerly made; which is all the reason we have to expect it will be better kept, especially there not being the least intimation of the breach of his former promises, nor any excuse made for it.' *State Tracts*, II. 253.

(1) Carter it seems had been applied to by them, and having given the Government intimation of it, he was ordered to humour the thing; which he did so effectually, that they credulously gave into it, to the destruction of their plot and their confederate's fleet.

(2) Mr Warre, in a letter from Whitehall, May 6, 1692, to Sir William Dutton Cole, Envoy Extraordinary at Hanover, writes thus: 'On Tuesday night last warrants were issued by the Privy-council for apprehending several persons: Upon which my Lords Huntingdon and Marlborough, Mr Edward Ridley, Mr Knevet Hastings, and Mr Robert Ferguson, were seized; and yesterday the two Lords were committed to the Tower, and the three gentle-

'men to Newgate, by warrant of the Council, for high-treason, in abetting and adhering to their Majesties enemies. And my Lord Brudenell and my Lord Fanshawe having been seized this morning, they are in like manner to be committed to the Tower. And a proclamation is ordered for apprehending the rest, who are fled from justice.'

In another Letter of May the 10th he writes thus: 'The Bishop of Rochester was taken into custody on Saturday last upon suspicion, and is confined to his own house. The same day Colonel Langstone, Colonel Hale, Lieutenant-Colonel Williams, Major Langstone, and three officers more of the army were seized, and are committed to Newgate for high-treason.' On the 13th of that month he writes: 'Yesterday morning Colonel Sackville, messenger in the proclamation, was taken; and the day before one Wilson, a known Jesuit, was taken in the Park. He has been heard preaching in a Presbyterian meeting in the country, and was sent to Newgate. That morning Mr Bernard Howard was committed to the Tower by order of the Council.' On the 17th he writes thus: 'Yesterday morning the Lords Dunmore and Middleton, and Sir Andrew Forester, were taken in Goodmans Fields at a Quaker's house, and in the afternoon were sent to the Tower.'

(1) Whiff

1692. *Rooke*, Vice-Admiral of the Blue; Sir *Cloudesly Shovel*, Rear-Admiral of the Red; Mr *Carter*, Rear-Admiral of the Blue; and the other commanders of the fleet, unanimously subscribed an Address, wherein they assured her Majesty,

'That they would with all imaginable alacrity and resolution venture their lives in the defence of their Majesties undoubted rights, and the liberty and religion of their country, against all foreign and popish invaders whatsoever.' This address being presented to the Queen by the commissioners of the admiralty, her Majesty said, 'That she always had this opinion of the commanders; but was very glad this was come to satisfy others.' And indeed it was not long before they performed their promise; and in the mean time the Queen, trusting to their fidelity and resolution, published a proclamation the same day, declaring, that the Parliament should be prorogued from the 24th of May to the 14th of June next, giving this for the chief reason; our navy being now at sea, and joined with that of our allies, and in a readiness, by the blessing of God, to resist and repel the designs and attempts of our enemies.

Danger of
England
for want
of intelli-
gence.
Burnet.

Notwithstanding these precautions, England was at this time in greater danger than, for want of intelligence, was apprehended by the ministry. King James with fourteen thousand English and Irish, and Marshal Belfonds with three thousand French, were to sail in April from Cherbourg and La Hogue, and some other places in Normandy, and to land in Sussex, and from thence to march directly to London. They were to bring over only a small number of horses; for the Jacobites undertook to supply them with horses at their landing. The French King, who was at the same time to march a great army into Flanders, seemed to think the project so well laid, that it could not miscarry; for he publicly said, before he set out, that he was going to make an end of the war. And indeed, so little care had been taken to procure intelligence, that, if the winds had favoured the French, they themselves would have brought the first news of their design. They sent over some persons, to give their friends notice but a very few days before they reckoned they should be on the English coast. But there happened, for a whole month together, such a stormy and contrary wind, that it was not possible for them to come out of their ports; nor could Marshal d'Esprees come about with his Squadron from Toulon so

soon as was expected. In the beginning of May about forty of our ships were on the coast of Normandy, and were endeavouring to destroy their transport ships. Upon which, orders were sent to Marshal Tourville to sail to the Channel, and fight the English fleet. They had a westerly wind to bring them into the Channel; but then the wind turned to the east, and stood so long there, that it brought over the Dutch fleet, and also brought about our great ships. By this means, our whole fleet was joined; so that Tourville's design of getting between the several squadrons that composed it was lost. The King of France, then in Flanders, upon this change of wind, sent orders to Tourville not to fight. But the vessel that carried these orders was taken, and a duplicate, sent by another conveyance, came not to him till the day after the engagement (1).

Admiral Ruffel, on the 18th of May, failed the with the whole fleet, English and Dutch, towards the coast of France; and the day after, about three in the morning, Cape Barfleur bearing S. W. by S. distant about seven leagues, the scouts westward of the fleet, which were the *Chester* and *Charles* galleys, fired several guns; which ships, in a short time after, coming within sight, made the signal of discovering the enemy, and lay with their heads northward. Whereupon the fleet was drawn up into a line of battle, and notice given for the rear to tack, that so, if the French stood northward, we might the sooner come up and engage; but, the sun having dispersed the fog soon after four (2), they were seen standing southward, forming their line with the same tack, which our ships had on board; upon which the Admiral caused the signal for the rear to tack to be taken in, and bore away with his own ship so far to the leeward, as that every one in the fleet might fetch his wake or grain, and then bringing to, he lay by with his fore-top-sail to the mast, that so others might have the best opportunity of placing themselves, according as they had been before directed. About eight, our line was indifferently well formed, which stretched from south, south-west, to north, north-east; the Dutch in the van, the Admiral in the center, and the Blue in the rear; and by nine the enemy's van had almost stretched as far southward as ours, their Admiral and Rear-Admiral of the Blue (who were in the rear) closing the line, and their Vice-Admiral of the same division standing towards the rear of our fleet. About ten they bore

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(1) Whilst the Jacobites were pleasing themselves with hopes of approaching success, the first discouragement they met with, was the report of the junction of the English and Dutch fleets: But this being contradicted the next day, lest that report should have influence upon the French, they sent over Sir Adam Blair, to assure them, that the Dutch were not yet come up. However it so happened, that, before that gentleman could reach Dover, they had certain news, that the fleets were joined indeed; and therefore one Mr Clark was dispatched into France to acquaint them with this fatal junction. But Clark was so far from gaining credit to his report (Sir Adam Blair averring the contrary) that he was imprisoned as a spreader of false news, till several other expresses confirmed his account. Upon this the King of France sent to Tourville to decline fighting; but these counter-orders came too late.

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(2) Monsieur Du L  rrey, in his *Histoire sous Louis XIV.* says, that when the fog was dissipated, Monsieur Tourville was surprized to find it was the whole English and Dutch united fleet, which he was going to engage, whereas before he imagined it was only part of it. But however considering, that an hasty retreat would bring his fleet into such a confusion, as might prove more hazardous than a battle, he continued his orders for the engagement. He himself commanded the white squadron, consisting of sixteen ships in the center; the Marquis d'Amfreville commanded the Blue and White of fourteen ships in the van; and the rear or blue squadron likewise of fourteen ships was under the command of Monsieur Gabaret; all the fleet consisting of ships of the first and second, according to their way of reckoning in France.

(1) The

1692. bore down upon us with little wind ; and the Admiral, who still lay by with his fore-top-fail to the mast, observing, that Monsieur *Tourville* had put out his signal for battle, commanded, that his should not be spread till the *French*, who had the weather-gage, were come as near as they thought convenient.

At this time Admiral *Allemonde*, who commanded the *Dutch* squadron, was sent to tack, and get westward of the *French* as soon as any of his ships could weather them ; and those in the *Blue* (then at some distance a-stern) were ordered to close the line. But the fleets had not been long engaged before it became quite calm, so that these directions could not possibly be complied with.

About half an hour after eleven Monsieur *Tourville*, in the *Royal Sun*, a ship of one hundred and ten guns, brought to, and began the fight with Admiral *Ruffel* at the distance of about three quarters musket-shot ; in which posture he lay about an hour and a half, plying his guns very warmly, but then began to tow off in great disorder, his rigging, sails, and top-sail-yards being very much damaged ; nor could it be discerned, that any great endeavours were used to repair the same.

About two o'clock the wind shifted to the N. W. by W. and in a little time five ships of the enemy posted themselves three a-head and two a-stern of their Admiral, and fired very smartly, till past three ; so that Mr *Ruffel*, and his two seconds Mr *Churchill* and Mr *Aylmer*, had six or seven ships to deal with. About four o'clock there was a thick fog ; whereupon all firing ceased ; but, it clearing up in a little time, the *French* Admiral was discovered towing away northward ; and our Admiral, that he might the better come up with him, ordered all the ships of his division to do the like ; and there happening a small breeze of wind easterly about half an hour after five, the signal was made for chasing, and notice sent to every ship within reach, that the enemy were standing away. At this time many guns were heard to the westward ; and though the ships, which fired, could not be seen by reason of the fog, it was concluded they were our blue squadron, which had, by a shift of the wind, weathered the *French* ; but it

proved to be the Rear-admiral of the Red Sir 160. *Cloudsly Shovel*, who was got to windward of Monsieur *Tourville*'s own squadron, and between him and their Admiral of the *Blue*. After they had fired some time, the ships of both sides came to anchor, but could not discover each other by reason of the thickness of the weather ; and in this scuffle Captain *Hestings*, who commanded the *Sandwich*, a second rate, was killed, not being able to avoid driving amidst these ships of the enemy, by reason his anchors were not clear. Things being now in great confusion, the Admiral thought it most advisable to order the ships, which were nearest him, to chase westward all night, and let them know he intended to follow the *French* to *Brest*, believing it more proper so to do than to anchor ; and so indeed it proved ; for next morning he found himself nearer the enemy than those ships, which had dropped their anchors (1). About eight at night there was firing heard westward, which lasted about half an hour, part of our blue squadron having fallen in with some of the enemy's ships in the fog ; and in that dispute Rear-Admiral *Carter* was killed, whose last words to his Captain *William Wright* sufficiently shewed, that there was no reason to suspect his zeal to the service, for he recommended it to him to fight as long as the ship could swim.

It continued foggy with very little wind all night, and it was so hazy in the morning, that not any of the enemy's ships, and but very few of ours, could be seen ; but, the weather clearing up about eight, the *Dutch*, who were to the southward, made the signal of seeing the *French* fleet, and soon after about thirty-four sail were discovered between two and three leagues off, the wind being then at east north-east ; and they bearing west south-west, our ships chased them with all the sail they could make, but not in the line of battle, as they did after the fight at *Beachy Head* ; for the signal for a line was taken in, that so every ship might make the best of her way. Between eleven and twelve the wind veered to the south-west, when the *French* crowded away westward, and our fleet after them ; but near four in the afternoon the tide of ebb being over, both fleets anchored, Cape *Barfleur* then bearing south by west (2) ; but they weighed about

(1) The account, which Father *Daniel* gives of this engagement, is in substance, ' That Monsieur *Tourville* attacked the *English* corps de bataille with so much vigour, that all fled before him : That he maintained the fight the whole day from morning to night, without the loss of a single ship, though he did considerable damage to several of the *English* ships ; and that he made a fine retreat, which would have been as happy as glorious, had not the tide failed him. That his conduct however was so much approved, that the King his Master honoured him with a Marshal's staff on that account.' Monsieur *Fourbin* in his *Memoirs* begins his relation with somewhat more modesty, and must be supposed to know more of it than Father *Daniel* : He tells us ; ' That the *English* expected them in very good order, and suffered them to come as near to them, as they thought fit. The battle was begun, continues he, with a great deal of vigour, and even with some advantage, on the side of the *French* ; but the wind, which in the beginning of the fight was in their favour, changed in an instant, and was favourable to the *English*.

' they took the advantage of it. and with their van wheeled round the *French* fleet, and by that means made them be exposed to two fires at once. As their fleet was far superior to the *French* (who had but four and forty ships) beyond all dispute the whole *French* fleet would have been lost, if they had managed as they might have done. But their slowness in attacking let the opportunity slip out of their hands.'

(2) This day the Admiral gave an account of the action hitherto, in the following letter, which confirms most of the particulars abovementioned.

Cape *Barfleur*, S. W. distance seven leagues, May 20, 1692.

' Yesterday about three in the morning, Cape *Barfleur* bearing S. W. and S. distance seven leagues, my scouts made the signal for seeing the enemy. The wind westerly, the *French* bore down upon me, and at eleven engaged me, but at some distance. We continued fighting till half an hour past five in the evening ; at which time the enemy towed away with all their boats, and we after them. It

was,

1692. about ten at night, and both plying westward, our Admiral's fore-top-mast came by the board near twelve, it having been shot in several places. He continued chasing until four next morning, and then, the tide of ebb being over, anchored in forty-six fathom water, Cape de la Hogue bearing south by west, and the island of Alderney south-south-west; but, by reason of his wanting a top-mast, the Dutch squadron, and the Admiral of the blue, with several of his ships, got considerably to the windward of him.

About seven in the morning part of the French ships, which had advanced far towards the Race of Alderney, were perceived driving eastward with the tide of flood, without ground-tackle to ride by, for they had in the engagement, and the morning after, cut away all their heavy anchors. When they were driven so far, as that our Admiral judged he could reach them, he made the signal for the ships nearest to him to cut and chase, which accordingly himself and they did. But Sir John Ashby, with his division of the blue squadron, and several Dutch ships, which were weathermost, rid fast (as Mr Russell

had made the sign for them to do) to observe 1692. the motion of the rest of the French ships, which continued at anchor in the Race.

Three of their great ships, being under the shore, tacked about eleven o'clock, and flood westward; but, after making two or three short boards, the biggest of them, being the *Royal Sun*, ran on ground, and presently her masts were cut away; and in the mean while the other two to leeward, which were the French Admiral's seconds, plied up to her. This, it was judged, they did because they could not get to windward of the weathermost ships, nor stretch out a-head eastward. The Admiral observing, that many ships of our fleet hovered about him, sent orders to Sir Ralph Delaval, Vice-Admiral of the red, who was in the rear, to keep a strength with him sufficient to destroy them, and to order the rest to follow the body of the fleet; which service was effectually performed (1).

About four in the afternoon eighteen of the French ships, which were got eastward of Cape Barfleur, haled in for La Hogue, where our ships anchored

was calm all day. About six there was an engagement to the westward of me, which I supposed to be the Blue. It continued calm all night. I can give no particular account of things, but that the French were beaten; and I am now steering away for Conquet-road, having a fresh gale easterly, but extremely foggy. I suppose that is the place they design for. If it please God to send us a little clear weather, I doubt not we shall beat their whole fleet. I saw in the night three or four ships blow up, but I know not what they were. So soon as I am able to give a more particular relation, I will not be wanting.

(1) Mr Boyer tells us, that Sir Ralph Delaval burnt off Cherbourg the *Royal Sun*, a ship of an hundred and four guns, commanded by Admiral Tourville; the *Admirable*, a ship of an hundred and two guns, and the *Conquerant* that carried eighty guns, with three more of lesser note. But to be more particular, it will be proper to subjoin Sir Ralph's own letter to the Earl of Nottingham, dated from on board the *Royal Sovereign*, May the 22d, 1692.

I believe it my duty to acquaint you, that, on the 21st instant, Admiral Russell having made the signal for the fleet to cut their cables, I observed the French to be forced from the Race of Alderney, (where they anchored) to the Eastward; and finding, that some of them endeavoured for the bay of Cherbourg, I stood in for that place, where I found there three-decked ships of the enemy's, but so close to the shore, and within some rocks, that it was not safe for me to attempt them till I had informed myself of the road, they being hawled into shoal water. I immediately took my boats, and founded within gun-shot of them, which they endeavoured to prevent by firing at us. And, that no time might be lost, I went immediately on board the *St Alban's* where, for the encouragement of the seamen, I hoisted my flag; and having ordered the *Ruby*, with two fire-ships, to attend me, I stood in with them, leaving the great ships without, as drawing too much water. But coming very near, they galled us so extremely, and finding the fire-ships could not get in, I judged it best to retreat without shot, and there anchored; and immediately called all the Captains, where it was resolved to attempt them in the morning, with all the third and fourth rates and fire-ships. But, after having drawn them into four fathom and half water, I found we could not do our business, the water being shoal. Upon which I ordered three fire-ships to prepare themselves to attempt burning them, going

myself with all the barges and tenders to take them up, if by the enemy's shot they should miscarry. Indeed I may say, and I hope without vanity, the service was warm; yet, God be praised, so effectually performed, that notwithstanding all their shot, both from their ships and forts, two of our fire-ships had good success by burning two of them. The other by an unfortunate shot was set on fire, being just going on board the enemy. Indeed so brave was the attempt that I think they can hardly be sufficiently rewarded, and doubt not but their Majesties will do them right. The third French ship being run ashore, and observing the people on board to go on shore by boats full, I ordered the *St Alban's*, the *Reserve*, and others, to fire upon her, judging it might cause them to quit her, and after having battered her for some time, I observed she made no resistance. I took all the boats armed, and went on board her. I found abundance of men on board, and several wounded, but no officers; and having caused all the people, as well those that were wounded, as others, to be taken out, I set her on fire; and, had I not had notice by my scouts, that thirty ships were standing with us, had sent all the French on shore, who are now very troublesome to me. The ships we saw proved to be Sir John Ashby and the Dutch coming from the westward. We are proceeding together to the eastward to La Hogue, where I am informed three or four of the enemy's ships are; and, if so, I hope God will give us good success. I expect to find the Admiral to-morrow, where I hope to hear he has destroyed some of the enemy's ships, having left him in chase of them last night, standing to the eastward, and pretty near them, as I judged. My Lord, I hope you will excuse me, if I presume to pray, you will use your interest with the Queen, that a reward may be given to the three Captains of the fire-ships, and several of the others; for greater zeal and greater bravery I never saw. I pray your excuse for being thus tedious and particular. Pray God preserve their Majesties, and that their arms may be ever crowned with success both by sea and land, shall be the prayers and endeavours of, &c.

P. S. Captain Heath burnt Tourville's ship, the *Royal Sun*, which was the most difficult. Captain Greenway burnt the other, called the *Conquerant*. The *Admirable* was burnt by our boats; Captain Fowles attempted the *Royal Sun*, but was set on fire by the enemy's shot, yet deserves as well as the others.

(1) Monsieur

1692. anchored about ten at night, and lay until near four next morning; at which time the Admiral weighed and stood in near the land. The flood coming on, he anchored again; but at two in the afternoon got under sail, and plied close in with *La Hogue*, where he found thirteen of the enemy's ships very near the shore (1).

On Monday the 23d of May he sent in Mr *Rooke*, then Vice-Admiral of the blue, with a squadron, fire-ships, and the boats of the fleet, to destroy those ships; but they were got in so far, that not any but the small frigates could advance near enough for service. However, the boats burnt six of them that night, and about eight the next morning the other seven were set on fire, together with several transport ships, and some small vessels with ammunition; wherein not only all the officers, but likewise the men behaved themselves with great resolution and gallantry. Thus at *La Hogue* and *Cherbourg* were burnt two ships of one hundred and four guns each, one of ninety, two of eighty, four of seventy-six, four of sixty, and two of fifty-

six guns; from which time to the peace concluded in the year 1697, the French did not attempt to engage the English at sea, but contented themselves to prejudice their trade by their smaller ships of war and privateers (2).

This service being over, the Admiral failed out of *La Hogue* bay on the 25th, and ordered Sir *John Ashby*, who was returned without doing any execution on the other part of the enemy's fleet, to run with a squadron of English and Dutch along the French coast, as far as *Havre de Grace*, and to look out for those five ships, which he said he had seen standing eastward. But even in this he had no better success than before (3).

The resolution, with which the French bore down upon our fleet, was not a little surprizing; for they were not above fifty ships (4), from one hundred and four to fifty-six guns; and it was thought by some to have occasioned at first some jealousy amongst the English; but, if that was really the case, it was soon blown over, for every one endeavoured to do what he was able. And

Remark.
Burchet

as

(1) Monsieur *Fourbin*, contrary to the opinion of Father *Daniel*, blames the conduct of his Admiral, in this latter part of the action. 'The General, says he, neglecting to improve the advantage, which he had, of escaping, resolved, for what reason I could not imagine, to come to anchor, at the entrance of the *Race*, instead of steering off quite, as he should have done, not being in any condition to continue the fight. At last an unexpected accident completed our ruin. The Ship, in which the Admiral was, with several others slipped their anchors, and were thereupon driven by the tide upon the enemy. Monsieur *de Tourville*, who saw himself in danger, being unwilling to expose the whole fleet, which was about to follow him, and which would infallibly have been either taken or sunk, took down his General's flag. Upon this Monsieur *de Pannetier*, Commander of a squadron, put up a flag as a signal to rally, and thereby saved the remainder of the fleet. Those, which followed the General's fate, ran themselves ashore at *La Hogue*, where fourteen of our finest men of war were unfortunately burnt. I saved mine, though bored through and through, and following the remainder of the fleet, which were in no better condition than myself, we made for the road of *St Malo's*.'

(2) According to a relation, which we find in *Kennet*, the French lost five great ships in the fight, (which Father *Daniel* however contradicts) one of which was Monsieur *Gabaret's*, Admiral of the blue squadron, of ninety odd guns; so that in the whole one and twenty of their biggest ships were destroyed, besides the two frigates, and other small vessels. And, had it not been for the foggy weather, few of the rest would have escaped. On our side not one ship was lost, but the fire-ships, which were spent upon action; and besides Rear-admiral *Carter* and Colonel *Hastings*, not one Commissioned officer.

The Dutch Admiral *Allemonde* gave an account of this action to the States-General in the following letter.

From on board the *Prince* near Cape *Barfleur*, June 3, 1692. N. S.

'High and Mighty Lords,

'Since my two last of the 31st past, and 1st instant N. S. which gave your High Mightinesses an account of what had passed in the defeat of the French fleet, I came to anchor under this cape, where I have been since yesterday in the afternoon with your Highnesses squadron, and that of Sir *John Ashby*, Admiral of the English blue squadron, and some other British ships. At my arrival here I was informed by the Captain of a French fire-ship,

'who was taken prisoner, that about twelve of the ships, which had engaged your Highnesses squadron, and to which he had given chase, were got in among the rocks; upon which I prepared to go and destroy or burn them. But as I was ready to put my design in execution, I found that Admiral *Ruffel* was giving orders to the same purpose. I immediately offered him your light frigates and fire-ships to assist his ships, and immediately gave the necessary orders, in case he should make use of them. But as yet I know not whether those frigates and fire-ships were employed or not. All that I can assure your High Mightinesses, is, that the same day they took a resolution to destroy these ships; they burnt six of the largest, being ships of three decks; and this day the rest, which remained, the least of which carried sixty pieces of cannon, incurred the same fate, being burnt, with all their ammunition and provision, together with six other small vessels, which they had lightened of their guns, to try whether it were possible to save them, by towing them any higher; so that this expedition has completed the irreparable ruin of the enemy's fleet. I understand this day from on board of Admiral *Ruffel*, that orders are given out to burn the transport-vessels, which are in the bay of *La Hogue*, to the number of three hundred, if it may be done with safety. But, I fear, it will be very difficult, because the water is very shallow, where those vessels lie; and great resistance may be made from the land-side. I therefore leave the success of the design to Providence. On the other hand it has been resolved in a grand Council of war to reduce our fleet to fifty or sixty great ships, sail away to the isle of *Uphant*, and endeavour to take all the enemy's ships, that shall come off, or design to go into *Brest*, and to send the rest of the men of war, with some fire-ships to scour the coasts of France, as far as *Dunkirk*; to seek and destroy, if possible, the scattered remnants of the French fleet, that have steered their course to the East. I am,

'Most High and Mighty Lords,

'Yours &c.

'O. ALLEMONDE.'

(3) Bishop *Burnet* tells us, that Sir *John* pursued them some leagues; but then the pilots pretending danger, he came back; so that twenty-six of the French ships, which if he had pursued, by all appearance he had destroyed, got into *St Malo's*. *Burnet* II. 93.

(4) Father *Daniel* and Monsieur *Fourbin* say, but forty-four.

(1) Father

1692. as for Monsieur *Tourville's* running this hazard, it is attributed to the positive orders, which he had from his Master to fight the *English* fleet; which, had he thought fit, he might have avoided, even after they saw each other, for he was several leagues to the windward. And it is said, that, when he called his flag-officers together, they unanimously gave their opinions not to engage; but that he at last produced an order under the *French* King's own hand, which shewed them the necessity there was for their so doing (1). These orders were undoubtedly given him upon a presumption, that our great ships and the *Dutch* could not possibly join Sir *Ralph Delaval's* and Rear-Admiral *Carter's* squadrons, then cruising on their coast, before he might have had an opportunity of coming up with them. And indeed, had not Admiral *Ruffel* failed from the river at the very time he did, contrary to the opinion of the pilots, the winds, which afterwards happened, would have prevented his coming timely to their assistance; so that the enemy might, in all probability, have had equal, if not greater success, than we had over them. And here it may be observed, that although the confederate fleet was considerably stronger than the *French*, yet were the latter beaten by an inferior number; for by reason of the calm, and the thickness of the weather, it was not possible for many of the *Dutch* ships, or of the blue squadron, to engage; whereas had they been favoured with clear weather, and a gale of wind, it is very probable, that not so much as one of the *French* ships would have escaped (2).

The victory not pursued as it might have been. Burnet.

It was believed, that if this success had been pursued with vigour, considering the consternation, with which the *French* were struck, upon such an unusual and surprizing blow, the victory might have been carried much farther than it was. But Admiral *Ruffel* was provoked by some letters and orders, which the Earl of *Nottingham* sent him from the Queen, which he thought were the effects of ignorance; upon which he fell into a crossness of disposition, and found fault with every order, that was sent him, but would offer no advices on his part. And he came soon after to *St Helen's*, which was much censured; for though the disabled ships must have been sent in, yet there was no such reason for bringing in the rest, that were not touched. Cross winds kept them long in port; so that a great part of the summer was spent before he went out again, and the *French* had recovered out of the first disorder that had quite dispirited them.

The loss of the *French* fleet was sensibly felt 1692. by King *James*, who thereupon wrote to the King of *France*, "That he had hitherto, with some constancy and resolution, supported the weight of all his misfortunes, so long as he himself was the only sufferer; but he acknowledged, that this last disaster overwhelmed him, and that he was altogether comfortless, in relation to what concerned his most Christian Majesty, through the great loss, that had befallen his fleet. That he knew too well, that it was his own unlucky star, which had drawn this misfortune upon his forces, always victorious, but when they fought for his interests; which plainly let him see, that he no longer merited the support of so great a Monarch. He therefore intreated his most Christian Majesty, no longer to concern himself for a Prince so unfortunate as himself, but permit him to retire with his family to some corner of the world, where he might cease to obstruct the usual course of his most Christian Majesty's prosperities and conquests, and where nothing could more contribute to his consolation, than to hear of the quick return of all his wonted triumphs both by sea and land, over both your enemies, says he, and mine, when my interest shall no longer be intermixed with your's." The King of *France* endeavoured to alleviate his affliction by a kind answer, wherein he promised never to forsake him in the worst of his extremities.

The Queen was no sooner informed of the victory, but she sent thirty thousand pounds to *Portsmouth*, to be distributed among the sailors; ordered medals to be struck for tokens of honour to the officers, and caused the bodies of Admiral *Carter* and Colonel *Hastings* to be honourably interred. At the same time a descent into *France* was projected, and about seven thousand men, that were encamped near *Portsmouth*, were shipped there, under the command of the Duke of *Leinster*, who embarked on the *Breda*. It was intended they should land at *St Malo's*, July 25. *Brest*, or *Rochefort*. Great matters were expected from this expedition; but, to the general surprize, in a few days intelligence came that all the transports were returned to *St Helen's* with part of the fleet. It seems, the next day, after the fleets were joined, Admiral *Ruffel* and the rest of the commanders went on board the *Breda*, where the Duke of *Leinster's* commission was opened; and on the 28th of July a council of war was held on board the General, where it was agreed, that an attempt upon the enemy's ships at *St Malo's*, or at *Brest*, or at *Rochefort*, was not

1692.

King James's letter to the French King on the defeat. Boyer.

A descent into France. Burnet. Barchet.

(1) Father *Daniel* takes no notice of all this; but on the other hand says, that several disappointments, occasioned by contrary winds, obliged Count de *Tourville* to come to an engagement. What Monsieur de *Fourbin* says of this matter may in some measure clear it up. "The views of *France*, says he, and the project of a descent into *England*, were now no more a secret. King *James* was already gone to *La Hague*, where he was ready to embark at the head of twenty thousand men, and waited only the success of a battle with the *English*, which Monsieur de *Tourville* had orders to give even at a hazard, if occasion required it. It was indeed necessary to run this risk, in order to make the descent secure, for there was nothing could be an impediment to it but the *English* fleet. It is not to be doubted, but if the *English* fleet. Numb. XIV. Vol. III.

English had been worsted, which probably would have happened, if we had hindered their fleets from joining, this project of a descent, which fell to the ground, by the blow our fleet received, would have caused the *English* a great deal of uneasiness and pains. But the contrary winds, which lasted for three whole weeks, and hindered our proceeding, gave the enemy time to join their fleets; so that instead of five and forty ships, which they were supposed to be, the number, after they were joined, amounted to ninety-six."

(2) This is *Burchet's* account, the greatest part of which is taken from Admiral *Ruffel's* letter to the Earl of *Nottingham*, dated from *Portsmouth*, June 2, 1692. See *Lettres Historiques*. II. 108.

1692, not then practicable, the season of the year being so far advanced. The flag-officers likewise by themselves came to a determination, 'That, since the land-forces were come to the fleet, something might have been attempted at one of those places with probability of success, were not the season of the year so far spent, as not to admit of the fleet's going thither with safety.' It was complained, That the Earl of Nottingham being ignorant of sea-affairs, and not consulting seamen, sent orders which could not be obeyed without endangering the whole fleet. The Queen sent to Portsmouth a committee of Privy-counsellors, the Lord Steward, Lord Chamberlain, the Earls of Nottingham and Rochester, and the Lords Sidney and Cornwallis, who having given fresh orders to the fleet, and conferred with the Generals, returned to London. The soldiers, after having lain on board almost a month, were, to save the shame of landing them again in England, sent over to serve in Flanders, where they arrived the 22d of August. Thus the campaign at sea, which began so gloriously, ended but poorly.

The common reflection that was made on our conduct, was, that Providence and the valour of our men had given us a victory, of which we knew not what use to make. What was worse, our merchants complained of great losses this summer; for the French, having laid up their fleet, let the seamen go and serve in privateers, with which they watched the motions of our trade: And so, by an odd reverse of things, as we made no considerable losses, while the French were masters of our sea two years before; so now, when we triumphed on that element, our merchants suffered most. The conclusion of all was, *Ruffel* complained of the Ministry, and they complained no less of him. The merchants complained of the Admiralty; but they, in their defence, said, that there were not ships and seamen enough both to furnish out a great fleet, and at the same time to send out convoys for securing the trade.

As to foreign affairs this campaign, though the Elector of Bavaria, who, through the influence of King William, had been made Governor of the Spanish Netherlands, had put those Provinces in a far better state than formerly, yet that did not hinder the King of France from attempting the siege of Namur, one of the strongest places in all those parts, both by it's advantageous situation on the confluence of the

Sambre and the *Meuse*, and it's good fortifications, but principally a castle built upon a hill in an angle formed by those two rivers. The French King invested the town in person and pursued the siege with such vigour and diligence, that, in four days, he made himself master of all the out-works near St. Nicholas's gate. The garrison, seeing it was in vain to withstand an army encouraged by the presence of their Sovereign, surrendered the town upon articles, May 26. and retired into the citadel.

Upon the news of this siege, King William with the confederate army under his command, decamped from *Anderlecht*, marched to *Diegom*, the next day towards *Loivain*, and pitched his camp near *Betlem Abbey*, from whence he continued his March towards *Namur*. But, before the King removed, he gave the enemy notice of his late victory at sea by a triple discharge of an hundred and forty pieces of cannon, which were answered by as many volleys of small shot from the two lines of the army. It is reported, that the French King heard this noise with a great deal of unconcern, saying, *Here's a mighty stir indeed about burning two or three ships!* But in fact the consequence shewed, that it was the unhappiest blow he received during the whole course of the war; for thereby his sea-coasts remained exposed to the insults of the English, the French not being able after this to set out a fleet fit to engage with that of the confederates.

The Duke of Luxemburg, who covered the siege of *Namur* with an army of seventy thousand men, upon information, that the King of England moved towards the *Mebaigne*, marched that way likewise, and the two armies, which were almost equal as to number (the confederates not exceeding seventy-five thousand men) advanced in fight of one another, the river only remaining between them. King William possessed himself of all the posts upon the *Mebaigne* on his side, as Luxemburg did of two villages surrounded with strong hedges and thickets on the opposite bank. But the confederates had such an intire command of the river by their batteries, that the same evening the King ordered the pontoons to be laid over it, in order to attack the enemy the next day. All things were in readiness for an engagement, but the same night, and the succeeding days, the weather proved so rainy, that a stop was put to his enterprise (1). He tried, by another motion to raise the siege; but, the town having capitulated.

Foreign
affairs.
Boyer.
Burnet.

(1) This circumstance is confirmed by the following extracts of original letters from *James Vernon*, Esq; afterwards Secretary of State, and then in the King's army, to Sir *William Dutton Colt*, Envoy extraordinary at *Hanover*; which extracts will shew likewise the motions of the confederate army.

From the Camp at *Ville on the Mebaigne*, the first of June, 1692.

'Our army lies still encamped in the same place, the low grounds on each side of the river lying so full of water from the incessant rains we have had ever since our coming hither, that it is not practicable at present to pass over to attack the enemy.'

'The French army lies still in our fight, though they have removed their camp something backward. There were above five hundred soldiers, that deserted from the French on Sunday and Monday last; and several have come away since, but not in so great numbers since the removal of their camp.'

'The shooting continues still at *Namur*. The castle, we hear, has not yet been attacked, the French playing their batteries hitherto against the new fort, where they have made but small advances, since we have given them so great a diversion by our being so near to them.'

From the camp on the *Mebaigne*, 5th June, 1692.

'We have nothing at present very material, the armies lying still in the same places. We have had very beastly weather almost ever since our being here; and the rains still continue; which has made a bog of the land on both sides the river, and destroyed most of the bridges we had made, so that I scarce see what we have to do here. I am almost afraid we shall not be able to succour *Namur*, though the castle holds out still with great bravery; and we hear they have repulsed the enemy with loss, at some assaults they have given to their outworks;'

1692.

Siege of
Namur.
May 16.

May 26.

May 17.

May 27.

1692. capitulated so early, and the citadel lying on the other side of the *Sambre*, he could not come at it.

Fort William taken by the French.

June 11.

The most remarkable action, before the citadel of *Namur*, was the taking of *Fort William*, which was raised by that great engineer *Coebern*, and defended by himself. The *French King*, being resolved to carry this work at all adventures, caused it to be assaulted; and, though all the efforts of his men proved unsuccessful, yet they returned to the storm the next day. The besieged, animated by their Commander, made an incredible resistance, repulsing twice the assailants with great slaughter; but at length the latter, with redoubled numbers, made themselves masters of the covered way, and cut off the besieged from their communication with the castle. *Coebern* being dangerously wounded, the garrison, who thought themselves no longer in a condition to hold out, desired to capitulate; reserving only so much time to themselves, as to send to the Prince of *Barbançon*, Governor of the *Old Castle*, to give him notice of their resolution, which he readily allowed; and thereupon *Fort William*, which from this time was called *Fort Coebern*, was delivered up to the *French*.

The consequence of this loss was the surrender of the citadel of *Namur*, which, considering the strength of the place, and the shortness of the siege, occasioned some reflections on the Prince of *Barbançon*, whom King *William* is reported to have suspected, and therefore to have desired the Elector of *Bavaria* to remove from his government of *Namur*; but, the *French* investing the place before the Elector could comply with the King's desire, without shewing any distrust of the Prince, his Electoral Highness contented himself with ordering the Count de *Trian* to accompany him in this siege, with particular instructions to observe his conduct. But the Prince of *Barbançon* is justified by others, who maintain, that he did all that could be expected from a man of honour and courage.

The taking of *Namur* was reckoned the greatest action of the *French King's* life; that, notwithstanding the depression of such a defeat at sea, he yet supported his measures, so as to make himself master of that important place in the view of a great army. On the other hand, King *William's* conduct, on this occasion, was much censured; for it was said, that he ought to have put much to hazard, rather than suffer such a place to be taken in his fight.

When

' but they may very well be lost at last, whilst we are kept at this distance from them. They, that know the inconveniences of passing a river, and through defiles, to an enemy, who stand ready to receive them, think this a hazardous piece of work, if the difficulties had not been increased by so much ill weather. I don't find but the *French* are reckoned superior to us in horse by at least fifty squadrons; and that they have not fewer foot. If nothing else be to be done, and that we can subsist here longer than they do, we may inconvenience them as they march off. About two days ago we sent out a detachment of forty squadrons, which, I hear, are gone towards *Huy*; but I don't yet know on what design. One would think it were now time for the confederates to be doing something on the *Rhine* and in *Savoy*; for it is hard to have the whole burthen lie so long upon his Majesty.'

From the camp on the *Mehaigne*, 6 June, 1692.

' His Majesty's army and the *French* continue still in the same camps. The late rains, which we are not yet freed from, have spoiled most of the bridges we had made over the river, so that we must be obliged to make them over again. We hear almost continual shooting from the castle of *Namur*; and we are advised by persons lately come from thence, that the besieged have behaved themselves with very great bravery; and that the place holds out still, having hitherto kept the enemy from making any considerable advance upon them.'

From the camp at *Ramillies*, on the *Mehaigne*, 8 June, 1692.

' On Monday night last, orders were given for the army to march next morning. As soon as the *French* observed our intentions to march, they put themselves into a posture to do the like; and the armies were both moving about the same time and the same way, each on their own side of the river, and in sight one of the other all the way. His Majesty brought up the rear of the army that day, which had no disturbance in its march. The *French* and we lie again incamped opposite one to the other; but they are now nearer to the river than they were before; and we lie with our right stretched towards *Peruys*. — Our army lies still this day; and it is yet uncertain, what we are to do to-morrow, for the orders given hitherto im-

porting only, that the troops should not go out to forage to-morrow, by that is understood, that every one is to be in a readiness to receive what orders shall be given.

' Part of the *French* army were this morning in motion, but it proves only in order to extend themselves further towards their left wing, that is near to *Mazy* and *Gembours*; so that their right wing is now about opposite to the middle of their line.

' This morning his Majesty was out with ten squadrons of horse to view the ground as far as the great woods on this side *Peruys*.

' This afternoon the Earl of *Athlone* and Monsieur d' *Auverquerque* passed the river towards our right with seven or eight squadrons of horse, and were near some squadrons of the enemy, which brought up the rear of those, that marched. But his Majesty did not think it fit they should charge them, there being some reason to suspect, that more *French* horse with some of their foot might be lying in ambush behind a rising ground there adjoining; so that nothing passed, only one of their carabineers, firing his piece at some distance, shot a young gentleman son to Colonel *Bencourt*, who was Aid de camp to Major-General the Marquis de *Forst*. The bullet came in by his nose, and passed into his mouth without going further, so that it is not doubted but he will recover.'

From the camp at *Sombref*, 13 June, 1692.

' On the 10th instant, about four in the afternoon Monsieur *Luxemburg's* army began to decamp, in order to draw near to *Namur*, and yesterday our army marched about four leagues to this place, passing by that, which was the enemy's camp, while they lay by *Gembours*. We saw the enemy's camp about a league and a half distant, who lie with their left towards *Mazy*, but our right is extended beyond them towards *Flerus*.

' Before we left our last camp, we had an account, that a party of three hundred horse and fifty dragoons, passing the *Sambre* at *Charleroy*, had fallen upon a convoy of the *French* between *Phillipeville* and *Walcourt*, going to *Namur*; and, after routing the enemy, consisting of four squadrons of horse, they seized one hundred and thirty waggons laden with wine, meal, and oats, which they destroyed, and brought away two hundred horse, and one hundred head of cattle, with some prisoners.'

(1) And

1692. When the citadel of *Namur* was surrendered, the King lay encamped at *Melle*, where he formed a design to surprize *Mons*, which the *French* took care to disappoint. From *Melle* he marched his army to *Genap*, thence to *Nostredame de Hall*, and on the 22d of July over the *Seine*, when he was joined by eight thousand *Hanoverians*. But the King of *France*, contenting himself with the glory of having taken *Namur*, left the command of his forces to *Luxemburg* (1), who pitched his camp in an advantageous post, covered by a wood and thick hedges, between *Engben*, and *Steenkirk*, where King *William* resolved to attack him, upon the information of some persons who were thought to understand the nature of the ground, though it was found to be narrower and less practicable than the King had been made to believe it was.

Battle of
Steenkirk
July 24.
Boyer.
Kennet.

Accordingly on Sunday, July the 24th, the army marched early in the morning, the heavy baggage being ordered to repass the *Seine* at *Hall*. There were several defiles to pass, and the ways to be made, which rendered it a tedious march. However about ten o'clock the Prince of *Wurtemberg* with the van-guard, which consisted of four battalions of *English* foot, two of *Danes*, and a detachment of *Churchill's* brigade, advanced towards the enemy, and fell upon them with so much vigour, that he drove them from hedge to hedge; posted himself in the wood, that fronted the right wing of their army, and erected two batteries of cannon on little eminences, one on the right, and the other on the left of the wood. Whilst these batteries were playing upon the enemy, the confederate army marched up to the head of the defile (about half an *English* mile from the wood, where it opened in a little plain not above half a league over, which terminated upon the right of the wood, and upon several rows of high trees planted in great order. Upon the right of this plain there was a farm, which soon after the engagement, was set on fire by the enemy, to cover by the smoke several of their batteries, that were ordered this way. From the head of the defile, upon the left of the plain, there was a deep hollow way, with high trees and hedges upon the banks of it, which reached as far as the wood, where the van-guard was posted, and where it branched itself into two other deep ways, and going through the wood upon the left to the *Danes* attack, and to that of the guards; and the other upon the right going along the outside of the wood. Between these two last were posted the regiments of Sir *Robert Douglas*, Colonel *Fitz-Patrick*, and Colonel *O Farrol*.

When the confederate army was come up to the head of these defiles, and just entering into the small plain, they were ordered to halt, except the *English* life-guards, and horse and dragoons, and the Lord *Cutts's*, Lieutenant-General *Mackay's*, Sir *Charles Graham's*, and the Earl of

Angus's regiments; which being interlined with the horse, were commanded at the same time to the right skirts of the wood, whilst the Prince of *Hesse's*, Colonel *Lewther's*, and the Earl of *Leven's* regiments, were also intermixed with the left wing of horse, and posted upon the outside of the wood. Things being thus disposed, and the army continuing in their halt, the Prince of *Wurtemberg*, after he had cannonaded for above two hours, began the attack with the *Danes* upon the right, which was immediately followed by the other four *English* regiments, that composed the van-guard, and seconded by *Cutts's*, *Mackay's*, *Angus's*, *Graham's*, *Lewther's*, the Prince of *Hesse's*, and *Leven's* regiments. Never was a more terrible, and at the same time more regular, firing heard; for during the space of two hours it seemed to be continued claps of thunder. The van-guard behaved themselves with so much bravery and resolution, that tho' they received the charge of several battalions of the enemy, one after another, yet they drove them beyond one of their batteries of seven pieces of cannon, of which the *Danes* and the second battalion of the regiment of *English* guards possessed themselves, and which Colonel *Whitcap*, who commanded the *English*, would have sent away, had not the *French* cut off the traces, and carried away the horses. Sir *Robert Douglas* with his first battalion, charged several of the enemies, and beat them off from three several hedges, and made himself master of the fourth, when going through a gap to get on the other side, he was unfortunately killed upon the spot. All the other regiments behaved themselves with equal bravery, firing muzzle to muzzle through the hedges, they on the one side, and the enemy on the other.

The King being made sensible of the difficulties, which the van-guard had to encounter, by one of the Prince of *Wurtemberg's* Aids de Camp, who had already sent two messengers to Count *Solms*, to no purpose, his Majesty dispatched away Count *Paulin*, one of his Aids de Camp, with positive orders to Count *Solms*, who commanded the main body, to send more foot to the Prince's assistance. But Count *Solms* (who is said to have been always envious of the *English* (2) and who besides had a particular jealousy for the Prince of *Wurtemberg's* commanding the attacks, an honour which he would have had himself) instead of obeying the King's commands, ordered the horse to march, and the foot to halt, which proved the loss of the day. For the ground was so strait, and the enemy had such hedges, copses, and ditches to cover them, that there was nothing to do for the horse; so that, when the van-guard began to engage, they had none but part of the infantry interlined with the left wing of the horse to second them, the body of foot being almost a mile in the rear. However, the King made all possible diligence to get the infantry up, ordering a brigade to march

(1) And returned to *Paris* after his usual method. For, according to the old *Persian* luxury, he used to bring the ladies with him, with the musick, poems and scenes, for an opera and a ball; on which he and his actions were to be set out, with the pomp of much flattery.

(2) Bishop *Burnet* observes, 'That this Count bore

'the blame of the errors committed on this occasion. 'The *English* had been sometimes checked by him, 'as he was much disgusted with their heat and pride. 'so they charged all on him, who had some good 'qualities, but did not manage them in an obliging 'manner.' II. 97.

(1) The

1692. march to the wood, and forming a line of battle in the plain, with such foot as could come up. The eagerness of the soldiers to follow their Royal Leader, and to engage the enemy, was such, that they put themselves in some disorder, and took more time to form their battalions, than could now be conveniently spared; so that, before they could reach the wood, the vanguard and infantry of the left wing being overpowered by thirty battalions of the enemy, that charged them continually one after another, and by a fresh body of dragoons brought up by *Boufflers*, they were forced to retreat in great confusion, and to leave the wood to the enemy's possession. The *English* life-guards owed their preservation to the *Danish* foot-guards; and the Baron of *Piblack's* regiment of *Lunenburghers* being in disorder upon the skirt of the wood, and the Colonel himself lying dangerously wounded upon the place, Sir *Bevil Grenville*, who commanded the Earl of *Bath's* regiment, marched up to his relief, receiving the enemies fire, before he suffered any peloton of his battalion to discharge once. By this method he lodged himself in the hollow way near the wood, ordered his Serjeants to carry off the Baron of *Piblack*, and maintained his post, till he was commanded to leave it by the Prince of *Nassau*.

The King, enraged at the disappointment of the vanguard for want of a timely relief, expressed his concern by often repeating these words, O! my poor *English*! how they are abandoned! Nor would he admit Count *Solms* to his presence for many months after. And now considering, that the fight was not to be renewed without endangering the loss of the whole army, *Luxemburg* being considerably reinforced by *Boufflers*; and besides the night drawing on, the King commanded a retreat, which was performed with admirable order, and without any great disturbance from the enemy, who never durst engage the *English* in the rear.

In this battle the confederates lost the brave Lieutenant-General *Mackay* (1), Sir *John Lanier*, Sir *Robert Douglas*, the Earl of *Angus*, and divers other gallant officers, above two thousand men killed, three thousand wounded or made prisoners, and several pieces of cannon. As for the *French*, excepting the honour of remaining masters of the field, they had not much reason to boast of any advantage, having had the Prince de *Turenne*, the Marquis de *Bellefonds*, the Marquis de *Tilladet*, the Brigadier *Slouppe*, the Marquis of *Firmacon*, and several other officers of distinction, and two thousand private soldiers killed, and near as many wounded. Neither had they escaped so well, had it not been for the Chevalier de *Millevoix*, one of the Elector of *Bavaria's* domesticks, who had already given, and still endeavoured to give further intelligence to Marshal *Luxemburg* of the King's motions and designs, for which he was

hanged on a tree, in the right wing of his Majesty's army.

The author of the memoirs of the reign of *Louis XIV.*, who is mistaken in styling *Millevoix* a Secretary of King *William**, says, that, * Ch. 10 his correspondence being discovered, he was made to give *Luxemburg* false intelligence, that the confederates would come that day towards the *French* army to forage: so that when the *French* parties assured him, that the whole army of the confederates was advancing, he could not be persuaded of it, till the brigade of *Bourbonnois*, which possessed the hill on the right, was attacked.

About the same time, a more infamous criminal than *Millevoix* was discovered, and deservedly punished. This was the Chevalier *Grandval*. The occasion was thus: The King's enemies, being unwilling to wait any longer the uncertain fate of war, laid a design to assassinate him in *Flanders*, the last year 1691. The Chevalier *Grandval*, Captain of dragoons in the *French* service, and *Anthony du Mont*, upon the promise of great rewards, undertook to put this horrid design in execution, while the King was *Loo*; but, missing their opportunity, they followed him to his camp in *Flanders*. From hence, *Grandval* returned to the *French* army, and *Du Mont*, according to the orders given him, entered himself into the confederate army, that he might take his opportunity, when the King went to visit the grand guard on the lines, to shoot him behind his back, and then make the best of his way to a body of horse, that *Grandval* and *Parker* should have in readiness, upon a previous intimation, to rescue and carry him off. But *Du Mont*, whatever might be the cause, after some weeks attendance went to the Court of *Hanover*, as one that had forsaken the *French* service, and the project was laid aside for that year. The King of *France* had lost two Ministers, one after another; *Seignelay* died first, who had no extraordinary genius, but he knew all his father's methods, and pursued them so, that he governed himself both by his father's maxims, and with his tools. *Louvois* did not long survive him. He had more fire, and therefore grew uneasy at the authority *Madam de Maintenon* took in things she could not understand. By this means, he at length was so unacceptable to the King, that once, when he flung down his papers upon the floor before him, upon some provocation, the King lifted up his cane; but the Lady held him from doing more. This affront, as was given out, sunk so deep into *Louvois's* spirits, that he died suddenly a few days after. Some said of an apoplexy. Others suspected poison; for a man, that knew so many secrets, would have been dangerous, if he had out-lived his favour. His death happened just after the project was laid for killing the King, a memorandum of which

(1) *Mackay*, being ordered to a post that he saw could not be maintained, sent his opinion about it, but the former orders were confirmed: So he went on, saying only, The will of the Lord be done. He was a man of such strict principles, that he would not have served in a war which he did not think lawful. He took great care of his soldiers' morals, and formed them to be both sober and just in their quarters. He had one

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singular quality: In councils of war, he delivered his opinion freely, and maintained it with due zeal; but how positive soever he was in it, if the Council of war over-ruled it, even though he was not convinced by it, yet to all others he justified it, and executed his part with the same zeal as if his own opinion had prevailed.

Burnet.

H h h

(1) Bishop

1692. which was found among his papers, by his son the Marquis of *Barbseux*, who had the sur-
vance of his place, and continued in it some
years; but, as he was young, so he had not a ca-
pacity equal to the post. He resolved to pur-
sue the project of the assassination, in which
Madam de Maintenon concurred, and *Luxem-
burg* was trusted with the direction of it. *Du
Mont* having, in the winter, at *Hanover*, from
some discourses and practices of his raised a sus-
picion, Sir *William Coli*, the King's Envoy there,
gave notice of it. Upon which one *Leefdale*, a
Dutch Papist, was secretly sent to *Paris* as a
person that would enter into the design; but in
reality went on purpose to discover it (1). *Grand-
val* and he came back to *Flanders* in the spring,
to set about it, whilst King *James* was prepa-
ring to invade *England*. In case this invasion
failed, the *French* King did not question but all his
designs would be accomplished by the King's as-
sination, to which he chiefly trusted. But
Leefdale, as he was going with *Grandval* from
Antwerp to *Eyndoven*, brought him into a party
that seized him, and carried him to *Boisleduc*.
He was afterwards tried by a Court-martial, and
sentenced to be hanged, drawn, and quartered.
When he found that *Du Mont* as well as *Leef-
dale* had made a discovery of the affair, and that
there was full proof against him, he confessed
the whole series of the management without
staying to be put to the torture. The King
gave orders that none belonging to him should
go near *Grandval*, that there might be no con-
solour for saying, that the hopes of life had drawn
his confession from him, nor was he strictly in-
terrogated about the circumstances; but was left
to tell his story as he pleased, which he did in
the following manner, as it is related in the
sentence passed upon him by the Court-Martial,
of which the Earl of *Athlone* was President (2).

Sentence
against
Grandval.
St. Tr.
II. 281.

Whereas *Bartholomew de Linere*, Knt. Sieur
de *Grandval*, born at *Linere* in *Picardy*, aged
about forty-three years, and now a prisoner,
hath confessed before the grand Court-Martial,
without any constraint by pain, or being in
irons; and it farther appearing to the said Court-
Martial, that the late Marquis de *Louvois*, in
his life-time Secretary of State to the *French*
King, in the year 1691, entered into an agree-
ment with one *Anthony du Mont* about the mur-
der of his Majesty, *William III.* King of *Great-
Britain*, &c. and that the said *Du Mont* had
framed a project, setting forth in what manner
that design might be executed; that he deliver-
ed the said project to the said Marquis de *Lou-*

vois: That the prisoner, some time before the 1692
Marquis de *Louvois*'s death asking his leave to
go somewhere else, was ordered by the said
Marquis not to go away, for that he had some
business of consequence to employ him in,
which the prisoner supposes to have relation to
the said design; but, the Marquis de *Louvois*
dying some time after, there was no further pro-
gress then made in the said design.

That the Marquis de *Barbseux*, son of the
said Marquis de *Louvois*, as also Secretary of
State to the *French* King, having five days af-
ter his father's death found the said project, to-
gether with a warrant for thirty pistoles to be
paid to the said *Du Mont*, among his father's
papers, the said design was revived again, and
the thirty pistoles were paid accordingly. That
the prisoner contracted acquaintance with *Du
Mont* at Monsieur *Rabenac*'s house, where Mon-
sieur *Paparel*, Pay-master General to the *French*
King's armies, saying one day to Monsieur *Ra-
benac* (the prisoner being present) that, if they
had a mind to seize the King of *England*, *Du
Mont* would be a fit person for it, *Du Mont* re-
plied with execrations, that he would carry off
his Majesty alive or dead, as he had promised
to Monsieur de *Louvois*.

That, *Du Mont* having delivered the same or
the like project to Monsieur de *Barbseux*, the
prisoner, to promote the said design, had seve-
ral conferences with Monsieur *Barbseux* and
Monsieur *Paparel*; in one of which Monsieur
Barbseux told the prisoner, that he suspected
his father was poisoned by order of the Prince of
Orange (meaning his present Majesty of *Great
Britain*) and therefore he would be revenged
on him. That Monsieur *Barbseux* told the
prisoner in another conference, that he should
give *Du Mont* notice, that his Majesty of
Great Britain wore a coat of mail; which the
prisoner acquainting *Du Mont* with, he answer-
ed thereupon, *It is no matter, I'll kill him for
all that*. That *Barbseux* had said further, he
would not speak himself with *Du Mont*, fearing
he might be taken prisoner; and, if he should
happen then to name him, it might make a
great breach in his fortune.

That the prisoner was engaged with one *Par-
ker*, a Colonel belonging to the late King *James*,
to put the said design in execution; and that
Parker told him, he had formed the said design
with the late Marquis de *Louvois*.

That at last the prisoner, with the said *Bar-
bseux*, *Paparel*, *Parker*, and *Du Mont*, agreed
upon the manner of executing the said design;
viz.

(1) Bishop *Burnet* informs us, that Monsieur *Movel*
of *Berne*, the famous Medalist (who had for some
years the charge of the *French* King's cabinet of medals,
but being a Protestant, and refusing to change his reli-
gion, was kept a close prisoner in the *Bastille* for seven
years) was set at liberty in April this year. And, before
he left *Paris*, his curiosity led him to *St Germain*, to
see King *James*. He happened both to go and come
back in the coach with *Grandval*; and while he was
there, he saw him in private discourse with King *James*.
Grandval was full of his project, and, according to the
French way, talked very loosely to Monsieur *Movel*,
not knowing who he was, but fancied he was well af-
fected to that court. He said there was a design in
hand, that would confound all *Europe*; for the Prince
of *Orange* (as he called King *William*) would not live

a month. This *Movel* wrote over to Bishop *Bur-
net* in too careless a manner, for he directed the letter
with his own hand, which was well known at the
French court; however his Letter came safe. II. 96.
(2) The rest of the Court-martial.

Lieutenant-General <i>Seravenmore</i> .	
Lieutenant-General <i>Talmash</i> .	
The Marquis de la <i>Forest</i> .	
Monsieur de <i>Hede</i> ,	} Majors General.
Count <i>Noyelles</i> ,	
Monsieur <i>Zobel</i> ,	} Brigadiers General.
Colonel <i>Churchill</i> ,	
Colonel <i>Ramfey</i> ,	} Judge Advocate.
Cornelius <i>Van Won</i> ,	
<i>Richard Elbbwyte</i> ,	

1692. *viz.* That the prisoner and Parker should meet at the grand guard of the Duke of *Luxemburg's* army, where they were to have fifteen hundred horse: That *Du Mont* should go to the King of *England's* army, and watch the time, when his Majesty went to visit the grand guard; and at the same time he was to shoot his Majesty: That the prisoner and Parker with fifteen hundred horse were to rescue and bring him off, the said *Du Mont* giving timely notice to the prisoner of the intended execution. That, *Barbeseux* giving the prisoner orders to accompany *Du Mont* to *Menin*, he gave him at the same time an order to the Duke of *Luxemburg* for furnishing the prisoner with such a detachment of horse, as he should require, and think necessary for the design.

That the prisoner, by Monsieur *Barbeseux's* order, received of Monsieur *Paparel* eighty *Louis d'Ors*; and, pursuant to Monsieur *Barbeseux's* directions he gave to *Du Mont* fifty-five *Louis d'Ors* out of that sum; *viz.* fifteen pistoles in specie, and a bill of Exchange for four hundred and sixty livres *French* money to be paid at *Ghent*. That the prisoner accordingly left *Paris* the 11th of September 1691, and went post with *Du Mont* to *Menin*: That he de-frayed the whole charge of the journey: That *Du Mont* acquainted him on the way, that Monsieur *Barbeseux* had promised him an annual revenue of twenty thousand livres, and to make him a Knight of the order of *St Lazarus*, in case the design took effect: That the prisoner, coming to *Menin*, went to the Governor Monsieur *Portuis*, as he had been directed by Monsieur *Barbeseux*, and obtained of him a passport for *Du Mont*, who parted immediately for *Ghent*, promising the prisoner, that according to their agreement he would send to him at the grand guard: That the prisoner thereupon went to the Duke of *Luxemburg's* army, and he and Parker continued at the head of the grand guard till the day before the rencounter at *Leuze*, without hearing from *Du Mont*.

That, *Du Mont* going to *Hanover*, the prisoner had kept a constant correspondence with him about executing the same design at some other opportunity. That the prisoner communicated what letters he received from *Du Mont* to Monsieur *Barbeseux*, who gave him directions what answers he should return. That the prisoner resolved with Monsieur *Barbeseux*, that the design should be executed this campaign, Anno 1692, which had failed the last. That the prisoner had taken some measures concerning the same with Monsieur *Chanlais*, Quarter-master General to the *French* King.

In the mean time one *Frederic Aelbreyt Leefdale*, heretofore Captain Lieutenant of a troop of dragoons, in the service of the High and Mighty States-General of the United-Provinces, coming to *Paris*, was brought acquainted with the prisoner by the means of one *Sierck*. That the prisoner, having contracted an intimate familiarity with the said *Leefdale*, discovered the said design to him towards the latter end of *March* last 1692, telling him, that an officer, who would ingratiate himself in the King's favour, must venture at something of consequence: That he, the prisoner, had concerted the execution of a design, upon which his fortune depended: That it was indeed a matter not without hazard, but, the greater the difficulties were, the more would be the honour; encouraging

Leefdale to be concerned in it. And, the said 1692. *Leefdale* shewing a readiness to comply with him, the prisoner opened himself with greater freedom, and told him, that he was engaged last campaign with one *Du Mont* to assassinate the King of *Great Britain*, but it had no effect, by reason of his Majesty's leaving the army so soon; but it was resolved again to put the same in execution this year. That *Du Mont* by many repeated oaths had sworn he would do it; yet he, the prisoner, feared, that, if he were not present, *Du Mont* would not so exactly observe his orders, and therefore he was resolved to go along with *Dumont*, asking *Leefdale*, if he would be of the party; who answering, that he would, the prisoner discoursed to him at large of all the particulars concerning the design, and afterwards brought him to Monsieur *Barbeseux* and *Chanlais*.

That *Chanlais*, in one of the conferences held upon that subject, told *Leefdale*, the prisoner being by, that a great reward should be given him, the business succeeding: That *Barbeseux* and *Paparel* had both of them knowledge of the promised rewards.

That he, the prisoner, with the said *Leefdale* and Colonel *Parker*, went to *St Germain's* on the 16th of April, 1692, to speak with the late King *James* about the said design, who had knowledge of it; and to take leave of him before they began their journey. That the prisoner had audience at the same time of the said King *James*, the late Queen being present; King *James* telling him, *Parker has given me an account of the business: If you and the other officers do me this service, you shall never want.* And *Parker*, the prisoner, and *Leefdale* entered into a discourse about this design.

That *Du Mont's* wife delivered to Monsieur *Barbeseux* several letters, which she received from her husband, whilst he was at *Hanover*; and, the prisoner continuing his correspondence with him all that time, he engaged *Du Mont* by letters, especially those dated the 20th, and 25th of April, and the 12th of May last, to come from *Hanover* to a rendezvous at *Aden* in the country of *Ravestein*, in order to take a final resolution with the said prisoner and *Leefdale* concerning the manner of executing their design; the prisoner pressing *Du Mont* to hasten his journey, for fear the King of *England* should have occasion to repass the sea; the prisoner adding withal that he should be mad, if he failed in his business.

That the prisoner, with *Chanlais* and *Leefdale*, were agreed in what manner the assassination should be committed on the person of his Majesty, *viz.* That when the King should ride along the lines, or should go out to take any view; or when the army should decamp, *Du Mont* should lie in ambuscade, and, when his Majesty should pass within an hundred paces of him, he should then fire upon the King. That *Chanlais*, to whom notice was to be given before of the time, should be with three thousand horse at the Duke of *Luxemburg's* grand guard. That the prisoner had told *Leefdale*, that there would be no danger for him, since *Du Mont* had a secret to charm people's eyes; and at all adventures they two would keep with those, who followed the King; and when every body was pursuing *Du Mont*, they should have time to escape and save themselves, and carry the account to Monsieur *Chanlais*; and it little concerned

1692. concerned them, whether *Du Mont* should be taken or not, provided they could escape themselves. That the prisoner and *Leefdale* received their last orders from *Chanlais*, who told them he was going to *Mons*, and that they should stay for him there.

That the prisoner and *Leefdale* went from *Paris* the 17th of *April* last, and arrived a few days after at *Mons*, having waited some time for Monsieur *Chanlais*'s arrival; and, finding he did not come, they resolved to go forward to the rendezvous by the way of *Brussels*. That the prisoner, as they were travelling on the way told *Leefdale*, that, their design taking place, the alliance among the confederate Princes would be broken; that the Princes concerned would each of them re-call their troops; and, the country being thereby left without soldiers, the King of *France* would easily make himself master of it, and King *James* would be restored again.

That the prisoner with *Leefdale* went to the Mayor of *Boisleduc*, and was apprehended at *Eyndehoven* (1).

Sentence
against
Grandval
St Tr.
II. 281.

Grandval was executed in the camp, on the 13th of *August* 1692. He suffered with some flight remorse, for going into a design to kill a King. But, how black soever his confession represented the Court of *France*, no notice was taken of it: Nor did any of that Court offer to disown or disprove it, but let it pass and be forgotten. Yet so blind and violent was their

party in *England*, that they resolved they would believe nothing, that either blemished King *James*, or the *French Court*.

After the action at *Stenkirk*, there was little done this campaign. The *English* forces that landed at *Ostend*, in *August* under the command of the Duke of *Leinster*, being joined by a detachment from the army, possessed themselves of *Furnes* and *Dixmuyde*, which they began to fortify, and, putting the country about them under contribution, became very uneasy neighbours to *Dunkirk*. The command of these places was given to Count *Horn*, who understood well the way of making all possible advantages by contributions, but was a man of no great merit, and of as little courage. This disgusted the *English* still more, who said, that the *Dutch* were always trusted and preferred, while themselves were neglected. They had some colour to censure this choice the following winter, for, upon the motion of some *French* troops, the Count (without studying to amuse the enemy, or to gain time, upon which much may depend in winter) immediately abandoned *Dixmuyde*. All he had to justify himself was a letter from the Elector of *Bavaria*, telling him, that he could send him no relief; and therefore ordering him to take care of the garrison, which was of more importance than the place itself. King *William* greatly revented this conduct of Count *Horn*, who till then had enjoyed a considerable share in his esteem; and it is probable, that the

(1) It will be proper to subjoin here some extracts of original letters from *James Vernon*, Esq; then attending the King in *Flanders*, to Sir *William Dutton Colt*, Envoy extraordinary at *Hanover*, relating to *Grandval* and his designs.

From the camp at Genap, July 21, 1692.

'The three prisoners, who were secured at *Boisleduc*, being engaged in a design against the King's person, were brought to the army on *Friday* last, and are in the Provost's hands, in order to the trial of some of them. Their names are the Chevalier *Grandval* a *Frenchman*, *Du Mont* a *Walloon*, and the Baron de *Leefdale* a *Dutchman*.
'Because you have had some part in the late discovery, I will be a little more particular about these three persons. *Grandval* is kept in irons, and is the person, that will be immediately tried. *Du Mont*, that came from your parts, is in the same house with him in the custody of the Provost, but not in the same room. He is not chained but is only guarded by three or four soldiers. I have not seen him, but I hear he spends the day in smoking and drinking, and seems very desirous to speak with my Lord *Portland*. I know not whether he will be gratified in it; but, by what I can hear, I am apt to believe, he may have something more to say than what he owned at *Hanover*; and I like him never the better, for being so long before he brings it out, especially since he had those opportunities of doing it both to the Duke of *Zell* and yourself. It is well for him he was so early in the discovery (though he might have been quicker in it too) for, God be thanked, the treason would have come out by hands, that were not so deeply engaged, as his seem to be, which I think I may guess by the Baron de *Leefdale*'s being as it were at liberty.'

From the camp at Genap, July 24, 1692.

'The general officers appointed to constitute a Court-martial (whereof the Earl of *Athlone* is Presi-

dent) for the trial of the Chevalier *Grandval*, met yesterday for the first time, in order to settle all things relating to that trial.'

From the camp at Genap, July 28, 1692.

'The general Court-martial is still sitting upon the trial of the Chevalier *Grandval*. On *Friday* and *Saturday* last his examination was taken, and it remains now only, that the witnesses be confronted with him.'

From the camp at Lembeck, July 28, 1692.

'I have the favour of your's of the 18th instant; in answer to which I must acquaint you, that these greater matters [the battle of *Stenkirk*] intervening, have put a stop to the process of *Grandval*, which otherwise would have been finished; and now three of the judges are disabled from attending, viz. Lieutenant-General *Mackay*, who is killed; and Lieutenant-General *Lanier* and *Tetteau* are both wounded; so that I know not whether it will not be requisite to fill up their number. As for *Du Mont*, I cannot but repeat it again, that he is very fortunate to be favoured with the patronage of so great a Prince, the consideration of whom will certainly outweigh the ingenuity of his discovery and confession, which I wonder should not be more sincere, since nothing could have better become one in his circumstances. I am afraid, it is too partially said in his favour, that *Leefdale* concealed the treason for a year, for there is no manner of footsteps by any thing, that has appeared, that *Leefdale* was let into the business till last spring, and he discovered it as soon as ever he got *Grandval* out of *France*, if not before; and both their discoveries seem to be so near the same time, that I think it hard to say, which made it first. But I am confident the difference in time was so little, that neither of them could have notice what the other intended, if there had been any body, that would have meddled to give the advice.'

1692. loss of it was impressed deeply upon the Count's mind, for he did not live long after. Thus ended the campaign in *Flanders*; *Namur* was lost; the reputation of the King's conducting armies was much sunk; and the *English* were generally discontented, and alienated from the *Dutch*.

Affairs in Germany. Nothing of consequence was done on the *Rhine*. There were two small armies which acted separately, under the command of the Landgrave of *Hesse-Cassel*, and the Markgrave of *Baireith*. The *French* army there was commanded by the Duke de *Lorge*, who advancing in *September* towards the *Rhine*, with a great train of artillery, the Landgrave and Markgrave held a council of war with the rest of the Generals, wherein it was resolved, that the two armies, which were separated, should now join. This was accordingly done, and the whole *German* force encamped near *Neustadt*; but in some days they separated again, the Landgrave marching to besiege *Eberemburg*. He had not been gone long, before the Markgrave sent him an express, that the *French* were moving towards him, which made the Landgrave send away four thousand dragoons to the other's assistance. But, before they and the body of artillery could come up, the Duke of *Wurtemberg*, who was gone before with a body of about four thousand horse, and posted himself near *Edelheim*, with a design to stop the march of the *French*, was by them surprized in his camp by the means of a great fog, and charged so briskly, that his men had not time to put themselves in a posture of defence. About a thousand *Germans* were killed upon the spot, and several made prisoners, and amongst the latter the Duke

of *Wurtemberg* himself, who was carried to *Paris*; whilst the *French* lived at discretion in his country, and obliged the Landgrave, now weakened by the detachment, which he had sent away to the Markgrave of *Baireith*, and afterwards by another to secure *Heidelberg*, to raise the siege of *Eberemburg*. However the Landgrave was soon after revenged of the *French*, for they under the command of Count *Tallard*, having besieged *Rheinfeld*, a place, which would have been of greater importance to them, if they had carried it, the Governor made so brave a defence, and the Landgrave such extraordinary expedition to relieve it, that the *French* were obliged to abandon the enterprise with considerable loss (both from the enemies fire, and the rigour of the season) and not without some confusion to the Court of *France*, who had sent orders to Count *Tallard*, not to besiege, but take possession of the place. The Elector of *Saxony* had likewise promised to bring an army upon the *Rhine*; but *Schoening*, his General, who had great power over him, was gained by the *French* to break this design. The Elector complained, that the Emperor favoured the circles of *Franconia* and *Swabia* so much, that he could have no good quarters assigned him for his army. And upon this occasion it was said, that the Emperor drew much money from those circles, that they might be covered from winter quarters; and that he applied all of it to the carrying on of the war in *Hungary*, and so left the weight of the war with *France* to lie heavy on the princes of the Empire. This contest ran so high, that *Schoening* who was thought the ill instrument in it, going for his health to the hot-baths at *Dahlitz* in *Bohemia*, was seized by the

1692.

Jan.
1692-3.

'As for what you write about my Lord *Portland's* speaking with *Du Mont*, I believe his Lordship will hardly think it fit for him to make such a visit, unless Mr *Schutz*, who has seen him, should satisfy his Lordship, that it was for the King's service, which, by any thing he has hitherto said in public, I do not see any reason to believe. Some men are naturally mysterious; some are so through ignorance, and some through guilt, and are loth to appear in their own colours, as long as any cover is to be found. Which of these belongs to this Gentleman, I am not well enough acquainted with him to determine.'

From the camp at *Lembeck*, Aug. $\frac{1}{21}$, 1692.

'*Grandvaux's* trial lay silent all last week, three of the Court-Martial being killed or wounded, viz. the Lieutenant-General *Mackay*, *Lanier*, and *Tetart*; but, their places having been supplied since by Major-General *Serauvenere*, and Brigadiers *Clunhill* and *Ramsay*, this day the trial was made an end of, *Grandvaux* in a manner confessing all the articles of his accusation. I believe it will not be long before he is executed. If you have any concern for *Du Mont*, I can satisfy you, that he is not tried at present, and I do not know there are any intentions to do it.'

From the camp at *Lembeck*, Aug. $\frac{4}{29}$, 1692.

'The Chevalier *Grandvaux* being found guilty on *Monday* last by the Court-Martial, chiefly upon his own confession, for having conspired against the life of his Majesty, he was executed yesterday morning in the camp, according to the sentence pronounced against him, for his being hanged, drawn, and quar-

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tered. A relation of the proceedings is ordered to be forthwith printed.

'As to what you would be informed in, you will have it so soon in print from *Holland*, that it will not be worth while to tell it you beforehand, since it would fall so far short of the relation you have to expect. However, for your present satisfaction, I must tell you, that *Barbasteux*, *Chamlais*, and *Parcel* will be noted with infamy, for the part they have had so villanous a design; and when you see the printed account, pray compare it with what you remember of *Du Mont's* discovery, whilst he was at *Hanover*; and by that judge of the sincerity and ingenuity of his confession.

'*Grandvaux* died with what may be called great courage or stubbornness. He said nothing at the gallows, but he left Monsieur *Barbasteux* a legacy, that he will stick by him, having the same morning, before he went to execution, writ a letter to a friend of his at *Paris*, desiring, that Monsieur *Barbasteux* should be acquainted by the Archbishop of *Rheims*, that he lost his life for having obeyed his orders; which you will see published at large, with many more particulars, that I have not time to mention.'

From the camp at *Nimove*, Aug. $\frac{11}{25}$, 1692.

'I have received this day the favour of yours of the 5th. By the account you give of the manner, in which *Du Mont* made his first discovery, it is plain, how little ingenuity there is in the man, who, in his first confession taken at *Boisselenc*, mentions none but the Duke of *Lell*, to whom, he says, he discovered the business, as soon as ever he had received *Grandvaux's* letter of the 20th of *April*, and had the Duke's leave to write an answer, that he might draw more letters from *G. and sul.* But whatever

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1692: the Emperor's orders; upon which great expostulations passed between the courts of Vienna and Dresden.

Affairs in
Hungary.
Burnet.

But though the Emperor did, as it were, abandon the Empire to the French, he made no great progress in Hungary. The Turks lay upon the defensive, and the season was spent in motion, without either battle or siege. There was still some discourse, but no great probability of peace. Two English Ambassadors dying, the one, Sir William Russell, soon after his arrival at Constantinople, and the other, Mr Harbord, on his way thither, the Lord Paget, his Majesty's Ambassador at the Emperor's Court, was ordered to go thither to mediate a peace. He found the mediation was in a great measure spoiled by the Dutch Ambassador before his arrival; for he had been prevailed on by the Court of Vienna to offer the mediation of the Dutch upon a very high scheme. Comeniek, and the Ukrain, and Podolia, with Moldavia and Wallachia, were demanded for Poland; Transylvania, with the person of Count Tekeli, for the Emperor: And Acbaia and Livadia, as an Antemurale to cover the Morcia, for the Venetians. The Court of Vienna, by offering such a project, reckoned the war must go on, which they desired. The Ministers of the Porte, who were gained by the French to carry on the war, were glad to see so high a project. They were

afraid of tumults; so they spread this project over the whole Empire, to shew, on what ignominious terms the mediation was proposed; and by that they justified their going on with the war. But the Lord Paget offered the King's mediation upon another project; which was, that every Prince was to keep what he was then possessed of; and Comeniek was only demanded to be razed. If this had been offered at first, the Ottoman Court durst not have refused it; the people were become so weary under a long and unprosperous war. But the Vizir suppressed this, and made it still pass among them, that the English pressed the same project, that the Dutch had proposed; which was the more easily believed there, because, how ignorant soever they were at that Court, they knew well what an interest the King of England had in the States. So the war was still carried on there; and Sir William Trumbull, who came over to England at this time, told the King, that if, instead of sending Embassies, he would send a powerful fleet into the Mediterranean, to destroy the French trade, and stop the commerce with Turkey, he would quickly bring that court to other measures, or raise such tumults among them, as would set that Empire, and even Constantinople itself, all in a flame.

With regard to the affairs of Piedmont, the Court of France, having brought the Pope to an accom-

Affairs in
Piedmont.
Boyer.
M. de

' he wants of honesty, he has cunning enough to know what will be of most use to his purpose. I believe he would have secured his life either way; and it would have been yet less in hazard by a more open and frank confession. I suppose it will be thought fit he should undergo a trial, for the justification of his Majesty's proceedings throughout this whole business.'

From the camp at Grammon, Aug. 31, 1692.

' As to the business of Du Mont, I think that is now over, upon his sending a petition to his Majesty, in which he owns his guilt, and implores his Majesty's mercy as to life, upon the account of his being one of the first discoverers, submitting himself to be disposed of as his Majesty shall think fit, in any place of safety, and begging, that care may be taken of his subsisting there. Which petition being referred to the Council of war, that sat upon Grandval, for their opinion, they have recommended him as an object of mercy, on account of his discovery, and coming hither to testify what he knew of this business; advising withal his being kept safely in some secure place with a maintenance, that others may be encouraged by this example rather to rely on the King's clemency, than persist in their damnable designs. So you see by this proceeding, regard has been had to any promises, that might have been made him in Germany upon his first discovering the business; which yet I think he might then, and since, have made more fully than he did.'

The letter, which Grandval writ the morning before his execution, was as follows:

Du camp de Halle ce 13, Aout 1692.

Mademoiselle,

' Je vous prie d'aller trouver Monsieur L'archevêque de Rhems, avec Monsieur Jourdaul, & faire connoître au dit Seigneur Archevêque qu'il m'en coûte la vie pour avoir eue aux ordres de Monsieur de Barbesieux, c'est la grace, que vous demande,

Votre Serveur,

DE GRANDVAL.

Voyez Monsieur le Marquis d'Arisy, qu'il contribue a faire prier Dieu pour moy.

A Mademoiselle Juré, Rife Trevelle, vis a vis de la Rue des deux Escus, pres de l'Hotel de Soissons, a Paris.

From the camp at Hall, Aug. 13, 1692.

Madam,

' I pray you to go to the Archbishop of Rheims, with Monsieur Jourdaul, and to let the said Archbishop know, that it costs me my life for having obeyed the orders of Monsieur de Barbesieux: Which is the favour desired of you, by,

Your Servant,

DE GRANDVAL.

' Speak to Monsieur d'Arisy, that he take care I be prayed for.

' To Madam Juré in Treville-Street, over-against the Street of the Two Crowns, near the Hotel of Soissons at Paris.'

Upon occasion of this letter, it will not be improper to take notice of a passage, that happened some days before Grandval's condemnation. A person discoursing with him in prison, and observing he endeavoured to justify himself upon the orders, which he had received from the Marquis of Barbesieux, he told him, that, though this was in itself a very weak excuse for being engaged in a base action, yet still it might prove so much the worse, as that it was like enough that Monsieur Barbesieux would disown his having given any such orders, or that he was any way concerned with him in a business of this nature. To which Grandval replied, ' Let him deny what he pleases; yet, if I were put upon it, I would make it appear very plainly; for I have an original paper under Monsieur Barbesieux's own hand, which I have lodged with a friend of mine, who will not part with it to any one but myself, and nobody else knows with whom I have intrusted it.' State Tr. II. 284.

Soon after the discovery of this shocking attempt, there was published a piece, intitled, *Reflections upon the late horrid conspiracy contrived by some of the French Court*

1692. accommodation, endeavoured through his means to divide the Duke of Savoy from the confederacy, and dispatched Monsieur Chanlais to Turin, to make advantageous proposals to him, but whether in the form, that was afterwards made public, is a mystery. However there was a writing printed at Paris, wherein the author mentioned all the offers made the Duke; though that paper seemed chiefly designed to render the Italian Princes jealous of the Germans, by magnifying the disorders committed by them in their quarters, and insinuating, that Protestants reaped all the advantage of the present war; which argument was not long after effectually improved by the Partisans of France in the Court of Savoy. But the German troops now in Italy were too numerous to give any of those petty Princes an opportunity to disturb them, supposing they had an intention to do it; and as for the Duke of Savoy, whatever his true sentiments were, he appeared firm, and resolute to carry on this campaign with great vigour. On the other hand, the French, who bent the power of their arms against Flanders and Germany, left Monsieur Catinat very much inferior to the allies in Piedmont, as desiring only to defend what they had gained the years before on that side. But this they could not do; for, the Duke of Savoy having got his army into the field, and disposed of several parties into the vallies and other places for the bet-

ter security of the country, he marched in the month of July at the head of twenty-thousand men into the Province of Dauphiné; where, after they had pillaged La Roche, Chantelouwe, and some other villages, they made themselves masters of the castle and Highlands of Guillestre, and some other passes. In August all the army crossed the Durance at Guillestre, and moved towards the city of Ambrun, which was surrendered upon articles, after a siege of about nine days. Here the Duke of Savoy found twenty pieces of cannon, and a considerable quantity of provisions; and the city presently granted him forty thousand livres contribution, which they borrowed at Grenoble for that purpose: Besides which, he seized upon sixty thousand livres in gold, which was the French King's money, in the hands of the Pay-master of the troops. And not only the city of Ambrun, but all the neighbouring towns and villages were at the same time put under contribution. Here likewise Duke Schomberg, who commanded the English forces to the assistance of Savoy, published a declaration in the name of King William, inviting people to join him, and assuring them, that his Majesty 'had no other aim in causing his forces to enter into France, than to restore the nobility and gentry to their antient splendor, the Parliaments to their former authority, and the people to their just privileges; and even to grant his protection to the Clergy;

Court to murder his Majesty in Flanders, and for which Monsieur Grandval, one of the assassins, was executed: The author of which observes, that, besides the French King himself, some of the greatest persons in France were privy to the design, viz. Monsieur Louvois, and his son Barbezieux, Ministers of State; the Duke of Luxembourg, Marshal and Peer of France, and General of the French army; Monsieur Rabenac and Monsieur Bedal, Embassadors; Monsieur Paparel and Monsieur Chanlais, employed in some of the greatest posts of the army; Madam Maintenon, the French King's mistress. He remarks likewise, 'that the carriage of the French court in this affair towards the late King James is a master-piece of craft and treachery. Here it is, adds he, that it were almost to be wished, that there were a curtain drawn over that part of the stage, where this unfortunate Prince comes to act so unnatural and so frightful a part. That any one, that ever filled the English throne, should be capable of so unprincipally a revenge as murder, is a very mortifying reflection, and leads us naturally to look back to some shrewdly suspected events that have fallen out in England of late years, which for some reasons are not now to be insisted on. As, in most of the transactions of this Prince's reign, he was imposed upon by the French King's designs, and gave himself up to the measures given him from France, which proved his ruin; so now, when under their protection, they bring him in to cover and own a transaction so base and horrid, that the French King had not the face to appear in it himself. They so ordered the matter, that Grandval, Parker, and Leefdale should wait upon King James, and receive his approbation of the thing, with promises of encouragement; and this is not done till the whole design had been fully concerted beforehand. It was fit the murder of the King should pass in the world as a personal revenge of King James, and that the French Court should lay it upon the quarrel between those two Princes; tho' at the same time they had the chief hand in the contrivance of it, were to reward the instruments employed in it, and were to reap the greatest advantages by it. Whether that unfortunate Prince

was sensible of this trick put upon him, or whether his eager desire to see the King taken off, gave him no leisure for reflections, it is hard to determine. This is clear, that he thought himself no ways obliged to use the precautions, that even Barbezieux had done, since that after his speaking to Grandval, according to the words in the printed account, he was pleased to entertain Parker, Leefdale, and him, all together, on the same subject; for in the French copy it is said, *Qu' alors il a aussi parlé avec le dit Parker & Leefdale de cette affaire: At the same time he (meaning King James, and not the prisoner Grandval, as in the English translation) spoke likewise to Parker and Leefdale about that affair.* The treachery of the French Court towards King James in this business is deep and black.

All the world lays his ruin at the French King's door; and it is to the measures he gave him, that he owes the loss of three crowns. The least amends could be made him for all this, was an honourable retreat in France; yet that this is granted him only on the account of their own interest, appears in a great many instances, and particularly in the part they bring him in to act in this conspiracy. If there had been true friendship and kindness meant him, they would never have put him upon a necessity of making himself known in so foul a design to three persons all at once, but would have at least allowed him the precautions, that Barbezieux, if not the very same, that one of his own rank, thought himself obliged to observe. But this is not all; in bringing King James to own this business, the French Court did him the last offices of an enemy. Instead of promoting his re-accession to the throne, they did more at one dash to shut it for ever against him, than all that his enemies could have thought of. With what horror must the English nation have been struck, to see a Prince, that had recovered them from the brink of destruction, and exposed his person so often for their sake; to see him, I say, murdered by the bloody hand of a Russian! And with what execrations and cries for vengeance against both actors and contrivers of such a villany! Could the French ever imagine, that the way

1692. 'gy; and in short to cause the Edict of *Nantz* to be revived, of which the Kings of *England* had been made guarantees.'

Encouraged by this declaration, several of the *French* Protestants, who had been forced to abjure their religion, took this opportunity to make their voluntary recantation before Monsieur *Dubourdeau*, Duke *Schoenberg's* chaplain. From *Ambrun* the Army marched directly to *Gap*, a city upon the frontiers of *Provence*, whose inhabitants opened their gates to Prince *Eugene* of *Savoy* upon his first appearing before it, and readily consented to pay contribution, to preserve their houses from being pillaged and burnt; a treatment, which near eighty castles and villages received from the *Germans*, in retaliation of the barbarities committed by the *French* in the *Palatinate*. Not only *Grenoble*, the capital of *Dauphiné*, but the neighbouring Provinces, and the rich city of *Lyons* began al-

ready to tremble. And indeed never had the allies a fairer opportunity of shaking the power of *France* (1). But the Duke of *Savoy's* falling sick of the small-pox, and, what was of more fatal consequence, the spirit of division, which broke out among the generals, not only hindered the design, that had been formed of taking *Briançon* and *Quieras*, but likewise incapacitated them to keep what they had already conquered. Thus having plundered the country, destroyed all the provisions they could not consume or carry away, and burnt all that refused to contribute, they blew up the fortifications of *Ambrun*, took money to save the houses, and so put an end to the campaign. As for the Duke of *Savoy*, he was scarce recovered of the small-pox, when he fell into an ague, which reduced him so low, that his physicians began to despair of his life; but at length his youthful constitution got the better of his distemper.

Besides

' way for King *James* to regain the hearts of the three kingdoms, which he had lost by his endeavouring the subversion of their laws and liberties, ' was to hire three parricides to murder the only person, that had secured these to them? ' The author afterwards informs us, that the Jacobites in *England* were at that time in great expectation of a revolution in their favour. ' At the same time, says he, that *Grandval* and *Leffdale* take their journey from *Paris* to *Flanders*, *Parker* comes over to *England*. ' We have all the reason to remember the great hopes our malecontents expressed here at that time, and how sure they seemed to be of some new revolution. It is true, these people are easily buoyed up on the least appearances; and every small accident, that seems to favour their cause, raises their hopes beyond all bounds. But about that time so much joy and assurance was visible in their very countenances, as seemed to proceed from a fixed certainty they had of some mighty success, which they hoped for in their affairs, that we could not possibly dive into. It is true, the *French* King was in *Flanders*, and King *James* was waiting the first opportunity of wind and tide to waft over his army into *England*. But even all this could scarce make up more than a probability, much less a certainty of success. His Majesty was already on the other side, and his army was drawing together from all quarters to oppose the *French*. Our fleet was at sea, and a far braver one it was than the *French* could possibly send out against us. Whence then could all this confidence proceed? There must certainly be some other thing in it, than we were then aware of. *Parker's* coming over at this time, and his corresponding with his friends here, carries with it a shrewd suspicion of what we may reasonably judge was the ground of all this insolence of the party. It were folly to imagine he should make public among them the design then in agitation to murder the King: It was too great a secret to be communicated to many. But on the other hand, it is scarce to be thought, but that *Parker* assured his friends in general, that there was some great and certain event ready then to break forth, that would decide the controversy; and he might even venture to open the secret to some of the first form amongst them.' The author also mentions two remarkable passages never before made public, which shew King *William's* generosity to the *French* King, and his abhorrence of all assassinating designs. About ten years ago, says he, that is, about the year 1682, he received a letter from an unknown hand, who yet gave himself a name, in which he offered to deliver *Europe* from all her fears, by destroying the *French* King. He desired only a safe refuge in *Holland*, and a small subsistence, much less than he should leave behind him in *France*. He desired an answer might be writ to him, and left with the post-

master's wife at *Paris*; and about a week after he writ a second letter to the same purpose. The first letter came to the then Prince of *Orange* at night at *Lee*, and Monsieur *Dyckvelt* happened to be with him; so he shewed him the letter, and desired him to go to the *Hague* immediately, and deliver that letter to Monsieur *D'Avaux*, who was then the *French* Ambassador to the States. Monsieur *Dyckvelt* made such haste, that he was with Monsieur *D'Avaux* next morning, and gave him the letter (and the second was likewise sent to him). He received it with great acknowledgments of the Prince's generosity, and sent the letter to *Paris*. The Post-master's wife, being examined, said, that one had come several times to call for a letter, but, he not coming again, she was ordered to go about *Paris*, and see if he could know him again. One was taken up who she believed was the person, and was put in the *Bastille*. He happened to be a Protestant, which no doubt made the Court of *France* to like the discovery the better. But when some of the Parliament came to examine him, and to confront him with the woman, she, when she viewed him nearly, and heard him speak, owned she was mistaken, and that he was not the man; so after a little while he was dismissed, and came into *Holland* upon the general persecution of the Protestants. By these circumstances it appears, that the Court of *France* believed that this was a real design, and no contrivance thrown out to try the Prince of *Orange's* temper. But another instance shewed, that King *William* looked on propositions of this kind with so much horror, that he thought that, which on all other occasions was the most sacred with him, his word, did not bind in this. A few days after he came to the crown, an unknown person wrote to Dr *Burnet*, that he had a proposition of great consequence to make to the King, if he should have his promise, that he might do it safely. This the King allowed the Doctor to do: So he wrote to the person by the name and method, that he had given. When he came to the Doctor, he told how long he had lived and served in *Versailles*, and how he knew all the methods of that Court; and at last he came to offer to kill the *French* King. At this the Doctor started up immediately, and said, he thought the King was too well known for any to dare to come to him with such a proposition. He hoped he himself had been also so well known, that none should have made it by him. He was sorry, that a promise was given of safety, but he bid the rogue be gone immediately. When he gave an account of this the next day, the King thought he had carried the matter of the promise too far; since the promise was to be understood to relate not to such crimes; and therefore he wished, that the Doctor had seized on him, and ordered him to be sure to do it, if ever he could get eye on him a gain.

(1) Bishop *Burnet* tells us, that ' if the Duke of *Savoy* had carried on the attempt on *Dauphiné* with the spirit, with which he began it, ' affairs

1692. Besides the annoying *France* in her most sensible part, his *Britannic Majesty* improved the Duke of *Savoy's* alliance towards the restoration of the *Vaudois*, a people, who justly boasted a purity of faith derived from the primitive ages of the Church, and untainted by later superstitions. But they having lost all Ecclesiastical discipline through the violence of their late persecution, and being unable to maintain even a Minister or School-master, Monsieur *Dubourdieu* acquainted Dr *William Lloyd* Bishop of *St Asaph*, who about this time was removed to the See of *Lichfield* and *Coventry*, with their miserable condition, who representing the case to the Queen, a fund was established out of her Majesty's privy-purse for the maintaining of ten Preachers and as many School-masters in the valleys of *Piedmont*.

Affairs of Catalonia. In *Catalonia* things continued in their former state, the *French* having attempted nothing on that side, by reason their forces were sufficiently diverted another way, and the *Spaniards* having done as little, from their usual inactivity and weakness.

Hanover made an Electorate. This year the Protestant interest in *Germany* was strengthened by the creation of a ninth Electorate in favour of the Duke of *Hanover*. That Duke, who had been long under the influence of *France*, had now broken off all commerce with that Court, and entered into a treaty, both with the Emperor and King *William*. He promised great supplies against *France* and the *Turk*, if he might be made an Elector of the Empire; in which the King concurred to press the matter so earnestly at the Court of *Vienna*, that the Emperor agreed to it, in case he could gain the consent of the other Electors; which the Emperor's Ministers resolved secretly to oppose as much as possible. The Duke quickly gained the consent of the greater number of Electors; yet new objections were still made. It was said, that, if this was granted, another Electorate in a Popish family ought also to be created, to balance the advantage, which this would give to the *Lutherans*; and it was moved, that *Austria* should be made an Electorate. But this was so much opposed, since it would give

the Emperor two votes in the Electoral College; that it was let fall. In conclusion, after a year's negotiation, and a great opposition both by Papists and Protestant Princes (some of the latter considering more their jealousies of the House of *Hanover*, than the interest of their religion) the investiture was given on the 19th of *December* 1692, with the title of Elector of *Brunswick*, and Great Marshal of the Empire. The *French* opposed this with all the artifices they could employ; and the matter lay long in an unsettled state; nor was he now admitted into the College, it being said, that the unanimous consent of all the Electors must be had.

The greatest prejudice the *French* suffered this year was from the season; they had a very bad harvest, and no vintage in the northern parts. *England* had likewise great apprehensions from a very cold and wet summer, deluges of rain continuing till the very time of harvest. But, when the nation was threatened with a famine, the season changed in so extraordinary a manner, as to produce a very plentiful harvest, sufficient both to serve ourselves, and to supply our neighbours abroad, which brought great sums of money into the Kingdom.

In the beginning of *September*, there was an *A great earthquake* felt in most places in *England*, particularly in *London*; and in many parts of *France*, *Germany*, and the *Netherlands*. The King was then in his camp at dinner, in an old decayed house, which shaking very much, and every one apprehending it was ready to fall, he was prevailed with to rise from table, and go out of the house; but the surprise was soon over, and he returned to dinner. About two months before, most terrible earthquakes happened in *Sicily* and *Malta*, which were represented as the most dreadful, of any mentioned in history. It was estimated, that about one hundred thousand persons perished by them in *Sicily*. About the same time, an earthquake also shook the Island of *Jamaica*, and almost totally ruined the town of *Port-Royal*: So that, besides the damages, no less than fifteen-hundred persons perished in it. These were very extraordinary things, which made those that studied apocalyptic

* affairs of *France* on that side into great disorder. But he was either ill served or betrayed in it. He sat down before *Ambun*, and besieged it in form; so that a place which he might have carried in three days, cost him some weeks. And in every step he made it appear, there was either a great feebleness, or much treachery in his counsels. He made no great progress; yet the disorder, it threw that and the neighbouring provinces into, was very great. He was stopped by the small-pox, which saved his honour as much as it endangered his person. The retreat of his army, when his life was in danger, looked like a due caution. He recovered of the small-pox, but a ferment remained still in his blood, and broke out so often into feverish relapses, that it was generally thought he was poisoned. Many months passed before he was out of danger. So the campaign ended there with considerable losses to the *French*, but with no great advantage to the Duke. II. 100. Monsieur *Bernard* assigns the following reasons, why the Duke did not make a further progress in *Dauphiné*: 1. Because the *Spanish* fleet, which had been promised to come and alarm the coasts of *Provence*, did not appear there. 2. Because the *Spanish* troops in the Duke's army, would not obey him, nor penetrate so far as he would have had them, either

from a fear of being engaged too far, or a desire of having a greater share of the booty, than they had received. This misunderstanding occasioned a great deal of time to be lost, and gave the enemy an opportunity of strengthening themselves, and stopping the progress of the confederate arms. 3. The sickness of the Duke himself. 4. and lastly, The extraordinary vigilance of Monsieur *Catinat*, and the good disposition, which he had every where made. This General having learned, that the Duke had some design upon *Briançon* and *Gap*, took such measures with the considerable body of troops under his command, that it was thought impossible to penetrate as far as these two places through a great many defiles, in which the *French* were strongly intrenched, and which could not be forced without the loss of part of the army. The Duke therefore and his Generals being informed of these difficulties, and finding the winter advancing, and the country so ruined, that it was impossible to support the troops there during that season, and considering, that they had no place to secure themselves in, if they should be attacked by the enemy, when the mountains should be shut up by the snow; they thought proper to retire, after they had plundered the country. *Lett. Hist.* II. 405.

1692. tical matters, imagine the end of the world drew near. But however, these dismal accidents had but little influence on people to reform their manners. The great examples, set the nation by the King and Queen, were not much followed. The King had published a proclamation, declaring his resolution, to discountenance all manner of vice and immorality, in all persons from the highest, to the lowest degree; and the Queen, in the King's absence, gave orders to execute the laws against drunkenness, swearing, and debauchery; and sent directions over *England*, to all Magistrates to do their duty in executing them: To which, the King joined his authority, upon his return to *England*. Yet the reformation of manners, which some zealous men studied to promote, went on but slowly. Many of the inferior magistrates were not only remiss, but very faulty themselves, and even discouraged those, who endeavoured to have vice suppressed and punished. It must be confessed, that the behaviour of many Clergymen gave great offence. They had taken the oaths, and read the prayers for the present establishment: They observed the orders for public Fasts and Thankgivings, and yet they shewed, in many places, their aversion to the Government but too visibly. In some places it broke out in very indecent instances, that were brought into Courts of law and censured. This made many conclude, that the Clergy were a sort of men, that would swear and pray even against their consciences, rather than lose their benefices, and consequently were governed by interest, and not by principle. The Jacobites grew still to be more outrageous, while the Clergy seemed to be neutrals in the dispute. And what was, yet, most extraordinary, the Government itself acted with such remissness, and so few were inquired after or punished, that those, who were employed by the King, behaved themselves in many places, as if they had secret instructions to be heavy upon his best friends, and to be gentle to his enemies. Upon the whole matter, the nation was falling under a general corruption, which was much spread among all sorts of people.

Proclamations against highwaymen and libellers.

Young's plot against several persons discovered. B. of Rochester.

On the 13th of September the Queen issued out two proclamations; the one for the better discovery of seditious libellers (1), and the other for the discovery and apprehending of highwaymen, and for a reward of forty pounds for every such offender, to the discoverers; which encouragement occasioned the taking of many of these robbers, who about this time very much infested the roads of this Kingdom.

In May this year was detected a sham plot invented by one Robert Young, who was committed to Newgate till he discharged a fine imposed upon him. One Henry Pearson, a prisoner in the same place for debt, perceiving Young to be very expert in counterfeiting hands, told him, that, if he could contrive a plot, and father it upon the Earls of Marlborough and Salisbury, Dr Thomas Sprat Bishop of Rochester, and some

others, he might soon have money enough to pay his fine. Young gladly accepted the proposal; but told Pearson, that nothing could be done in that matter, till he was released, which in a short time was effected. As soon as Pearson was at liberty, he employed one Stephen Blackhead to carry letters between himself and Young. By a certain stratagem Young happened to procure the Earl of Marlborough's hand, which he counterfeited so exactly, that it was very difficult to distinguish the true from the false. Afterward he drew up an Association, and affixed to it the hands of the Earls of Marlborough and Salisbury, as also Sir Basil Firebrace's, the Bishop of Rochester's, and the Lord Cornbury's, which two last were writ by another hand. And, that the more credit might be given to this pretended plot, Young forged several letters in the Earl of Marlborough's name, supposed to be directed to himself, which Blackhead used to bring to him again. Blackhead went three times to the Bishop of Rochester's house at Bromley in Kent, upon a fictitious errand from a supposed Doctor of Divinity, but with no other intent than to convey the forged association into a secret place, where it was afterwards found by the King's messengers, who, upon information given by Young against that Prelate, came first to secure his person, and then to search his house. His Lordship was some days under confinement; but, upon a strict examination of the whole matter before the Council, and the confronting of Blackhead with Young, the forgery was evidently discovered, and his Lordship's innocence made manifest.

The Earl of Marlborough was likewise committed to the Tower upon the accusation of this Young on the 5th of May, where he continued till the 15th of the next month, being the last day of the term, when he was admitted to bail at the King's Bench bar, the Duke of Shrewsbury, the Marquis of Halifax, the Earl of Carbury, and Mr Boyle being bail for him. On the 24th of October following, being the first day of Michaelmas Term, his Lordship appeared again in that court, and insisted to be discharged, alledging, that he had been committed upon the charge of Young, against whom an information of perjury and forgery had been since found by the Grand-Jury, and declaring, that he would otherwise make his complaint in the House of Lords. But his bail was still continued by order of that Court.

Scotland enjoying now a perfect tranquillity, Affairs the Parliament of that Kingdom was very zealous and forward to contribute new levies for the support of their Majesties government. And as for Ireland, the Lord Sidney, Lord Lieutenant of that Kingdom, so managed affairs, that the Parliament there, which began on the 5th of October, made an act, not only of recognition of their Majesties undoubted title to that crown, and another for encouragement of Protestant strangers to settle in that Kingdom, but also one for granting to their Majesties the sum of seventy-thousand pounds,

(1) Now it was that the *Glencoe* business was industriously noised about town and country, and represented as bad as the massacres at *Paris* and in *Ireland*, and as the King's act and deed; but, how justly, will here-

after be seen. *Lefley* published a pretended relation of the fact, in a letter which was greedily swallowed by the Jacobites, and other enemies of the Revolution.

1692. pounds, by an additional duty of excise upon beer, ale, and other liquors. After which, on the 3d of November, they were prorogued (1).

The King departed from the camp at *Gravement* on Friday, September the 7th, having left the command in chief of the army with the Elector of *Bavaria*; and the next day arrived at *Breda*, and went thence to his House at *Loo*, to divert himself a few days with hunting. He then came back to *Brussels*, and held a council of war, wherein he gave orders for the march of the forces into winter-quarters, and went thence to the *Hague*, where having settled his affairs, he embarked on the 15th of October on board the *Mary* yacht, attended by Sir *Cloudeſley Shovel*, with several men of war, and on the 18th landed safe at *Tarmouth*. The next night he lay at Sir *John Duke's* at *Saxmundham*, and, on Thursday the 20th, was met by the Queen at *Newhall*, and about eight the same evening their Majesties came to *Kensington*, having passed through the city of *London* amidst the acclamations of the people, and continued illuminations of the houses, and other demonstrations of joy for his safe return. Two days after the Lord Mayor, Aldermen, and Recorder of *London* attended his Majesty at *Kensington*, with a congratulatory address. The King received them very graciously, conferred the honour of Knighthood upon *Salathiel Lovel*, Esq; Serjeant at Law, their Recorder; and accepted their invitation to dine at *Guildhall* on the Lord-Mayor's day, Sir *John Fleet* being then Mayor. The entertainment was very magnificent; and the King was pleased to confer the honour of Knighthood upon *John Wildman*, *William Gore*, *James Houb-*

lon, Aldermen; *Leonard Robinson*, Chamberlain; 1692. *Rowland Aynsworth*, *William Scawen*, *Johab Child*, and *John Touch*, citizens. And the same honour was conferred some days before on *Thomas Trevor*, Esq; their Majesties Solicitor General.

On the 10th of October, it had been ordered by the Queen in Council, that the monthly fasts, appointed by proclamation of the 24th of March 1691, should be discontinued till further order; and a public thanksgiving was ordered for the preservation of their Majesties and their Government against the designs and attempts of their open and secret enemies, particularly for the late signal victory at sea against the French fleet; and for the disappointment of the barbarous and horrid conspiracy for taking away his Majesty's life by assassination.

About this time several French refugees, studious to promote the interest of England, and to weaken France by impairing her manufactures, in conjunction with some English Merchants, termed the *Royal Lustring Company*; and being supported by the protection of the Earl of *Pembroke*, whom they chose their Governor, obtained the King's patent whereby they were reputed a body politic, having the full and sole privilege for the making of lustrings and alambodes in England. On the 26th of October, this patent was read in full committee at their house in *Austin Fryers*; at which time the company was farther assured by their Governor of their Majesties satisfaction in this undertaking to such a degree, that all other encouragements might be expected for the promoting of it.

On Friday the 4th of November, the Parliament

(1) The proceedings of that Parliament will appear from the following extracts of original letters from Mr *Richard James*, one of the Under-Secretaries of State, to Sir *William Dutton Colt*, Envoy-Extraordinary at *Hanover*.

Whitehall, Octob. 7, 1692.

'This week arrived an express from Ireland with several bills, that have been prepared by the Council there to be presented to the Parliament, which sat down on the 5th instant. They were put into the hands of Mr Attorney-General to consider of them, who made this afternoon his report to the Queen and Council here, where the said bills were read; and such amendments being made, as were thought fit, they are ordered to be engrossed and passed under the Great Seal of England, in order to be dispatched back to Ireland. These bills are eleven in number; the chief of them are for granting the aid to their Majesties; for settling the militia; and for an indemnity.'

Whitehall, Octob. 11, 1692.

'The Council has met several times to consider of the bills transmitted hither from Ireland, and have, with some amendments, approved of these, that follow: An act for granting certain duties to their Majesties: An act for an additional excise upon beer, ale, and other liquors: An act for settling the militia. An act for punishing deserters and mutineers in the army: An act to encourage Protestant strangers to come and settle in Ireland: An act to prevent vexatious suits; and an act about taking affidavits in the country. The act of indemnity, which was sent over with the rest, is still under debate; and the Papists, who are concerned therein, since it cuts off all remainders to the forfeited estates, have petitioned the Queen, that they may be heard, before the bill be sent back; and their petition is referred to Mr Attorney-General.'

Whitehall, Octob. 21, 1692.
'The letters from *Dublin* of the 12th tell us, that the Parliament had yet done little besides appointing the committees. That of grievances had fallen upon Mr *Cullisford*, lately one of the Commissioners of the revenue there, who, it was believed, would not come off there as he did the last winter in England. They had likewise questioned one *Croft*, a Gentleman of the county of *Cork*, for several things done by him in the late King *James's* time, and had confined him, and expelled him the House, of which he was a member. They have likewise ordered their votes to be printed.'

Whitehall, Octob. 28, 1692.

'The King came hither yesterday, being the day appointed for a public thanksgiving; and in the afternoon was present at the General Council, where two Irish bills more were read and approved, viz. one to prevent frauds and perjuries; and another to settle intestates estates. There were two other bills under consideration, to wit, that for a general indemnity; and that for easing Protestant Dissenters; but they are both laid aside for the present. By the first a great many persons are attained, and the remainders are cut off from all forfeited estates; and by the latter a greater liberty is given the Dissenters than what they now enjoy here.'

Whitehall, Novemb. 4, 1692.

'Yesterday came in several mails from Ireland; the last are of the 20th and 24th of last month. They bring little news, telling us only, that the two Houses of Parliament had passed an act for recognition of their Majesties undoubted title to the crown of Ireland, and had under consideration several other bills, as also the state of the revenue, and some grievances, which they complained of; but

The King's return to England. Oct. 18.

Entertained by the Lord-Mayor.

Monthly fasts discontinued.

A public thanksgiving.

Oct. 27.

The Lustring Company.

The fourth sitting of the second Parliament.

1692. ment met at *Westminster*, which the King opened with the following speech to both houses.

My Lords and Gentlemen,

I AM very glad to meet you again in Parliament, where I have an opportunity of thanking you for the great supplies you have given me for the prosecution of this war. And I hope by your advice and assistance, which have never failed me, to take such measures, as may be most proper for supporting our common interest against the excessive power of *France*.

We have great reason to rejoice in the happy victory, which by the blessing of God we obtained at sea. And I wish I could tell you, that the success at land had been answerable to it. I am sure my own subjects had so remarkable a part in both, that their bravery and courage must ever be remembered to their honour.

The *French* are repairing their losses at sea with great diligence, and do design to augment their land forces considerably against the next campaign; which makes it absolutely necessary for our safety, that at least as great a force be maintained at sea and land, as we had the last year. And therefore I must ask of you, Gentlemen of the House of Commons, a supply suitable to so great an occasion.

I am very sensible how heavy this charge is upon my people; and it extremely afflicts

me, that it is not possible to be avoided, without exposing ourselves to inevitable ruin and destruction. The inconvenience of sending out of the Kingdom great sums of money, for the payment of the troops abroad, is indeed very considerable; and I so much wish it could be remedied, that, if you can suggest to me any methods for the support of them, which may lessen this inconvenience, I shall be ready to receive them with all the satisfaction imaginable.

My Lords and Gentlemen,

None can desire more than I do, that a descent should be made into *France*; and therefore, notwithstanding the disappointment of that design last summer, I intend to attempt it the next year with a much more considerable force; and, so soon as I shall be enabled, all possible care and application shall be used towards it.

And upon this occasion I cannot omit taking notice of that signal deliverance, which by the good providence of God we received the last spring, to the disappointment and confusion of our enemies designs and expectations.

This has sufficiently shewn us how much we are exposed to the attempts of *France*, while that King is in a condition to make them. Let us therefore improve the advantage we have at this time of being joined with most of the Princes and States of *Europe*

but the letters do not say what they were. They had expelled Mr *Farrel* the House for having adhered to and favoured the *Irish* during the late rebellion, as they had done before to Mr *Crofts* of the county of *Cork*. And my Lord Lieutenant had sent a message to them, letting them know, that they should sit but a fortnight longer, and be then prorogued till the spring.

Whitehall, Novemb. 8. 1692.

By the letters from *Dublin* of the 27th and 30th past, we have an account, that the two Houses of Parliament there had passed an act for granting to their Majesties an additional excise upon beer, ale, and other liquors, which may raise about twenty-five thousand pounds. But at the same time the Commons declared, That it was their undoubted right to prepare and resolve the ways and means of raising money; and that their receiving the said bill of excise, which was transmitted to them under the Great Seal of *England*, should not be drawn into precedent for the future. And withal they rejected another bill sent out of *England*, for granting certain duties to their Majesties for one year, and ordered it to be entered in their journals, that the reason why the said bill is rejected, is, that the same had not its rise in their House. And after this they themselves took into consideration, how they should raise the rest of the supply of seventy-thousand pounds, which they had voted to be given for one year towards paying the army. They had likewise rejected two other bills transmitted out of *England*; one intitled, *An act to confirm the acts of settlement, and explanation and resolution of the doubts of the Lord Lieutenant and Council upon the said acts*; and the other, *An act for reversing the act of attainders, and all other acts made in the late pretended Parliament of Ireland*. They had appointed a Committee to inquire what laws were going to expire in *Ireland*, and were fit to be continued; and what laws, that have been made in *England*, were fit to be made of

force in that Kingdom; and the said Committee had reported several laws accordingly; among which one was the *Habeas Corpus* act. They had also represented several grievances to the Lord Lieutenant, to wit, the employing of Papists in the army; the suffering them to go armed; and misapplying of the forfeitures, &c. Lastly, they had given his Excellency thanks for his care to suppress the *Rapparees* and *Tories*, whose numbers began to increase in the north of *Connaught*, and in the county of *Cork*. And the House of Lords had resolved to write letters to the Houses of the Parliament in *England*, to thank them and this whole Kingdom for their kindness and assistance to the *English*, when they lately fled into this Kingdom from the Popish persecution in *Ireland*. The same letters add, that it was believed the Parliament would end their sessions the last week, and be prorogued till the spring.

Whitehall, Novemb. 11. 1692.

This day came in an express from *Ireland*, with an account that his Excellency the Lord Lieutenant had on the 3d instant prorogued the Parliament to the 6th of April next, after having given the Royal assent to the *Act of recognition of their Majesties undoubted title to the crown of England*; an act for granting an additional excise to their Majesties; an act for encouraging Protestant strangers to settle in *Ireland*; and an act for taking affidavits in the country. The Commons had rejected several other acts besides those mentioned in my last, to wit, that, for settling the militia; another for punishing mutineers and deserters, &c. Which, together with some other of their votes, gave his Excellency such dislike of their proceedings, that he took notice of it in his speech at their rising, and caused a protestation to be entered against them in the Lords House, for asserting the King's prerogative; and his Excellency had likewise removed Mr *Serjeant Osborne* and Mr *Serjeant Broderick*, two leading men in the House, from being of the King's Council.

1692. 'rope against so dangerous an enemy. In this surely all men will agree, who have any love for their country, or any zeal for our religion. I cannot therefore doubt but you will continue to support me in this war against the declared enemy of this nation; and that you will give as speedy dispatch to the affairs before you, as the nature and importance of them will admit; that our preparations may be timely and effectual for the preservation of all that is dear and valuable to us.

'I am sure I can have no interest but what is yours. We have the same religion to defend; and you cannot be more concerned for the preservation of your liberties and properties than I am, that you should always remain in the full possession and enjoyment of them; for I have no aim but to make you a happy people.

'Hitherto I have never spared to expose my own person for the good and welfare of this nation; and I am sensible of your good affections to me, that I shall continue to do so with great cheerfulness upon all occasions, wherein I may contribute to the honour and advantage of England.'

and he acquainting them, that it could not be done, that debate fell. The day following, their Lordships called before them Mr Aaron Smith, who was the Solicitor for law-affairs; and he was asked upon oath what witnesses there were in the first place against the Earl of Huntington; to which he answered, that he knew of but one. It was then debated, whether one witness was sufficient to keep a Peer under bail, after he had entered his prayer at the King's-Bench to be tried, as the *Habeas Corpus* act directs; but they came then to no resolution upon it.

The House of Commons met on the 11th according to their adjournment, when a motion was made by Sir Thomas Clarges for an address to his Majesty, that the foreign alliances might be laid before that House; which was carried; and the design of it was evidently to enter into the consideration of the part, which the several confederate Princes bore in the war; and whether it was proportionable to that of England.

The next day the Peers resumed the debate concerning the Lords who had been committed; and the Committee, which had been appointed for that purpose, reported an order, declaring, That no Peer should be continued upon bail, unless there were two witnesses against him. Upon this some debate arose, but concluded without any determination; and then their Lordships entered upon the consideration of the legality of the commitments, but adjourned without coming to any conclusion.

The same day there was brought into the House of Commons a bill for regulating trials in cases of high-treason; and they voted thanks to Admiral Russell, and the commanders and seamen of the fleet, for the late victory at sea; and ordered, that the Lords of the Admiralty lay before the House copies of the orders by them sent to the Admiral; who was likewise ordered to bring copies of those, which he had received; the House resolving to inquire how it came to pass, that the victory was not pursued.

The next day, November 12, the House of Lords received a report from their Committee, of an order, declaring, that no Peer shall be remanded to prison by the King's-Bench upon his appearing before them by virtue of the *Habeas Corpus* act, after having entered his prayer to be tried as the said act directs, or kept under bail, unless there be against him two witnesses upon oath. Hereupon the Judges were consulted and they were of opinion, that it was not necessary in this case to have two witnesses upon oath against the prisoner, but that there ought to be two witnesses in a capacity to be sworn, since it might happen, that one of them was absent, and had not yet had an opportunity to be sworn. The Committee therefore altered their order agreeably to this opinion of the Judges; and then it was moved on the 14th of November, and debated several hours, whether that order should be entered as a standing rule in the journals of the House, and at last it was resolved in the affirmative by thirty-five voices against twenty-eight. The day following their Lordships entered again upon the matter of the Lords

Proceedings of the House of Commons.
MS. Lett.

Complaints of the Lords that had been committed.

This speech was received with the universal approbation which it deserved. The Commons after reading the King's speech, by reason of the thinness of the House adjourned to the 11th of November*, in order to give their Members time to come up; the Lords likewise adjourned to November the 7th, when a complaint was made by the Earls of Huntington, Scarishead, and Marlborough, that they had been lately committed to the Tower by warrants, wherein it was not said, that any information was given against them upon oath, which they alleged to be required by the law. They complained likewise, that the beginning of this *Michaelmas Term* they were continued upon bail, by the Court of King's-Bench, though the Parliament was then going to meet; which they looked upon as a breach of the privilege of the Peerage of England; wherein they were seconded by some other Lords. These two points were debated some time, and the opinion of the Judges was asked upon the last; and the Lord Chief Justice Holt justified the proceeding of the King's-Bench. At last it was resolved, that a Committee should be appointed to inquire into precedents about this matter, and to make their report on the Wednesday following; till which time the House adjourned; and the Committee met on Tuesday accordingly.

The House of Peers meeting on Wednesday, November 9th, resumed the affair of the commitment of the Lords to the Tower, and their being continued under bail by the King's-Bench. The debate ran chiefly upon the second head; and it was moved, that the recognizances of the said Lords, which were taken in the King's-Bench, should be removed to the House of Peers, as being the supreme Court. But the Lord Chief Justice Holt's opinion being asked,

* The proceedings of both Houses in this Session, are chiefly extracted from a series of original letters, Numb. XV. Vol. III.

written by Mr Warre, under Secretary of State, to Sir W. D. Colt, Envoy Extraordinary at Hanover.

1692. Lords continued under bail, and considered in what manner to discharge them from their recognizances; and after some debate it was intimated as an expedient, that his Majesty would give order for their discharge the next day; which put an end to the debate, and they accordingly adjourned to *Thursday, November 17*, when they were informed, that these Lords had been discharged the day before by the King's particular command. Upon this a debate arose, what entry should be made thereof in their journals for asserting the rights and privileges of the Peers, wherein they came to no determination, but adjourned the debate to the next day, when they ordered it to be entered upon their journal, that being informed, that his Majesty had given directions for the discharge of the Lords under bail in the *King's Bench*, the debate about that matter ceased. This debate went off in a bill, that indemnified the Ministry for those commitments, but limited them, for the future, by several rules; all which rules were rejected by the Commons. They thought those limitations gave a legal power to commit, in cases where they were observed; whereas they thought the safer way was to indemnify the Ministry, when it was visible they did not commit any but upon real danger, and not to fet them any rules: Since, as to the committing of suspected persons, where the danger is real and visible, the public safety must be looked to, and supersede all particular laws.

The Commons, on the 12th of November, entered upon an inquiry, 1. Why the late victory at sea had not been pursued? 2. Why the descent had not been made? 3. Why care had not been taken to cover the trade, by having convoys and cruisers in proper stations? In answer to the first, Admiral *Ruffel* alledged, That nothing had been omitted on his part; and that he gave orders in writing to Sir *John Ashby*, presently after the fight, to pursue the *French* ships, that fled through the *Race of Alderney* (1). Secondly, as to the descent, he said, That it was so late in the year, when the land-forces joined the fleet, that it was the opinion of all the seamen, that the great ships could not stand over to *St Malo's*, or the other places proposed, without an extreme hazard. So that the inquiry remaining was, why the land-forces embarked no sooner; of which the Commissioners of transports, victuallers, and officers of the ordnance, were required to give an account as far as related to their several parts. Lastly, the Commissioners of the Admiralty were directed to give an account about the convoys.

On the 14th, the Commons made an address to the King, in which they acknowledged 'The great affection his Majesty shewed to his subjects, by taking notice of their bravery and courage, by that sensible concern he expressed for the charges on his people, and by that tender regard for the preservation of their religion, liberties, and properties, which must ever be remembered with gratitude by all his

faithful subjects. They likewise acknowledged the favour of God, in restoring his Majesty in safety to his people, after so many hazards and dangers, to which he had exposed his sacred person; that there might be nothing wanting on his part to oppose the ambitious designs of his enemies, and to maintain the honour of *England*, and the liberties of *Europe*. They also congratulated his deliverance from the secret and open designs, which the malice of his enemies had formed against him; and assured him, that they would always advise and assist him in the supporting of his government against his enemies.' They presented at the same time their thankful acknowledgments to the Queen, for her gracious and prudent administration of the government, whilst his Majesty was hazarding his Royal person abroad; and for the blessings of peace, which they enjoyed at home under her auspicious reign, at a time when the greatest part of *Europe* was suffering the miserable effects of war. They also congratulated, not only the signal deliverance, which they received from a bold and cruel design, formed and prosecuted for their destruction, when it was just ready to be executed, but likewise the return of her Majesty's fleet with so compleat and glorious a victory, as was not to be equalled in any former age; assuring her Majesty, that the grateful sense they had of their happiness under her government, should be always manifested in constant returns of duty and obedience, and a firm resolution to do all that was in their power to render her reign secure and prosperous.'

On the 14th Sir *Edward Seymour* delivered to the Commons a message from the King in answer to their address the last session, about the *East-India* Company, with several papers relating to that Company; namely, a copy of the new regulations drawn up by his Majesty's order, and which the Company had refused to submit to; and the opinion of the Judges thereupon, which the King informed the House was the reason of his having done nothing in the affair, since the Judges had declared, that the Company must have three years notice, and that no company could be set up in that time; for which reason he left the Commons to proceed in that matter as they should think proper.

The next day the Commissioners of accounts laid before the Commons their report about the receipts and issues of the public monies; the consideration of which being deferred to the *Thursday* following, the business of the day was called for, which was to consider of the King's speech; but it was answered, that, since his Majesty desired their advice as well as assistance, they could not offer the former till they had inquired into the alliances, public accounts, &c. and thereupon it was ordered, that the consideration of his Majesty's speech should be adjourned till the *Tuesday* following.

On

(1) Accordingly Sir *John Ashby* being examined, Nov. 19, particularly in relation to the *French* men of war that escaped into *St Malo's*, he gave an account of the proceedings of the ships under his command in and after the engagement; with which the House was so well pleased, that the Speaker, by direction of the

House, acquainted him, 'That the House took notice of his ingenious behaviour at the bar, and that he had given an account to the satisfaction of the House, and was dismissed from farther attendance.' *Pr. H. C. II.* 410.

An act to indemnify the Ministry for commitments. *Barnet.*

Inquiry into the conduct of the fleet.

The Commons address.

A message to the Commons about the East-India Company.

1692. On Wednesday, November 16th, the Commons had a debate of two hours, by whom the alliances laid before them should be translated; some proposing, that it should be done by Public Notaries; others, that they should be returned to the Secretary for that purpose; and others, that they should be referred to a Committee, in order to be rendered into *English*, and these last prevailed. The next day was spent by that House in the business relating to the *East-India* Company; and, the day following, they read a second time the bill for regulating trials in cases of high-treason; upon which a long debate arose, whether it should be rejected or committed, many of the members looking upon it as very unreasonable at that time, when the enemies of the Government were so active in plotting against it, since by this bill the conviction of such offenders would be made much more difficult than it was before; but in conclusion, it was carried upon the question by one hundred and seventy against one hundred and fifty, that the said bill should be committed to the Committee of the whole House.

On Wednesday November the 23d, the Commons had a long debate about the foreign Generals, on which subject several warm speeches were made, and the Count de Solms was particularly named as the chief occasion of the ill success at Steenkirk by not sending succours, when called for, to support the *English*, and as a person, who had not treated the *English* well. It was at first pressed, that no foreign General should be allowed of upon the *English* establishment; but that motion would not pass, though it was at last resolved with little opposition, that his Majesty should be humbly advised to fill the vacancies, that shall happen for the future, of General officers in our army with such only as are natives of their Majesties dominions; and that the General of the *English* foot be a native of their Majesties dominions. By which vote they proposed to hinder the coming in of any other foreign Generals than were already employed in the service, and to remove Count Solms. And it was even moved, that the House should desire the King to confer that command upon Lieutenant-General Talmash, who, it was said, was a better and more experienced officer; but this motion was not seconded, and so it fell.

On the 24th of November, the Commons resumed the affair of the *East-India* Company; and resolved, that there should be a new subscription of a joint stock not exceeding two millions, and not less than 1,500,000 *l.* to continue for twenty-one years. And the day following the State of the war for the ensuing year was laid before that House. The land force was the same as it was the last year, but the naval somewhat greater. The whole expence amounted to four millions, two hundred thousand pounds; to which was added, deficiency of the last poll-act, amounting to 750,000 *l.* The estimates were read, and the farther consideration of the supply adjourned to the Tuesday following.

The Lords, on November the 23d, attended their Majesties with their addresses of thanks and congratulation; and on the 28th they resolved, that his Majesty be humbly advised to employ one, who was born their Majesties subject, to be General of the *English* forces; and

the day following they considered the miscarriages of the intended descent into *France*, and after some debate resolved, to make an address to his Majesty, that all orders, letters, &c. relating to the same, be laid before them.

On Saturday, November 26th, the Committee about the transports made their report to the House of Commons; and after several warm speeches, it was resolved, that in regard many of the great affairs of the Government have been for the time past unsuccessfully managed by those who had the direction thereof, the House should humbly advise his Majesty to prevent the like mischiefs for the future, by employing men of known ability and integrity; this question being carried without a single negative. Some members then represented the prejudices, which they conceived to arise to the public by having all affairs of state passed only through the Cabinet-council; thinking it better to have them considered of in the Privy-Council; upon which there was some debate, but the motion fell.

On the 28th the Commons were employed upon the bill for regulating trials in cases of high-treason, wherein they made several amendments, the principal of which was, that this act should not take place, nor be of any force, till after the expiration of the present war with *France*; which upon the question was carried by one hundred and seventy five, against one hundred and forty; this amendment being thought to answer the main objection against the bill, of its being unreasonable.

The day following they took into consideration the estimates about the fleet. The first debate was, whether they should allow of the thirty-three thousand seamen demanded by the Admiralty; which some would have reduced to thirty-thousand; but it was carried for the whole number; after which they agreed likewise to all the other particulars of the estimate, except that about the two marine regiments, which they did not allow of.

On the 30th of November, the Commons went again into a grand Committee to give advice to his Majesty. Several speeches were made against the ill management of affairs, and the inactivity and want of vigour, that appeared in those, who had the administration of them; which they imputed to the principles of some of them, who at first opposed the settlement of the government, and therefore could not be thought to be so zealous for the support of it as was necessary in the present state of things. And Mr Arnold went so far as to name the Earl of Nottingham, though he was not seconded. After a long debate the following vote passed without any opposition, that his Majesty be humbly advised, for the necessary support of the Government, to employ in his councils and management of his affairs, such persons only whose principles oblige them to stand by him and his right, against the late King James and all other Pretenders whatsoever.

The day following the House agreed with the Committee about the estimates of the fleet for the ensuing year; and then resolved upon an address to his Majesty, that a list of the ships designed for the next year's service might be laid before them. After this the report was made about the bill for regulating trials in cases of high-treason, to which the House agreed, and particularly

1692.

1692. larly to the amendment, that this act should not take place till after the expiration of the present war, which was debated for some time, and at last carried by one hundred and sixty-five against one hundred and forty. Some clauses were then offered to be added to the bill, one of which occasioned a long debate. It was to enact, that it should be high-treason for any person to declare by word or writing, that their present Majesties were not lawful and rightful King and Queen of this realm. This was very much opposed, as a thing irregular to bring in thus a clause for making a new law, and as dangerous to the subject to make words treason. At last it was agreed to lay aside the clause, and that a bill be brought in for the better preservation of their Majesties persons and government. But no further mention was made of the other bill for regulating trials, &c. during this session.

The House of Lords, on the 2d of December, resumed the consideration of the bill of indemnity, and added to it a clause empowering the Council, in case of an invasion, to secure all suspected persons, who refuse to take the oaths, and to give security for their peaceable behaviour. And on the 6th of that month the Earl of Nottingham gave in their Lordships an account of all orders and proceedings about the descent.

On the 3d of December, the Commons proceeded upon the estimates about the land-forces; when the Lord Ranelagh acquainted them, that, of the fifty-four thousand demanded by his Majesty, he designed, that twenty-thousand should be left in England, and the rest employed abroad. Upon this, the first debate was, whether they should agree to have twenty-thousand men kept in England; and it was pressed to begin with this question; but the managers for the Court opposed it, and would not suffer this separate question, insisting to have the whole fifty-four thousand men put into the question together; which occasioned a long debate, but at last it was agreed, that the separate question about the twenty-thousand men to be kept in England should be put first; which being done, it passed without a negative. Then the second question was debated about the thirty-four thousand men to be employed abroad; which was warmly op-

posed by several, who were against sending any 1692. forces to Flanders, where no advantage was to be expected by the experience of the last campaign; at least they were for lessening the number, since the Kingdom could not bear so great an expence. This debate kept the House sitting till nine at night, when the question being put, it was carried for the thirty-four thousand men with so great a majority, that the opposite side did not think fit to divide for it. On the 5th they went again into a grand Committee to give advice; and after a long debate, and divers angry speeches, they passed the two following votes: 1. That the Committee was of opinion, that there had been an apparent miscarriage in the management of the affairs relating to the descent the last summer. 2. That one cause of the said miscarriage, was the want of giving timely and necessary orders by such persons, to whom the management of this matter was committed. The first passed without any opposition; but the last, which was plainly levelled at the Earl of Nottingham, was carried only by one voice, a hundred and sixty-five against a hundred and sixty-four. The day following they proceeded upon the estimates about the land-forces, and agreed to the allowances demanded for the general officers. But, when they came to the three pounds a day set down for Mr Blaisewait, they would not allow of it, but reduced it to twenty shillings, which, upon the question, was carried by about nineteen voices.

The Lords, on the 7th of December, had the Earl of Nottingham's relation concerning the descent read to them, and it was ordered, that the original letters from Admiral Russel, and other persons therein mentioned, should be laid before the House. After which a motion was made, that they should proceed jointly with the Commons in giving their advice to his Majesty, and to that end it should be proposed, that a Committee might be appointed by either House, to meet together, and consider of heads for the same. But, after a long debate, it was resolved in the negative by a majority of forty-eight against thirty-six; of the former number were all the Lords of the Cabinet Council, except the Lord Steward; all the Bishops present, except Dr Watson Bishop of St David's (1).

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(1) Leave having been asked and given, that some Lords might protest, if the question was carried in the negative, the Lords, whose names are underwritten, entered their protestation in the reasons following:

1. Because his Majesty, having particularly and expressly desired the advice of his Parliament at this time, when he so much seems to need it, no other method was, or, in our opinions, could be proposed, by which the two Houses might so well and so speedily be brought to that concurrence, which is necessary to render their advice effectual.

2. Because it appears by some papers already imported to this House, that several members of the House of Commons are concerned in the matters before us, as having been so lately employed in his Majesty's service; and we conceive it the easiest, properest, and fairest way of communication between the two Houses, to have so great and important a business, transacted and prepared in a Committee so chosen.

3. Because it cannot be expected, that so many members of the House of Commons, from whom we shall need information, can in any other manner be here present so often, though with the leave of the

House, as will be necessary for a sufficient inquiry into the several affairs now under consideration.

4. Because, if the House of Commons intend also to give advice to his Majesty, it is very probable, that both Houses of Parliament may receive such information severally, as will be thought fit to be communicated as soon as possible; and we conceive no way of doing that can be so proper or speedy as in a Committee of both Houses.

5. Because, in a time of such imminent danger to the nation, by reason of so many miscarriages, as are supposed generally to be committed, the closest and strictest union of both Houses is absolutely necessary to redeem us from all that ruin, which we have too much cause to fear is coming upon us.

Shrewsbury,	Mulgrave,
Stamford,	Cornwallis.
Monmouth,	Vaughan,
Crew,	De Langueville,
Torrington,	Montagu,
Granville,	Bath,
Marlborough,	Macclesfield,
Aylbury,	Warrington,
Chelmsford,	Fitzwalter.

Mr

1692. The same day, the Commons proceeded upon the business of the *East-India* Company, and agreed to the rest of the regulations, viz. that no man shall have above 10,000 *l.* stock, nor under 100 *l.* every 500 *l.* to have a vote; and no person to have more: The Governors to have 5000 *l.* stock: The Deputy Governor 10,000 *l.* The Company to export every year of the *English* manufactures to the value of 100,000 *l.* and to furnish the Government with 500 tun of salt-petre yearly at a certain rate. Upon these heads the Committee resolved to move the House, that a bill might be brought in to settle the said trade.

On the 8th of December, the Lords went into a grand Committee upon giving advice; and, having before them the establishment of the ordinance, they found upon it two *Dutch* officers, Colonel *Gower*, Colonel of the *English* train abroad, and Mr *Meefters*, Keeper of the stores at home; and thereupon, after some debate, it was resolved humbly to advise his Majesty to remove them both from the said employments. *Meefters* having another post, that of Comptroller of the train abroad, there was not much opposition made to the removing him from this; but the question about Colonel *Gower* was carried against him by forty-one voices against thirty-eight. After this there arose some debate, whether the Earl of *Nottingham's* relation should be referred to a Committee of the whole House, or to a select Committee; and it was resolved, as his Lordship himself desired, that it should be considered of in a Committee of the whole House.

The Commons were likewise the same day

upon giving advice; and Sir *Richard Temple* 1692. having moved, that, in pursuance of the King's speech, they would consider how to pay the forces abroad, by sending over *English* manufactures, and so preventing the exportation of so much money yearly; and, this motion being seconded, it was resolved, that a Committee should be appointed to consider thereof. The Houses being then desirous of rising, Sir *Francis Winnington* the Chairman was called upon to leave the chair; which, after having put the usual question, he did accordingly, and the Speaker resumed the House. But, as they had omitted in the Committee to direct their Chairman to report what they had done to the House, and to desire leave to sit again, no report could be made, and so the vote, which they had passed in the Committee, fell to the ground. But the Committee was revived by the House, and appointed to sit again on the Monday following.

On the 9th of December, the Commons proceeded upon the estimates about the land forces. They had already agreed to the fifty-four thousand men, to the charge of the general officers, the train, and the transports; and now they agreed to give 200,000 *l.* more for hospitals and other extraordinary charges, being desirous to throw these together, because in the article about the subsidies to the Dukes of *Savoy* and *Hanover*, and the other, about the three *Saxon* regiments, it was said, that the King paid two thirds, and the *Dutch* one, which proportion the House was unwilling to allow of, but put the several sums together under one general head, though with an abatement of 35000 *l.* which they thought

Mr *John Hampden* published about this time a remarkable piece, intitled, *Some short considerations concerning the state of the nation*. He begins it with remarking, that 'perhaps there was not any time, in which it was more necessary to join heads and hearts for the service of our native country, that so a safe and effectual method might be agreed upon, to bring the nation through the great and many difficulties it laboured under; and to attain the end, which was proposed in the late Revolution, and in that war, in which it was engaged for the defence of all that was dear to us, against those, who were sworn enemies of our religion and country.' He then considers, that the remedying of all the evils, under which the nation laboured, was only to be expected from the Parliament; and that, if the Parliament should separate what the King had so wisely joined together in his speech, and should either give assistance without advice, or advice without assistance, our affairs would be ruined, and the nation undone.

Mr *Hampden* next makes some reflections upon the state of the nation, and considers it as in a state of war, and against whom, and for what ends, it was engaged in that war. The person, against whom the war was directed, he tells us, was the *French* King, who might be said to be in some sort the enemy of mankind, 'the design of whose whole life had been to establish in Europe what they call an *Universal Monarchy*, which might more properly be called the enslaving of all Europe, and whose hatred to all, that bore the name of *Protestant*, was inveterate and invincible.' The ends of the war were both just and necessary in the highest degree; self-defence, the maintenance of our ancient free government, the asserting our rights and liberties; and, above all, the preservation of the Protestant religion against popery and idolatry. Mr *Hampden* then considers, in what state and condition we were for the carrying on this great war, 'which had already lasted almost four years, and was likely

'to last much longer, and at length to end unhappily, 'if effectual measures were not taken by the Parliament to manage it in such a way, and for such ends, as were consistent with our ability, present condition, and true interest.' He proceeds to shew, that the nation was not only in a state of war, but also in a state of decay and consuming, and that in many respects, as, 1. With respect to it's shipping; it being incredible, what numbers of ships had been lost since the beginning of the war. 2. With regard to it's seamen; the occasion of which decay was this, that we had indeed acts of navigation, and one would think our own interest should have inclined us sufficiently to employ our own men in matters of trade; yet there was so great opportunity given to employ foreigners by want of convoys, and the breeding of seamen being interrupted by the loss of so many of our ships, and the giving up the Bank-fishing, and Newfoundland fishing, in a manner intirely to the *French*, that our trade insensibly slipped from us, our merchants were disappointed and undone, and our seamen discouraged and diminished; in whom notwithstanding consists the true strength and safeguard of this island. 3. In the decay of our trade: 'Not to mention again, says he, the prodigious number of trading ships taken by our enemies, and the discouragement of our seamen by employing foreigners, it is well known, that all nations now drive on a free trade with France, and we alone are excepted from that benefit; while, on the other hand, we bear three parts in four of the charges of this war. The *Suedes*, *Danes*, *Portuguese*, *Venetians*, and others, take off the *French* goods as openly as ever; and the two former supply them with ships and naval stores. The *Spaniards* in the *Netherlands* maintain as open and regular a trade with them as in the time of full peace, without so much as a disguise, or the least pretence of a disguise, though we know they cannot subsist one moment without us; and therefore

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1692. thought the estimates might very well bear. A motion was then made in behalf of the Duke of *Wirttemberg* and the Majors-General *Tetteau* and *La Forest*, who commanded the *Danish* troops, that their particular pay might be according to the *English* establishment, and not according to the *Dutch*, which they were then upon; and this was agreed to in consideration of their good services. And thus the House agreed to the whole state of the war for the ensuing year; their next business being to consider of ways to raise the funds for the same.

In the House of Lords the same day, the Earl of *Nottingham's* relation, with the original papers therein mentioned, were read; and, because there seemed to be some reflection made therein upon Admiral *Ruffel*, who was a Member of the House of Commons, their Lordships appointed a Committee to consider how they might come to speak with the Admiral, and to know what he had to say in answer thereto.

Their Lordships likewise on the 10th refused the consideration of the Earl of *Nottingham's* relation, and after some debate resolved to appoint a Committee to draw up an abstract of what the Earl had farther by word of mouth told the House, that more nearly affected Admiral *Ruffel*, as if he had been wanting in several things, which were incumbent upon him. The Committee thereupon met, and a question arose, whether their account should be drawn up as coming from the House, or from the Earl of *Nottingham*; and the first was resolved on; and, to prevent all mistakes and further delays, the Earl was desired to draw up himself the substance of what he had said to the House.

Among other advices, which the Lords re-

solved about this time to give to his Majesty, one was, that, when the *English* forces were joined with the *Dutch*, his Majesty would be pleased to give the precedence to the former; and that an *English* Officer might command all *Dutch* Officers of the same rank, though his commission be of a later date. This was grounded upon a treaty, which the Earl of *Marlborough* told the House was made at the beginning of the war, and of which he produced a copy, it being answered upon the application they made to the King for the treaty, that it could not be found.

The Commons on the 10th of *December* voted a supply for the navy of two millions and ninety thousand pounds, as they had before granted 1,925,000 *l.* for the fleet; which together amounted to above four millions without reckoning 750,000 *l.* for the deficiency of the last year's poll-tax, and 600,000 *l.* for the civil list. The same day they agreed to the report about the *East-India* trade; and after that read for the first time the bill for the better preservation of the Government, in which there was appointed a new oath to be taken by all persons in offices.

The day following, *December* 12th, the House designed to have proceeded upon the advice to the King; but Mr *Ruffel* informing them, that he heard some papers relating to the last summer's expedition would be sent them from the Lords, and desiring, that the farther consideration of this matter might therefore be deferred for some days, it was accordingly adjourned till the *Friday* following.

On the 13th the Commons ordered a bill to be brought in, that no person should for the future

‘ we may put a stop to such abuses and destructive practices whenever we please. Those, who know the condition of *Denmark*, know likewise, that we might easily have hindered the supplies, that have gone from thence to *France*; but, though that were often advised and pressed, yet nothing could be ever procured to be done. The *Dutch*, who pretend to be so closely united with us in interest at this time, have private factors every where carrying on a trade with *France* in the name of other nations; while we alone lose the benefit of that trade, which the rest of the allies divide among them. 4. In the loss and diminution of our treasure, of which the King takes notice in his speech.’ And this proceeded not only from hiring foreigners for convoys, and foreign importers, who carry away the money that should be divided among our *English* seamen and traders, as was observed above, but principally from those vast sums, which were sent in specie to pay our land-army, little of which ever returned into *England* again; and that which did, was so clipped and lessened, that it would not pass. 5. In the loss of our men. I shall not, says Mr *Hampden*, say how many lives have been spilt for the reduction of *Ireland*, and how many of them might easily have been spared, if things had been rightly managed at first; nor how many of our bravest men perished in the action at *Steinkirk*, for want of being sustained as they might and ought to have been.’ He then shews, that the nation was likewise in a state of unsettledness in all respects, which must needs be very dreadful in the midst of a war. For, 1. It was intirely unsettled as to the government, the King's title, and the legality of it, being as publicly disputed, and with as little fear of punishment, as any point of natural philosophy in the schools at *Oxford*, or any moot case of law by the students of the *Temple*; while others,

who pretended to submit to the government, openly renounced and impugned the principles and grounds, upon which it was set up by the nation; and would not suffer any mention to be made of the original contract broken by King *James*, nor of that new contract made by King *William* with this nation, in virtue whereof he was King of *England*; but wrote books and published them, one while to prove, that he was King by conquest, another while to prove, that he was King by an immediate providence of God, and direction from him; both which were equally destructive to the nature of our government, and to all the ends proposed to be compassed in the Revolution. Besides, several bills and declarations had been offered several times in Parliament for abjuring King *James's* authority, and declaring King *William* and Queen *Mary* lawful and rightful King and Queen of this realm; but nothing of this kind had been yet brought to perfection. Nor was the nation in an unsettled condition, only in reference to the King's title, but likewise to the ancient government itself, and the time of holding Parliaments; for the government could not in any sort be thought to be settled, till the manner and time of calling Parliaments, and their sitting when called, were fully determined, explained, and agreed to. 2. The nation was unsettled as to the quiet enjoyment of our own houses, from the quartering of soldiers in them. 3. From the seizing the subjects property for transport ships, without settling any fund to pay them. 4. From the want of proper regulations with regard to trials for treason. 5. From the want of settling a militia. 6. From the decay of trade by the loss of ships for want of convoys. Mr *Hampden* then affirms, That, in the conduct of the war, and the management of affairs at home, in reference to it, there was evidently, a vein of treachery run through it from one end to the other. ‘ How else, says he, is it possible every thing should

‘ misgive

1692. ture be elected a Member of Parliament, who had any other employment or office of profit; and that no Member of the present House should, during his being such, accept of any office or employment. After this they proceeded to the supply, and resolved, that there should be raised four shillings in the pound upon lands and offices.

The House of Lords on the 15th had a warm debate about the foreign forces then in *England*, upon a motion, that his Majesty should be humbly advised to send them all away; and at last it was resolved to advise him not to bring any more foreign troops into the Kingdom; but that those already here, which were four *Dutch* and three *French* regiments might continue.

On *Wednesday* the 14th, the Commons had likewise a long debate about the bill for preserving the Government. The main objection against it was, that it made words treason, which would make people unsafe even among their own servants and in their own families; and that the oath to be taken by all persons in offices was, that, *during their lives*, they should stand by their Majesties against King *James* and all other Pretenders; which, it was said, laid an obligation upon people beyond what was in their power to be answerable for. To this it was replied, that any thing, that was thought amiss, might be amended in the Committee, but that the scope and substance of the bill was certainly very necessary at that time. But the bill was at last thrown out by two hundred against one hundred and seventy-five, the Court-party being divided upon it (1). The next day they took into consideration a new project for bor-

rowing a million, and resolved to make it part of the supply. The project was, that ten thousand persons should lend 100*l.* each: That a fund of 70,000*l.* should be settled out of the hereditary excise to pay the interest at seven *per Cent.* which was to be divided among the lenders and the survivors of them, during their lives, provided that no man should at any time have above 10,000*l.* *per annum.*

The next day, *December* the 16th, they went into a grand Committee for giving advice to his Majesty, and it was moved, that he should be advised to remove Colonel *Gower* and Mr *Meesters*, two *Dutch* officers, out of the Ordinance; which occasioned a debate of above two hours. At last it was said by several Generals, that this was a trivial matter, not worth the spending their time about; and that, if they had nothing of more weight to lay before the King, they might go to their dinners. Which motion was so well liked, that the Committee adjourned, and the Speaker took the chair without appointing any time for their next sitting.

On the 17th the bill for ascertaining the fees of officers of justice was rejected by the Commons, being the same, which had passed the two Houses the preceding session, but was then rejected by the King.

Two days after the papers given in to the House of Lords by the Earl of *Nottingham*, concerning the last summer's expedition, being communicated to the Commons at a conference, they were read in that House, when Admiral *Ruffel*, who thought himself reflected on in them, made answer thereto in his place so much to the satisfaction of the house, that they passed

a vote

' misgive and miscarry, as we see it has done? How could all our preparations this year for a descent upon *France* have been foretold and retarded as they were, and our men embarked, only to cost half a million, and make us ridiculous to the whole world, unless the hand of *Jeab* had been in it?—Who can believe, that our victory at sea this year should not have been farther pursued, if all people employed had been well-intentionated?—How came we to labour under such want of intelligence, even in things, in which it may so easily be had, and that for so little money?—When orders are to be given out for any design, there are so many delays, upon one pretence or other, that the time of execution is always over before the orders are received. And besides, they are so defective, and in their nature so impracticable (as we have lately seen in the business of the descent) that it were better none at all should be given. Are there designs on foot to join with our enemies, and rise in favour of them, as there was this summer, when the *French* were coming? Yet nobody is found out or prosecuted, that was concerned in it. Every body knew, that horses and arms were bought, and some were taken. Every county saw, that their discontented men flocked up to *London*. Nobody thought the *French* would either provide to come hither, or seek to fight us at sea, but upon some ground of treachery; and yet there could be nobody discovered, that had any correspondence with them. These things are indications sufficiently plain to any wise man, where the bottom of all this mischief lies. But none are so blind as those, who will not see.'

Mr *Hampden* concludes with these words: 'All these things put together make a considerable part of the melancholy and miserable state of the nation at this present time. If it be asked, what shall be done to remove all these evils? I say, the first step

' towards a cure is well to understand our disease; and, if the Parliament can be thoroughly sensible of these things, and make the King likewise sensible of them, the very nature of the disease will of itself lead to the proper remedies. Therefore I am humbly of opinion, that the Parliament should begin by a most humble, dutiful, and respectful address to his Majesty, representing to him the true state of the nation in its present circumstances, returning thanks in the most humble and affectionate manner imaginable for that gracious expression of demanding the advice of the Parliament, and assuring him, that neither their advice nor assistance shall be wanting for maintaining and defending his Person and Government against the attempts of all his enemies; as on their side, after what he has had at the opening of this session of Parliament, they cannot doubt but his Majesty will heartily concur with them in what they shall advise for his honour, safety, and greatness, and the good of the nation. After this the Parliament will proceed to offer to his Majesty such bills, as may be most proper to remedy the grievances of which we complain; and at the same time, that they give money for carrying on the war, will advise such measures, as may best enable his Majesty to bring down the excessive power of *France*, and at the same time to secure the happiness and liberties of the *English* nation. If debates are free and clear within doors, so as to encourage those without to hope, that there is really a probability of something to be done for the good of the nation, there will be farther proposals made of such things as are thought most proper and necessary to be done at this time.'

(1) Bishop *Burnet* observes, that the King himself was more set on this abjuration of King *James*, than he had been formerly. II. 103.

1692. a vote, 'that he had behaved himself during the last expedition with fidelity, courage, and conduct,' and ordered, that this vote should be communicated to the Lords at a conference the next day. Besides this there were some warm speeches made in the House; and it was even moved by Mr Comptroller Wharton, that an address should be made to the King to remove the Earl of Nottingham; but that motion fell to the ground.

The vote of the House of Commons in favour of Admiral Ruffel was communicated to the Lords at a Conference on the 21st of December, and at the same time the narrative and other papers concerning the last summer's expedition were returned to them; which being reported to the House of Lords, some of their Lordships observed, that this proceeding of the Commons seemed to be somewhat irregular and unparliamentary in returning the papers so hastily, without taking any time to consider of them, and it was moved to desire a free conference with them upon it. But it was at last resolved to look into precedents, and appoint a Committee for that purpose.

The Commons on the 21st went into a grand Committee to review the book of rates payable upon goods exported and imported; wherein they made some alterations, though they proceeded no farther than the letter C. And the day following they read for the first time a bill for raising four shillings in the pound upon real and personal estates, which, it was supposed, would amount to two millions; and they passed the bill *touching free and impartial proceedings in Parliament*, which was afterwards sent up to the Lords for their concurrence. The design of it was to prevent men, after they were chosen Members of Parliament, from accepting any places of profit; for, though any person, who was in an office already, might be chosen, yet, if he accepted one whilst he was a sitting Member, he was to lose his seat in Parliament, and to be incapable of being chosen again; but the Speaker for the time being was excepted. After this the business of the *East-India* Company should have come on, but a printed paper having been dispersed in the lobby of the House, wherein the chief sticklers against the old Company were all named, and recommended as the only fit persons to have the direction of the new Company, since they had carried on this affair with great charge and loss of time; and, there being among them several Parliament-men, one of them made complaint thereof to the House as being designed for a reflection upon them; but the House treated it with contempt, and, being grown cool upon the *East-India* business, and Mr Smith, who used to be their Chairman, going out of the House to avoid it, the further consideration of the affair was deferred to the 29th of December; which gave great encouragement to the old Company.

On the 23d the Commons were to have received the report from the Committee for giving advice to the King; but it seemed, that the House was grown weary of that matter, for it was adjourned *sine die*.

On the 28th of December the Commons made some progress in the money-bill; and the day following, in a grand Committee upon the *East-India* business, went through several regulations, and particularly agreed to that for a new sub-

scription of a stock not exceeding two millions, 1692. and not under 1,500,000 *l*.

In the House of Lords the Committee appointed to look into precedents, in order to a free conference with the Commons upon their late vote concerning Admiral Ruffel, reported some precedents, which came near to the point in question; upon which their Lordships on the 30th resolved, to demand such a conference the next day. Accordingly the same day messengers came from the Lords to the Commons, for that purpose; but, it being put to the question, whether they should agree to the free conference desired by the Lords, it was carried in the negative by seventy-eight against sixty-one.

The Lords on the 31st of December read the second time the bill sent up from the Commons *touching free and impartial proceedings in Parliament*. Great endeavours were used to throw it out; but at last it was resolved by a majority of nine voices, that it should be committed to a Committee of the whole House.

The same day the Commons made some farther progress in the money-bill, as they did likewise on the 2d of January; and the day following went through it to the blanks for the Commissioners names, which were to be filled up the next day. They received likewise a message from the Lords, that they had appointed eleven of the clock the next morning for the free conference; and thereupon named managers for the same, who were only to hear what the Lords had to say to them, and to report it to the House.

The Lords were, on the 3d of January, in a grand Committee upon the bill for *free and impartial proceedings in Parliament*, and went through it, agreeing to all the clauses of it; but, when it came to be reported to the House, after a long debate, the bill was thrown out by two voices, the majority of proxies, which are not allowed of in a Committee, being against the bill.

It is remarked on this bill, that, when the party that was set against the Court saw they could carry nothing in either House, they turned their whole strength against the present Parliament to force a dissolution. They began with giving it the name of an ill found, calling it *the Officers Parliament*, because many, that had commands in the army, were of it: and the word, that they gave out among the people, was, that we were to be governed by a standing Army, and a standing Parliament. Then they tried to carry this bill, for rendering all members of the House of Commons incapable of places of trust or profit. The truth was, it came to be observed, that some got credit by opposing the Government, and, to silence them, they were preferred: And then they changed their note, and were as ready to flatter, as before to find fault. This gave a specious colour to those, who charged the Court with designs of corrupting Members, or at least of stopping their mouths by places and pensions. Though the bill had passed the Commons with little difficulty (those in places, having not strength to make great opposition, being looked on as parties, and those out of places having not courage to oppose it, as it would have looked like recommending themselves to one) it was however rejected by the Lords, since it seemed to establish

1697. an opposition between the crown and the people, as if those, who were employed by the one, could not be trusted by the other. The Earl of *Mulgrave* exhausted his eloquence in a celebrated speech on this occasion (1).

The Commons on the 4th of *January* resumed the *East-India* business, wherein they made some further progress, and resolved particularly, by a majority of voices in a thin House, that the subscription for a new stock should be begun within ten days after the passing of the act; which vote did at first lower a little the actions of the old company, but they soon rose again to a hundred and thirty, as they were before, upon a belief, that the Parliament would not have time to finish the business that session.

The Lords in their free conference with the Commons on the 4th of *January* represented to them, that the House of Lords did look upon the late vote and proceeding of the Commons in returning them the papers about the last summer's expedition to be irregular and unparliamentary. For having transmitted those papers to them for their information in a matter, wherein several persons seemed to be concerned, their Lordships expected, that they would not only have duly considered of them, but likewise have given their Lordships communication of what they had before them relating to that matter, and which they grounded their vote upon. This was the substance of what the Earl of *Rochester* said, and afterwards gave in writing to Colonel

(1) In this debate, *Sheffield* Earl of *Mulgrave* made the following remarkable speech:

My Lords,

' This debate is of so great consequence, that I resolved to be silent, and rather to be advised by the ability of others, than to shew my own want of it. Besides, it is of so nice a nature, that I, who speak always unpremeditatedly, apprehend extremely saying any thing, which may be thought the least reflecting; though even that ought not to restrain a man here from doing one's duty to the public in a business, where it seems to be so highly concerned.

' I have always heard, I have always read, that foreign nations, and all this part of the world have admired and envied the constitution of this government. For, not to speak of the King's power, here is an House of Lords to advise him on all important occasions about peace or war; about all things, that may concern the nation, the care of which is very much intrusted to your Lordships. But yet, because your Lordships cannot be so conversant with the generality of the people, nor so constantly in the country, as is necessary for that purpose, here is a House of Commons also chosen by the very people themselves, newly come from among them, or should be so, to represent all their grievances, to express the true mind of the nation, and to dispose of their money, at least so far as to begin all bills of that nature; and, if I am not mistaken, the very writ for elections sent down to the Sheriffs does empower them to chuse; what? Their Representatives?

' Now, my Lords, I beseech you to consider the meaning of that word, *Representatives*. Is it to do any thing contrary to their mind? It would be absurd to propose it. And yet how can it be otherwise, if they, after being chosen, change their dependency, engage themselves in employments plainly inconsistent with that great trust reposed in them? And that I will take the liberty to demonstrate to your Lordships they now do, at least according to my humble opinion.

' I will instance first in the least and lowest incapacity, they must be under, who so take employments. Your Lordships know but too well, what a general carelessness there appears every day more and more in the public business. If so, how is it likely, that men should be as diligent in their duty in Parliament, as that business requires, where employments and a great deal of other business shall take up both their minds and their time? But then in some cases it is worse, as in commands of the army, and other employments of that kind, when they must have a divided duty. For it does admirably become an officer to sit voting away money in the House of Commons, while his soldiers are perhaps taking it away at their quarters for want of his presence to restrain them, and of better discipline among them. Nay, perhaps his troop or regiment may be in some action abroad; and he must either

' have the shame of being absent from them at such a time, or from that House, where he is intrusted with our liberties.

' To this I have heard but one objection by a noble Lord, that, if this act should pass, the King is not allowed to make a Captain, a Colonel, without disabling him to sit in Parliament. Truly, if a Captain has only deserved to be advanced for exposing himself in Parliament, I think the nation would have no great loss in the King's letting alone such a preferment.

' But, my Lords, there is another sort of incapacity yet worse than this; I mean that of Parliament-men having such places in the *Exchequer*, as the very profit of them depends on the money given to the King in Parliament. Would any of your Lordships send and intrust a man to make a bargain for you, whose very interest shall be to make you give as much as he can possibly? It puts me in mind of a farce, where an actor holds a dialogue with himself, speaking first in one tone, and then answering himself in another. Really, my Lords, this is no farce, for it is no laughing matter to undo a nation. But it is altogether as unnatural for a Member of Parliament to ask first in the King's name for such a sort of supply, give an account from him how much is needful towards the paying such an army, or such a fleet, and then immediately give, by his ready vote, what he had before asked by his Master's order.

' Besides, my Lords, there is such a necessity now for long sessions of Parliament, and the very privileges belonging to Members are of so great extent, that it would be a little hard and unequal to other Gentlemen, that they should have all the places also. All the objections, that have been made, may be reduced to these:

' First, it is told us, that it is a disrespect to the King, that his servants or officers should be excluded.

' To this, I desire it may be considered, that it is in this case as when a tenant sends up any body to treat for him. Would any of your Lordships think it a disrespect, nay, would the King himself think it any, if the tenant would not wholly refer himself to one of your own servants, or the King's Commissioners in the case of the crown? And if he chuses rather some plain honest friend of his own to supply his absence here, will any man blame such a proceeding, or think it unmannerly?

' Besides, your Lordships know even this act admits them to be chosen, notwithstanding their employments, provided the electors know it first, and are not deceived in their choice.

' All we would prevent is, that a good rich corporation should not chuse to intrust with all their liberties a plain honest country neighbour, and find him within six months changed into a preferred cunning courtier, who shall tie them to their choice, though he is no more the same man, than if he were turned Papist, which by the law, as it stands already, puts an incapacity upon him.

N n n

' Another

1692. Colonel *Granville*; who answered, that they had nothing to say, but were only to report to the House what they had received from their Lordships (1).

On the 12th of *January*, the Lords resumed the business of giving advice to the King; and it was moved, that his Majesty should be humbly advised to demand both the *Hollanders* and *Spaniards* cautionary towns, as *Ostend*, *Newport*, *Sluice*, &c. which occasioned a long debate; but the question being at last put, whether cautionary towns should be desired for our troops then abroad, without naming either *Dutch* or *Spaniards*, it was carried in the negative by thirty-six against twenty-four voices.

The Commons, on the 11th, had a long debate about the Commissioners of the Admiralty. A motion had been made, that his Majesty be advised to constitute a Commission of the Admiralty of such persons, as were of known experience in maritime affairs; which upon the question passed in the negative (2), and now an address was voted, that, for the future, all orders for the management of the fleet should pass through the hands of the Lords Commissioners for executing the office of Lord High-admiral. This was thought to point at the

Earl of *Nottingham*. The day following, they 1692. passed the bill for the Land-tax, and sent it up to the Lords.

On the 13th, the Lords read the money-bill for the first time, and the next day resolved to add a clause, to empower the Lords to appoint Commissioners of their own, to assess their personal estates.

The Commons the same day were in a Committee of the whole House upon the bill for raising a million, but made no great progress therein, because Sir *John Sommers* the Attorney-General, who was obliged to attend the House of Lords on Lord *Banbury's* case, who, having committed a murder, claimed his Peerage, left the chair, which he did somewhat abruptly, not without giving some disgust to the House; and at the same time the Lords were displeased likewise, because they stayed for him; but the personal esteem, which every person had for him, was the reason, that no notice was taken of it further than the Lords appointed a Committee to inquire how far the Attorney-General is obliged, by his post, to attend their House.

On the 16th, the money-bill was read the last time in the House of Lords, and passed with the additional clause, whereby they taxed them-

‘ Another objection is, that this act may by its consequence prolong this Parliament, which they allow would be a very great grievance; and yet suppose the King capable of putting it upon us, which I have too much respect for him to admit of; though I am glad, however, that it is objected by Privy Counsellors in favour, who consequently, I hope, will never advise a thing, which they now exclaim against as so great a grievance.

‘ But pray, my Lords, what should tempt the King to so ill a policy? Can he fear a freedom of choice in the people, to whose good will he owes all his power, which these Lords suppose he may use to their prejudice? And therefore give me leave to say, as I must not suspect him of so ill a design as the perpetuating this Parliament, so he cannot, he ought not, to suspect a nation, so intirely, I was going to say, so fondly devoted to him.

‘ My Lords, no man is readier than myself to allow, that we owe the Crown all submission as to the time of calling Parliaments according to law, and appointing also where they shall sit. But with reverence be it spoken, the King owes the nation intire freedom in chusing their Representatives; and it is no less his duty, than it is his true interest, that such a fair and just proceeding should be used towards us.

‘ Consider, my Lords, of what mighty consequence it may be, that so many votes should be free, when upon one single one may depend the whole security or loss of this nation. By one single vote such things may happen, that I almost tremble to think. By one single vote a general excise may be granted, and then we are all lost. By one single vote the crown may be impowered to name all the Commissioners for raising the taxes; and then surely we should be in a fair way towards it. Nay, whatever has happened, may again be apprehended; and I hope those Reverend Prelates will reflect, that if they grow once obnoxious to a prevalent party, one single voice may be as dangerous to that Bench, as a general dissatisfaction among the people proved to be once in a late experience; which I am far from saying by way of threatening, but only by way of caution.

‘ My Lords, we may think, because this concerns not the House of Lords, that we need not be so over-careful of the matter. But there are Noblemen in *France*, at least such as were so before they were invaded; who, that they might domineer

‘ over others, and serve a present turn perhaps, let ‘ all things alone so long till the people were quite ‘ mastered, and the Nobility themselves too, to bear ‘ them company. So that I never met a *Frenchman*, ‘ even of the greatest rank (and some had ten thousand pistoles a year in employments) that did not ‘ envy us here for our freedom from that slavery, ‘ which they groan under. And this I have observed ‘ universally, except just Monsieur *Launoy*, Monsieur ‘ *Colbert*, or such people, because they were the Ministers themselves, who occasioned these complaints, and thrived by the oppression of others.

‘ My Lords, this country of ours is very apt to be provoked. We have had a late experience of it; and though no wise man but would bear a great deal rather than make a bustle, yet really the people are otherwise, and at any time change a present uneasiness for any other condition, though a worse. We have known it so too often, and sometimes repented it too late. Let them not have this new provocation, in being debarred from a security in their Representatives; for malicious people will not fail to infuse into their minds, that all those vast sums, which have been and still must be raised towards this war, are not disposed away in so fair a manner, as ought to be; and I am afraid they will say their money is not given, but taken.

‘ However, whatever success this bill may have, there must needs come some good effect of it. For, if it passes, it will give us security: If it be obstructed, it will give us warning.’ *Pr. H. L. I. 413.*

(1) The Earl of *Nottingham*, it seems, had aggravated *Ruffel's* errors and neglects very severely. But the House of Commons justified *Ruffel*, and gave him thanks over and over again; and remained so fixed in this, that, though the Lords communicated the papers, the Earl of *Nottingham* had laid before them, to the Commons, they would not so much as read them, but renewed their first votes that justified *Ruffel's* fidelity, courage, and conduct. *Burnet II. 103.*

(2) This motion was occasioned by a constant clamour in the city of *London*, against the management of the Admiralty with respect to convoys and cruisers. One of the Lords of the Admiralty, being applied to by some *Barbadoes* merchants for convoy, and pressing him to provide it, he answered, they needed not to have given themselves that trouble; for the *Virginia* convoy would be ordered to take care of their ships.

1692. themselves; and then they went into a grand Committee upon the bill for the frequent calling and meeting of Parliaments, which had been brought in by the Earl of *Shrewsbury*. They agreed, that a Parliament should meet every year, and that there should be a new one every three years, and then came to the clause, which declares, that, if the King should not order new writs to be issued out, the Lord Chancellor or Commissioners of the Great Seal should do it by their own authority under severe penalties. But this was postponed, and they proceeded to the next point, which was, when the present Parliament should determine; some proposing one, others two, and others again three years; but this debate was adjourned.

The Commons spent a great deal of time the same day upon the bill for raising the million, and resolved to put the project two ways; that is, that those, who should subscribe their money with the benefit of survivorship were to have but seven *per cent.* and those, who should stand only upon their own lives, fourteen *per cent.* The day following they were again upon the same bill; and, having gone through it, ordered it to be reported the next day.

On the 17th the Lords sent back the money-bill with the additional clause to the Commons, who disagreed *nemine contradicente* to that clause, as an incroachment upon their fundamental rights in the article of giving money, and sent to the Lords to desire a conference thereupon; but, their Lordships making their messengers wait a considerable time, because they were engaged in a debate upon the Lord *Banbury's* claim of Peerage, the House of Commons, who had nothing to do, and began to be weary with expecting the return of their messengers, sent for them back, and then adjourned.

The day following the Lords in a Committee of the whole House went through the bill for the calling and meeting of frequent Parliaments, and ordered it to be engrossed. It enacted, that there should be a new Parliament every three years, and meet every year; and that the present Parliament should continue no longer than till the first day of *January* following. They ordered likewise a bill to be engrossed, by which all persons in offices were to take a new oath, that they would be faithful to their Majesties King *William* and Queen *Mary*, and assist them against the late King *James* and all his adherents.

The same day the managers for the Commons went to a conference with the Lords, to whom they represented, that the Commons had disagreed to the clause added by their Lordships to the money-bill, as being a notorious incroachment upon the rights of the House of Commons, to order and settle all matters relating to the giving of money, which their ancestors had been so jealous of, that they thought it a diminution of this their fundamental privilege to give their Lordships any reason for the supporting of it. The Lords having made a report thereof to their House, the consideration of that matter was adjourned till the next day, when their Lordships, after a long debate, resolved to recede from the said clause, which was carried by so great a majority, that the House did not divide upon it. After this the House appointed a Committee to draw up reasons for their quitting this clause, to be communicated to the

Commons the next day, to this effect, that their Lordships did for the present depart from this point purely in consideration of the pressing exigency of affairs, being otherwise of opinion, that of right they might have insisted upon it.

The ill humour, it seems, which thus shewed itself in the House of Lords, was chiefly managed by the Marquis of *Hallifax* and the Earl of *Mulgrave*. They had drawn in the Earl of *Shrewsbury*, who was very ill pleased with the credit, that some had with the King, and lived in a particular friendship with the Earl of *Marlborough*, whom he thought was both ungratefully and unjustly persecuted. Those Lords had all King *James's* friends, ready to assist them in every thing that could embroil matters. A great many *Whigs*, who were discontented and jealous of the Ministry, joined with them: But they knew that all their murmurings would signify little, unless they could stop a money-bill. Wherefore, as it was settled in the House of Commons as a maxim, that the Lords could not make any alterations in money-bills, they put their strength to carry a clause in the land-tax-bill, that the Peers should tax themselves. And though, in the way in which the clause was drawn up, it could not be defended, yet they did all that was possible to put a stop to the bill, and with unusual vehemence pressed for a delay, till a Committee should be appointed to examine precedents. This the Earl of *Mulgrave* pressed for many hours, with great force of argument and eloquence. He insisted much upon the dignity of Peerage; and made this which was now proposed to be so essential a part of that dignity, that he endeavoured to convince the Lords, that, if they yielded to it, they divested themselves of their true greatness, and nothing would remain, but the name and shadow of a Peer, which was but a pageant. But, after all the force of his rhetoric, the Lords considered the safety of the nation, more than the shadow of a privilege, and so dropped their clause.

On the 20th of *January*, a complaint was made to the Commons of a printed pamphlet, lately published with licence, and said to be written by *Charles Blount*, Esq; intitled *King William and Queen Mary Conquerors*, as containing assertions of dangerous consequence to their Majesties, to the liberties of the subject, and to the peace of the Kingdom. The House therefore, upon examination of the matter, ordered, the next day, the said pamphlet to be burnt by the hand of the common hangman, and that his Majesty be desired to remove Mr *Edmund Bobun*, the Licensor, from his employment, for having allowed the same to be printed. It was at the same time suggested, that Dr *Burnet*, Bishop of *Salisbury*, was the inventor of the notion of their Majesties being *Conquerors*, which he had first of all published in his pastoral letter. This occasioned a debate of several hours, but at last it was carried by one hundred and sixty-two against one hundred and fifty-five, that the said *Pastoral Letter* should be burnt by the common hangman. There was likewise complaint made by one of the Members, of a book written on the same subject, by Dr *William Lloyd*, Bishop of *St Asaph*, intitled *A discourse of God's ways of disposing of Kingdoms*; but that motion fell.

1692. The Lords likewise took into consideration the book intitled *King William and Queen Mary Conquerors*, and ordered it to be burnt the next morning in the *Old Palace-Yard* in *Westminster*, and afterwards passed this vote: 'That the 'assertion of *King William's* and *Queen Mary's* 'being King and Queen by conquest was high- 'ly injurious to their Majesties, and inconsis- 'tent with the principles, on which this Go- 'vernment is founded, and tending to the sub- 'version of the rights of the people;' This vote they resolved to communicate to the Commons at a conference the next morning, and to desire their concurrence thereunto; which was given by the latter with the remarkable addition of some words, viz. *injurious to their Majesties* rightful title to the crown of this realm. The same day their Lordships passed the bill for raising a million upon lives, and the Commons went through the *Book of Rates*, and laid several new impositions upon some commodities, that were imported, which they proposed to give for three years, and thereby to raise 500,000 *l.*

On the 25th, the Lords read the second time the bill for the new oaths to be taken by all persons in offices, and after a long debate it was carried by a majority of two voices, there being thirty-eight against thirty-six that the bill should be committed.

The day following the Commons proceeded upon the report of the Committee about laying new impositions upon several foreign commodities; and among the rest they laid 8 *l.* a tun upon *French* wines, the act of prohibition being expired.

The Commons, on the 27th of *January*, appointed the bill for the frequent calling and meeting of *Parliaments* to be read the next day, which was accordingly done, and occasioned a long debate, great endeavours being used to throw it out; but it was at last carried, that it should be read a second time on the *Thursday* following.

On the 31st, the Lords sat in *Westminster-Hall* upon the trial of the Lord *Mobun*, for the murder of Mr *William Mountfort* the player, the Lord President being Lord High-Steward; and after examination of the witnesses, which lasted till five in the afternoon, their Lordships withdrew to their own House, and, after some debate, adjourned the Court till the next morning, and set a fine of 100 *l.* each upon the Lord *Faulconberg*, Lord *Newport*, Lord *Lovelace*, and Lord *Leigh*, for going away before the House was adjourned; which they excused the next day on account of their being faint and quite spent with so long an attendance. On *Wednesday* morning, *February* the 1st, the Lords met again in their own House, and continued together till seven at night without going down to the Court in *Westminster-Hall*, spending the whole day in sitting and debating several points

of law, without taking any resolution there- 1692. upon, further than that it was resolved, that every Peer might ask the Judges in open Court what question he pleased as to points of law; and then they adjourned till the 3d, the day before being *Candlemas* day, on which the Courts of Judicature do not use to sit.

On the 2d of *February*, the Commons read the second time the bill for the frequent calling and meeting of *Parliaments*, and committed it.

On the 3d, the Lords met in their own House, and debated about the questions to be asked of the Judges; and about four in the afternoon went down into *Westminster-Hall*, where several questions were asked the Judges in presence of Lord *Mobun* the prisoner; after which their Lordships returned to their own house, to debate thereupon; and about nine adjourned the Court till the next morning, when fourteen of them found the prisoner guilty, and sixty-nine acquitted him (1).

The Commons, on the 7th of *February*, went into a grand Committee upon the bill for the frequent calling and meeting of *Parliaments*, and divided about the Parliament's meeting every year, which was determined in the affirmative by a hundred and seventy-one against a hundred and sixty. After which they went through the bill, and made the following amendment, that whereas it was said, that the present Parliament should determine the 1st of *January* next, they extended it to the 24th of *March*, or sooner, as his Majesty should think fit; the design of that amendment being, that the Parliament might hold another winter session, if his Majesty pleased. A clause was offered to be added to the bill to save the King's right of dissolving and proroguing the Parliament; but it was rejected by a majority of seven voices, because it was thought to cast a reflection upon the bill, as if it were derogatory to his Majesty's prerogative; which they would not allow it to be, but only an explanation of the old law.

The next day the Commons were again in a grand Committee upon the ways of raising the rest of the supply. They reckoned they had already given five millions, viz. two millions by the land-tax; one million by the project for raising money upon lives; one million out of the standing revenues; five hundred thousand pounds by continuing the duties upon wine, vinegar, and tobacco, which were to expire in 1696, for two years longer; five hundred thousand pounds by the new duties added to the *Book of Rates* for four years; and fifty thousand pounds by the tax they laid of five per cent. upon the *East-India* Company, and other joint stocks; so that there remained but three hundred thousand pounds to be raised; for the state of the expence for this year was computed at five millions and three hundred and sixty-six thousand pounds; namely, one million nine hun- dred

(1) In the beginning of *February* 1692-3, the Lord *Mobun* was indicted for the murder of *William Mountfort* the player, who, for his good action on the stage and good-nature in life, was a great favourite of the town. A rakish officer had made lewd addresses to Mrs *Bracegirdle*, the famous actress, which the returning with disdain, the man resolved to get his will of her by force. *Mountfort* coming from her lodgings,

having seen her safe home, was attacked by this officer and basely murdered. The Lord *Mobun*, being present when the murder was committed, was apprehended, imprisoned in the *Tower*, and brought to his trial for it before his Peers in *Westminster-Hall*, the Marquis of *Carmarthen* being constituted Lord High-Steward. After a trial of several days he was acquitted.

(1) Bishop

1692-3. dred and twenty-six thousand pounds for the fleet; two millions and ninety thousand pounds for the army; seven hundred and fifty thousand pounds to make good what was borrowed upon the credit of the poll-act; and six hundred thousand pounds for the civil list.

On the 9th, the bill for the *frequent calling and meeting of Parliaments* was reported to the House of Commons; after which they had a long and warm debate, whether it should be read the third time, which was carried in the affirmative by two hundred against one hundred and sixty-one, and sent back to the Lords, who were desired to concur in the amendments. To this they immediately agreed, and sent down two of the Judges to acquaint the Commons therewith.

This bill, by which it was enacted, that a Session of Parliament should be held every year, a new Parliament summoned every third year, and the present Parliament dissolved, within a limited time, was brought in, when the bill for free and impartial proceedings in Parliament had failed. It was imagined that a bill from the Lords dissolving a Parliament, which struck only at the House of Commons, the Lords being still the same men, would upon that single account have been rejected by the Commons; but they also passed it, and fixed their own dissolution to the 25th of *March* in the next year, reserving to themselves another Session. The King let the bill lie on the table for some time: So that men's eyes and expectations were much fixed on the issue of it. But, in conclusion, he refused to pass it; so the Session ended in an ill humour. The rejecting a bill, though an unquestionable right of the crown, has been so seldom practised, that the two Houses are apt to think it a hardship, when there is a bill denied (1).

On the 11th of *February*, a report was made in the House of Lords by the Committee for giving advice to his Majesty; and their Lordships agreed to the several heads mentioned above, only with this alteration, that they then allowed Colonel *Gower* to continue in his command over the artillery, though this was carried but by one voice, so that their advice was resolved to be drawn up in the form of an address to the King.

(1) Bishop *Burnet* has the following observation, upon this bill. The statutes (says he) for annual Parliaments in King *Edward* the first, and King *Edward* the third's time, are well known. But it is a question, whether the supposition *if need be* falls upon the whole act, or only upon those words, or *oftener*: It is certain these acts were never observed; and the non-observance of them was never complained of as a grievance. Nor did the famous act, in King *Charles* the first's time, carry the necessity of holding a session further, than to once in three years. Antiently, considering the haste and hurry in which Parliaments sat, an annual Parliament might be no great inconvenience to the nation: But, by reason of the slow methods of Sessions now, an annual Parliament in times of peace would become a very insupportable grievance. A Parliament of a long continuance seemed to be very dangerous, either to the Crown, or to the Nation: If the conjuncture, and their proceedings, gave them much credit, they might grow very uneasy to the Crown, as happened in King *Charles* the first's time; or, in another situation of affairs, they might be so practised upon by the Court, that they might give all the money, and all the liberties of *England* up, when they were to have a large share of the money, and were

The same day the Commons were upon the 1692-3. bill against mutineers and deserters, and the day following upon the supply, when they resolved, that credit should be given to the King to borrow as much as the review of the last poll come short of 300,000 *l.* which was all that remained to be raised.

On the 14th the Commons read the second time the bill for several new duties on goods imported, and committed it; as also the bill for taking the public accounts; into a grand Committee on the 17th on which they went, it was moved, that the Commissioners of the said accounts should be impowered to examine and state the old debt of the bankers, arising from the shutting up of the Exchequer in the reign of King *Charles* II; and this motion occasioned a debate of two hours; but the country gentlemen being jealous, that the design of this motion was either to throw the debt upon the Parliament, or else to obstruct the bill, rejected it.

The day following the Lords finished their address of advice to the King, to which they added, that they humbly advised and prayed his Majesty, that the army to be left in *England* of twenty-thousand men may consist all of their Majesties own subjects; and the Lords with the white staves were ordered to know his Majesty's pleasure, when he would be attended by the House to present the said address. Their Lordships had some debate about the Lieutenantancy of *London*; and it was moved, that it might be part of the address to remove out of the Lieutenantancy several persons, who were looked upon not to be well-affected to the Government; but it was rejected, and they resolved, that they would consider of this matter apart; which they did on the 20th, and, after some time spent therein, the further debate was adjourned *sine die*. Upon this occasion Mr *Wilmot*, who had suffered very much in the two last reigns, dispersed in the lobby of the House several printed papers, giving very ill characters of divers persons, who were then in the Lieutenantancy of *London*; of which complaint being made to the House, their Lordships, after some debate, resolved by a Majority of fourteen voices, that the paper was a scurrilous paper;

to be made the instruments of tyranny; as it was in King *Charles* the second's time. It was likewise hoped, that frequent Parliaments would put an end to the great expence Candidates put themselves to in elections; and that it would oblige the Members to behave themselves so well, both with relation to the public, and in their private deportment, as to recommend them to their electors at three years end: Whereas when a Parliament was to sit many years, Members covered with privileges were apt to take great liberties, forgot that they represented others, and took care only of themselves. So it was thought that *England* would have a truer Representative, when it was chosen anew every third year, than when it run on to the end of a reign. All that was objected against this was, that frequent elections would make the Freeholders proud and insolent, when they knew that applications must be made to them at the end of three years: This would establish a faction in every body, that had a right to an election; and, whereas now an election put men to a great charge all at once, then the charge must be perpetual all the three years, in laying in for a new election, when it was known how soon it must come round.

II. 106, 107.

O o o

1692-3. paper; and ordered *Wilmore* to be taken into custody.

The Commons on the 22d of *February* took into consideration the state of *Ireland*, concerning which they examined several persons, especially upon these heads, 1. The abuses committed in disposing of the forfeitures, which were either given away, or let out to favourite particular persons, so much under the value, that what was worth 100*l.* was not let for 20*l.* 2. The disorders committed by the forces, who lived upon free quarter, and were very vexatious to the country. 3. The proceedings of the late Parliament, and their sudden prorogation, with a protest of the Lord Lieutenant, for that they had asserted their rights with respect to preparing heads for money-bills: And, 4. The great encouragement given to Papists and their favourers. The House did not enter into any debate upon these matters, but ordered, that the said persons should give in writing what they knew of their own knowledge, and what they could make out by other proofs; and that they should lay the same before the House on the *Friday* following. And because, in speaking upon the point of forfeitures, they charged Mr *Cullisford*, who was lately one of the Commissioners of the Revenue in *Ireland*, with divers misdemeanors in the management of that trust, he was ordered to attend the House, of which he was a Member.

The Lords, on the 23d, attended the King with their address of advice, which consisted of these four heads: 1. That the person, who should command the *English* forces under his Majesty, be born their Majesties subject. 2. That the *English* officers might have the preference and precedence of all officers in the confederate troops (except those of crowned heads) of the same rank and quality, though the Commissions of the latter be of an older date, according to what was agreed on by a capitulation made in 1678; the contrary practice whereof in the present war they conceived to be a great diminution to the Crown of *England*, and a great dissatisfaction to their Majesties subjects. 3. That there be left in *England* twenty thousand *English* soldiers during the year 1693 under the command of an *English* General. 4. That his Majesty would be pleased to give effectual order for remedying the great abuses committed by pressing of men for the fleet; and that he would cause such officers, as were guilty thereof, to be cashiered, and further punished according to law. To which his Majesty returned this answer, that he would take it into consideration. 5. That there may be no foreigners at the board of ordnance, since they esteemed it a prejudice to their Majesties service, and a discouragement to their subjects.

On the 24th of *February* Sir *Francis Brewster*, Mr *Stone*, and the rest gave in writing to the Commons, what they had before delivered by word of mouth. And the House having thereupon resumed the consideration of the state of *Ireland*, after a long debate, which kept them sitting till seven at night, they passed this vote without coming to a division, that it appeared by the information given to the House, that there had been great abuses and mismanagements in the affairs of *Ireland*; and that an address be made to the King to lay the same before him,

that they might be remedied for the future; and 1692-3. to pray him, that a state of the forfeitures might be laid before the Parliament; and a Committee was appointed to draw up this address.

The Lords likewise, on the 28th of *February*, entered upon the consideration of the state of *Ireland*; and besides the persons, who were examined before the Commons, the Lady *Arglas*, the Bishop of *Meath*, Sir *Robert Southwell*, and Mr *John Pulteney*, Secretary to the Lord-Lieutenant, were summoned to attend their Lordships, and examined accordingly. After which they were ordered to put the substance of what they had said, in writing. Mr *Pulteney* gave their Lordships a full account of what had passed within his knowledge, concerning the proceedings of the late Parliament, the forfeited estates, and the army; and then the Lords adjourned the farther consideration of this matter till the next day; when they prosecuted the inquiry, and on the 2d of *March*, after some debate, came to this resolution, That there had been great abuses and illegal and arbitrary proceedings in the management of affairs in *Ireland*. By the abuses they meant the embezzlements of the forfeited estates real and personal; and by the illegal proceedings, the disorders committed by the forces, but more particularly they seemed to have their eye upon a complaint, that had among others been made to them, that, a little before the reduction of *Limerick*, a person being accused of having been concerned in the murder of some of Colonel *Foulkes's* soldiers quartered at *Dublin*, the Lords Justices ordered him to be brought before the Council, and immediately commanded the Provost-Martial to cause him to be hanged without any previous proceedings against him, either by trial at common law, or before a Court-martial.

The Commons, on the 28th of *February*, went into a Committee of the whole House, upon the bill for prohibiting trade with *France*, and encouraging Privateers, and went through the same; and on the 2d of *March* they presented to his Majesty their address about the *East-India* Company; to which his Majesty answered, That he would do whatever was in his power for the good of the Kingdom, and for the advantage of this particular trade; and that this was a matter, which would require some time for him to consider. The day following they proceeded upon the review of the quarterly poll-bill; and, on the 7th, were in a Committee of the whole House, upon the bill for continuing certain impositions upon *East-India* goods, &c. and went through the same. And, having finished all the money-bills, they sent up the last to the Lords on the 9th of *March* for their Lordships concurrence. Among other bills, that had passed both Houses, and lay then ready for the Royal assent, was one for punishing mutineers and deserters, which was to take place on the 10th of *March*; and therefore their Lordships resolved, after some debate, on the *Tuesday* before, that the Lords with the white staves should acquaint his Majesty therewith, in order that his Majesty, if he thought proper, might come to the House, and give the Royal assent, on the 9th or 10th, to that and other bills, which were ready, that so the bill against mutineers might not commence before it was made a law by the Royal assent, which was thought by some

not

1692-3. not very proper; but his Majesty thought fit to leave this, together with the rest of the bills, to the end of the session.

The Lords threw out the bill for prohibiting of lotteries, which was sent them from the Commons. The Patentees of the *Royal Oak Lottery* are said to have found means to have this bill stopped in the House of Lords.

On the 9th of *March* the two Houses waited upon his Majesty severally, and presented their addresses about *Ireland*. The heads of that of the Lords were as follow: 1. That there had been great abuses in the disposing of the forfeited estates, inasmuch that of the personal estates, which amounted to 135,000 *l.* but 10,000 *l.* had been accounted for to the King. 2. That protections had been granted to the *Irish*, not included in the articles of *Limerick*, whereby the Protestants had been deprived of the benefit of the law against them. 3. That the quarters of the army had not been paid, though the same was deducted out of the pay of the troops; and that the Parliament had made sufficient provision for both. 4. That a Mayor had been imposed for two years together upon the city of *Dublin*, contrary to their ancient privileges and charter. 5. That one *Gaffney* and several others, who were accused of the murder of some of Colonel *Foulkes's* men were executed without any proofs, and one *Sweetman*, who was the most guilty, discharged without any prosecution. To this address the King made this answer: 'Your Lordships may be assured, I will, as soon as possible, take care to remedy all these matters.'

The Commons, in their address, particularized, the abuses and mismanagements in the affairs of *Ireland*; which consisted, 1. In exposing the Protestant subjects to the miseries of free quarters, and the licentiousness of an army, to the great oppression of the people there; which they conceived had been chiefly occasioned by the want of that pay, which they did hope they had fully provided for. 2. In recruiting his Majesty's troops with *Irish* Papists, and such persons, as had been in open rebellion against his Majesty, to the great endangering and discouraging of his Majesty's Protestant subjects in that Kingdom. 3. In granting protections to *Irish* Papists, whereby Protestants were hindered from the legal remedies, and the course of law was stopped. 4. In reverting out-laws for high-treason against several rebels in that Kingdom (not within the articles of *Limerick*) to the great discontent of his Protestant subjects there. 5. In letting the forfeited estates at under-rates, to the lessening of his Majesty's revenue. 6. In the great imbezlements of his Majesty's stores in the towns and garrisons of that Kingdom, left by the late King *James*, and in the great imbezlements, which had been made in the forfeited estates and goods, which might have been employed for the safety and better preservation of *Ireland*. 7. In the addition made to the articles of *Limerick*, after the same were finally agreed to, and signed, and thereupon the town surrendered; which had been a great encouragement to the *Irish* Papists, and a weakening to the *English* interest, there. These abuses they most humbly besought his Majesty to redress; particularly, that the soldiers might be paid their arrears, and the country their quarters. That no Papist might be

admitted to serve in the army. That inasmuch as the reducing of *Ireland* had been of great expence to this Kingdom, agreeably to his Majesty's gracious assurances, no grant might be made of the forfeited lands in *Ireland*, till there might be an opportunity of settling that matter in Parliament. That a true account of all forfeitures real and personal, and of the stores left by the late King *James*, might be laid before the Commons assembled in Parliament. That no out-laws might be reversed or pardons granted to the rebels, but by advice of Parliament. That no protections might be granted to the *Irish*. And that the additional article in the capitulation of *Limerick*, by which so wide a passage had been opened to the *Irish* Papists, to come in and repossess themselves of the estates, which they had forfeited by their rebellion, might be laid before the Commons, that so the manner of obtaining the same, and the prejudices, that had been thereby occasioned to the Protestant interests, might be inquired into. They closed this address, by saying, 'That as his Majesty had been pleased to give such gracious assurances of his readiness to comply with them in any thing, that might tend to the peace and security of this Kingdom; so they doubted not of his Majesty's like grace and favour to that of *Ireland*, in the safety and preservation whereof this his Majesty's Kingdom was so much concerned.' To this address the King answered, 'I will always have a great regard to what comes to me from the House of Commons; and what may have been amiss in *Ireland*, I will take care to remedy.'

By these proceedings it was plain, that an ill humour prevailed in both Houses; and that the parties of Tory and Whig appeared almost in every debate, and in every question. In the House of Lords particularly strong opposition was made to every thing that was proposed for the Government. They past many votes, and made many addresses to the King, which were chiefly designed to load the administration, and to alienate the King from the *Dutch*. Their proposition for a Committee of both Houses to consider the state of the nation, and to give the King advice upon it, was such as had never been offered, but when the nation was ready to break out into civil affairs. This Committee, when once begun, would have grown, in a very short time, to have been a Council of State, and soon have brought all affairs under their inspection. The Commons indeed passed the supplies, but it was with great slowness; and those, who could not oppose them, yet shewed their discontent in delaying the bills, and clogging them with unacceptable clauses. The wasteful method was continued of raising money upon remote funds, by which there lay a heavy discount on tallies; so that above a fourth part was in some of them to be discounted. However, after their complaints of the Admiralty, and of the conduct in *Flanders*, particularly in the action of *Steenkirk*, and their voting some heads of an address relating to these matters, the Commons, by a secret management, let the whole fall, and those angry votes came to nothing. Though the Lords persisted in their ill humour, any thing they could do was of less moment, when it was not like to be seconded by the Commons.

Remarks
on the pro-
ceedings of
the Par-
liament.

1692-3. Soon after the addresses about the *Irish* affairs, the King came to the House of Peers, and, having given the Royal assent to several bills, concluded the session with the following speech :
The Parliament is adjourned.
 March 14.

My Lords and Gentlemen,

The King's speech.
 Pr H. C. II. 415.

THE large supplies, which you have given me this session, are so great testimonies of your good affections, that I take this occasion, with great willingness, to return my hearty thanks to you. And I assure you, it shall be my care to see, that that money you have given may be effectually applied to such services, as may be most for the honour and interest of *England*.

I must recommend to your care the peace and quiet of the several counties, to which you are now returning, and doubt not but by your care the supply, which you have so freely given, will not only be effectually levied, but with the greatest equality too, and the least uneasiness to the people, that is possible.

My Lords and Gentlemen,

The posture of affairs does necessarily require my presence abroad; but I shall take care to leave such a number of troops here, as may be sufficient for the security of the kingdom against any attempts of our enemies.

I shall add no more, but that, as I shall continue to expose my own person, upon all occasions, for the good and advantage of these Kingdoms; so I do likewise assure you, that my hearty and sincere endeavours shall never be wanting in any other kind, to make this a great and flourishing nation.

And then, by his Majesty's command, the Parliament was prorogued to the 2d of *May*.

Among the acts passed this Session were,

Acts passed this Session.

1. An act, that the inhabitants of the province of *York* may dispose of their personal estates by will. It was the custom before, that the widows and younger children of persons, dying in that province, were intitled to a part of the goods and chattels of their late husbands or fathers (called their *reasonable part*) notwithstanding any will, or jointure to the contrary.

2. An act for taking special bails, in the country upon actions and suits, depending in the Courts of *King's-Bench*, *Common-Pleas*, and *Exchequer*. By this act, the Judges, by commissions under the seals of their respective Courts, may empower persons, not Attornies and Solicitors, in all the counties of *England* and *Wales*, to take recognizances of bails in action, depending in the said Courts, as the Justices and Barons used to do, for which the persons empowered shall receive 2 s. This is a great ease and benefit to such as would otherwise be obliged to appear in person at *Westminster*.

3. An act for encouraging the apprehending of highway-men. Every person, who shall take any robbers upon the highway, shall have from the Sheriff, without fee, for every offender 40 l. within one month after conviction; and also the horse, furniture and arms, money or other goods of the robber taken with him.

4. An act to prevent frauds by clandestine mortgages. If any person shall acknowledge

judgment, statute, or recognizance, and afterwards mortgage his lands to a second creditor, the mortgager shall have no remedy against the mortgagor for redemption of the lands. In case of a second mortgage, the mortgager shall have no equity of redemption against the second mortgagee; and, in case of more mortgages than one, the late or under mortgages shall have power to redeem any former mortgages.

5. An act for the better discovery of judgments in the Courts of law. Particularly all judgments for debt shall in every *Easter Term* be put into an alphabetical docket, to be searched by all persons paying for every Term's search for judgment against one person 4 d. No judgment, not docketed, shall affect any lands as to purchasers or mortgagees, or have any preference against heirs, executors, or administrators.

6. An act to prevent malicious informations in the Crown-office of the Court of *King's-Bench*. No information to be filed before recognizance is taken from the informer, that he will effectually prosecute such information.

During the Session of the Parliament several officers of the army, wanting men to compleat their companies, agreed with those, who had warrants to press for the sea; who, under pretence of pressing for the navy, took up great numbers of young men, whom they shipped off for *Holland*, and there forced them into land-service. Among the rest a servant belonging to one of the Members of the House of Commons happened to be thus spirited away. Upon which the House ordered this grievance to be represented to the King, who, in his answer, let the House know, 'How much he repented, that his subjects should meet with such hard usage; and that he would take all possible care for the future to punish the authors of it. And that in the first place he had called before him the officers of the army, and given them a strict charge, that they should receive no men, that were impressed. And had given orders to the Admiralty to examine the press-masters, that had committed those abuses; and that there should be such exemplary punishment inflicted on them, that others should be deterred from doing the like.'

As to the honours and promotions bestowed by the King in the last year, and the beginning of this, the most remarkable were as follow:

Sir Henry Capel, brother to the Earl of *Essex*, was created, about the middle of *April*, 1692, Baron Capel of *Tewksbury*.

On the 30th of *December*, Sir John Trevor, Speaker of the House of Commons, and first Commissioner of the Great Seal, was made Master of the *Rolls*, in the room of Henry Powle deceased. He had enjoyed that place under King *James*.

Sir Edward Ward was made Attorney-General, which gave such disgust to Sir Thomas Trevor the Solicitor-General, who thought he had a right to succeed to that office, that he had determined to resign his own place, and was with great difficulty persuaded by his friends to continue in it.

At the same time Sir John Lowther, Henry Newcomen, (who had been one of King *James's* mission to Sea-Captains) Anthony Lord Viscount Falkland, the Admiral, Robert Aysen, Sir Robert Rich, Henry Killigrew, and Sir Ralph Delaval, were appointed Commissioners

1692-3. missioners of the Admiralty. *George Rooke*, who was soon after knighted on board his ship at *Spithead*, was made Vice-Admiral of the Red; the Lord *Berkley*, Vice-Admiral of the Blue; Colonel *Matthew Aylmer*, Rear-Admiral of the Red; and *David Mitchell*, Rear-Admiral of the Blue.

Ruffel is dismissed. *Burnet*. The King being now possessed against Admiral *Ruffel*, he dismissed him from his service, and put the command of the fleet into the hands of three persons, *Killegrew*, *Delaval*, and *Shovel*. *Killegrew* and *Delaval* were thought so

Jealousy of the King's ministers. *Ibid.*

inclined to King *James's* interests, that it made some insinuate, that the King was in the hands of those, who intended to betray him to his enemies. For, though no exception lay against *Shovel*, yet it was said, that he was put in with the other two, only to give some reputation to the commission, and that he was one against two; so that he could neither hinder nor do any thing. The chief blame of this nomination was cast on the Earl of *Nottingham*; and of those, who belonged to his office, many stories were raised and spread about, as if there had been among them, besides a very great remissness in some of the concerns of the Government, an actual betraying of all secrets and counsels. The opinion of this was spread both within and without the Kingdom; and most of the Confederates were possessed with it. But he justified not only himself, but all his under Secretaries, and the King and Queen still continued to have a good opinion of his fidelity, though they saw some defects in his judgment, with a great party-heat, that appeared upon all occasions, and even in the smallest matters.

A change in the ministry. *Burnet*.

The King made likewise considerable alterations in his Ministry. Every body was now grown weary of the Great Seal's being in commission. It occasioned the proceedings in Chancery to be more dilatory and more expensive, and there were such exceptions made to the decrees of the Commissioners, that appeals were brought against most of them, and they were generally reversed. Sir *John Sommers* had now got so great a reputation, both in his post of Attorney-General, and in the House of Commons, that the King on the 23d of *March* gave him the Great Seal, with the title of Lord Keeper. He was excellently well skilled in his own profession, and had an uncommon share of knowledge in all parts of polite and useful learning. He had a great capacity for business, with an extraordinary temper; for he was fair and gentle, perhaps to a fault, considering his post; and had all the patience and softness, as well as the justice and equity, becoming a great magistrate. He had always agreed in his notions with the Whigs, and had studied to bring them to better thoughts of the King, and to a greater confidence in him.

Sommers made Lord Keeper.

His character.

The same Day Sir *John Trenchard* was sworn one of their Majesties principal Secretaries of State, and of the Privy-council. He had been engaged far with the Duke of *Monmouth*, as has been observed. He got out of *England*, and

Trenchard made Secretary of State.

lived some years beyond sea, and had a true knowledge of foreign affairs. He was a calm and sedate man, and much more moderate, than could have been expected, since he was a leading man in a party. The bringing him and Sir *John Sommers* into those posts was ascribed chiefly to the great credit, which the Earl of *Sunderland* had gained with the King. He had now got into his confidence, and declared openly for the Whigs. This Earl, after he was removed from his places by King *James*, retired into *Holland*, where he wrote a letter to a friend in vindication of himself, which was published in *London*, in 1689. He was seized at *Rotterdam* by order of the States, and excepted out of the act of indemnity by the Parliament; but it was thought, his detention was by collusion, and that he was apprehended on purpose to be formally discharged, to make way for his more honourable return to *England*. However this be, it is certain, that the same express that carried the King's letter to the States, on his advancement to the throne, conveyed another for the discharge of the Earl of *Sunderland*; and his being excepted out of the pardon, seems to have been done purely in compliance to common fame, that he had been deeply concerned in all King *James's* arbitrary proceedings: For the confidence King *William* put in him afterwards shews he was not dissatisfied with his conduct at that juncture. Most assuredly, his advice to King *James* (from what motive soever it flowed) not to accept the offer of a *French* army, made the way easy to accomplish the revolution.

But as these advancements had a considerable effect on the whole party, and brought them to a much better opinion of the King, so a party came to be now formed, that studied to cross and defeat every thing. This was led by Sir *Edward Seymour* and Sir *Christopher Musgrave*; the latter of whom was a Gentleman of a good family in *Cumberland*, whose life was regular, and his deportment grave. He had lost a place in King *James's* time; for, though he was always a high Tory, yet he would not comply with that King's designs. He had indeed contributed much to increase his revenue, and to offer him more than he asked; but he would not go into the taking off the test. Upon the revolution the place, out of which he had been turned, was given to a Gentleman, who had a good share of merit in it. This alienated him from the King; and he, being a man of good judgment and great experience, came to be considered as the head of the party; in which he found his account so well, that no offers, that were made him, could ever bring him over to the King's interests. Upon many critical occasions he gave up some important points, for which the King found it necessary to pay him very liberally (1).

However, the party of the Tories was too inconsiderable to have raised a great opposition, if a body of Whigs had not joined with them. Some of these had such Republican notions, that they

(1) Mr. *Pepes*, in his epistle on the use of riches, mentions a story, which confirms this character of Sir *Christopher*; and in the note upon that epistle observes, that, "the unsuspected old patriot coming out at the back Numb. XVI. Vol. III.

"door from having been closeted by the King, where
"he had received a large bag of guineas, the bursting
"of his bag discovered his business there."

1692-3.

they were much set against the prerogative, and thought the King was become too stiff in maintaining it. Others were offended because they were not considered nor preferred, as they thought they deserved. The chief of this body of men were Mr. *Paul Foley* and Mr. *Robert Harley*, who were both this Session made Commissioners for examining and stating the public accounts of the Kingdom. *Foley* was a younger son of one, who from mean beginnings had, by iron-works, raised one of the greatest estates, that had been known in England in that time. He was a learned, though not a practising, lawyer, and was a man of virtue and good principles, but morose and wilful; and he had the affectation of passing for a great Patriot, by his constant finding fault with the Government, and keeping up an ill humour with, and a bad opinion of, the Court. *Harley* was descended of an antient and good family, and very eminently learned; much turned to politics, and of a restless ambition. He was a man of great industry and application, and knew forms and the records of Parliament so well, that he was capable both of lengthening out, and of perplexing debates. Nothing could answer his aspiring temper. So he and *Foley* joined with the Tories to create jealousies, and raise an opposition.

Foley
and *Har-*
ley made
Commission-
ers for
managing
the public
accounts.

That, which gave them much strength, was the King's cold and reserved way. He took no pains to oblige those, who came to him; nor was he easy of access. He lived out of town at *Kensington*, and his chief confidants were Dutch. He took no notice of the Clergy, and seemed to have little concern in the matters of the Church or of Religion. And at this time some Deists were publishing books against the Christian Religion in general, as the Socinians were more particularly against some points of the orthodox faith (1). These, expressing great zeal for the Government, gave a handle to those, who were waiting for all advantages, and were careful of increasing and improving them, to spread it all over the nation, that the King, and those about him, had no regard to religion, nor to the Church of England.

1693.
The King
goes a-
broad.

Ass's in
Flanders.
Boyer.
Cabinet.
Bainet.

In this situation were affairs when the King departed for Holland. He went to *Harwich* on the 25th of March, but, the wind proving contrary, he returned to *Kensington*, from whence he set out again on the 31st, and embarking near *Gravesend*, and being attended with a squadron of men of war commanded by Admiral *Mitchel*, arrived safely at the *Maese* on the 2d of April, went to the *Hague*, thence to *Laas*, and afterwards to the army in Flanders, where the French were this year so strong, that their forces exceeded the Confederates almost by one half at the beginning of the campaign. But the King's diligence, in possessing himself of the camp at *Parke* near *Louvain*, intirely broke the French King's designs upon *Brabant*; who was thereby

obliged to send a strong detachment, under the command of the *Dauphin*, and the *Marshal de Boufflers*, into Germany, and return himself to *Verailles*, without attempting any thing (2). The French, under the Duke of *Luxemburg*, were all this while incamped at *Meldert*; and, though their convoys were much disturbed by the garri-son of *Charleroy*, yet it seemed a trial of skill between both armies, which should continue longest in their posts. But at length the French were forced to quit theirs first, marching to *Heilshelm*, in their way towards the *Maese*; which gave the King an opportunity of sending a strong detachment under the command of the Prince of *Wirtemberg*, to force the lines, which the French had made to cover their conquered countries from the *Scheldt* to the *Lys*; and so on to the very sea by *Dunkirk*. At the same time Count *Tilly*, General of the troops of *Liege*, was marching with a reinforcement to join the King, of which *Luxemburg* being informed, marched immediately with a good body of troops to hinder that conjunction; which he did effectually, surprizing the Count in the hollow way, through which he was marching, and forcing him to retreat to *Maeffricht*, leaving near two hundred of his men killed, and all his baggage behind him. *Wirtemberg's* forcing the lines with good success, and raising great contribu-
July 14.
July 19.
July 23.
tions, did not hinder *Luxemburg* from laying siege to *Huy*, which made the King advance nearer the country of *Liege*. But, when he came to *Tongres*, he was surprized to hear, that the castle of *Huy* had capitulated. Upon farther in-formation that *Luxemburg* was drawn nearer *Liege*, the King sent ten battalions thither, which, with great difficulty, got at length into the place, that now absolutely rejected the neutrality, which *Luxemburg* had offered. Though the Bishop was true to the Allies, yet there was a faction formed among the capitulars to offer themselves to the French; but the garrison adhered to the Bishop; and now, when so great an army lay near them, they broke the measures which that faction had taken. *Luxemburg* thereupon made a feint of besieging *Liege*, though his real design was to attack the King, now incamped at *Neerhespen*, so much weakened by the several detachments he had made to reinforce the garrisons of *Liege* and *Maeffricht*, that it was generally computed, that the French were at least thirty-five thousand men stronger than the Confederates.

As soon as the King had notice of the enemies approach, he got on horseback with the Elector of *Bavaria*, and chief officers of the army, and finding by the enemy's countenance, that it was the vanguard of their whole army, that was coming to attack him in his own camp, he immediately ordered to arms, and to draw up in battle to expect the enemy. Most of the general officers were for repassing the *Geet*, but the King chose

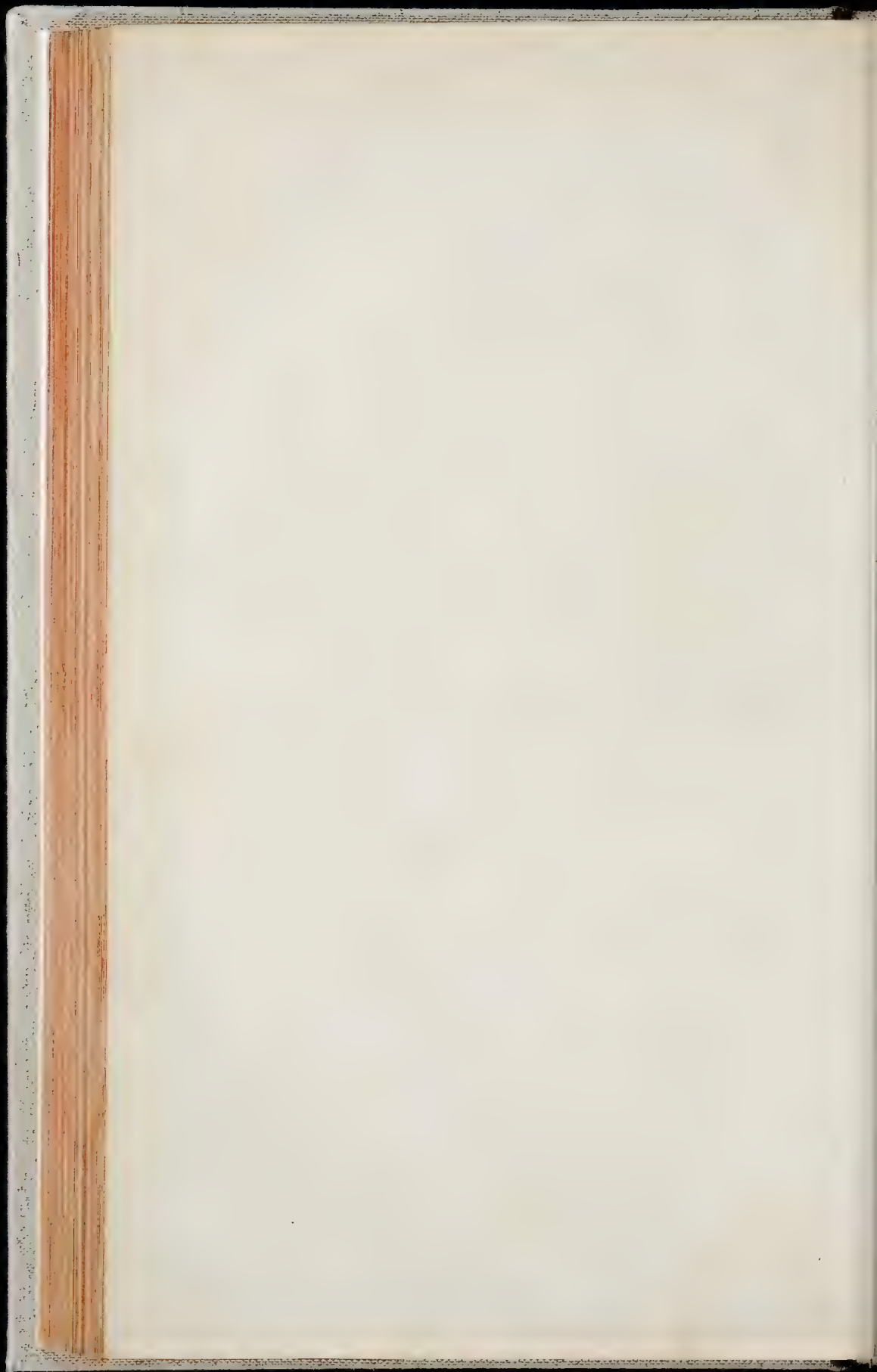
(1) The Honourable Mr. *Robert Boyle*, the famous experimental Philosopher, who died in the beginning of the year 1692, left the foundation of a monthly sermon to convince *Atheists*, *Deists* and *Jews* of their errors, and demonstrate the truth of the Christian Religion in general, without meddling with any of the points about which the Christians are divided into parties and sects.

(2) The French King had opened the campaign with

great pomp in Flanders, coming thither in person, accompanied by the Ladies of the Court, which appeared the more ridiculous, since there was no Queen at the head of them; unless *Madam de Soubise* was to be taken for one, to whom respects were indeed paid with more submission than is commonly due to Queens; so that what might be wanting in the outward ceremony, was more than balanced by the real authority she possessed. *Estimé*, II. 120.

(1) Whether





1693. chose to take the advantage of the ground he had, and venture a battle, notwithstanding the great disproportion of the two armies, rather than expose his rear to the enemy's charge. Besides, the *French* were now near the large and defenceless town of *Brabant*, which must feel the effects of their fury, unless they were stopped by venturing an engagement; and as the benefits of a victory were great, so, upon the worst supposition of the event, the King had still *Wirttemberg's* victorious army ready to make up the breaches of his own; an advantage, which the enemy had not so ready on their side. But however, as the King might have secured himself from all attacks, by passing the river, his conduct, in not doing it was much censured, considering his strength and the enemy's. The right of the Confederates in this camp was at *Heilshelm* and *Wangen*, upon the river *Geet*, and reached as far as *Neer-Winden*, being covered with a small brook, several hedges, and hollow ways. The Elector of *Bavaria* had his quarters at *Wangen*; the body of foot and left wing of the horse reached from thence as far as *Dormal*, upon the brook of *Beck*, where *Levee* remained in their rear.

As soon as the enemy drew up by the Confederate camp, the King ordered Brigadier *Rumsey*, with the regiments of *O-Farrel*, *Mackay*, *Lauder*, *Leven*, and *Monroe*, to the right of all, to guard some hedges and hollow ways upon the right of the village of *Lare*. The *Brandenburg* battalions were posted to the left of this village; and more to the left the infantry of *Hanover*. Prince *Charles* of *Brandenburg*, as Major-General, commanding the six battalions of *Brandenburg*, and Lieutenant-General *Dumont* the *Hanoverians*, with whom he was to defend the village of *Neer-Winden*, that covered part of the Confederates camp, between the right wing of horse, and their main body. These were afterwards reinforced by the first battalion of the first regiment of guards, and the second battalion of *Scots* guards. Upon the left at *Neer-Landen* the King ordered the first battalion of the Royal regiment, *Churchill's*, *Selwin's*, and *Trelowney's*, Prince *Frederic's* battalion of *Danes*, and *Fagel's*, to possess this village, that covered the left to the brook of *Beck*, where it was covered by the village of *Neer-Landen*. The ground was open between the villages of *Neer-Winden* and *Neer-Landen*; whereupon the King ordered a retrenchment to be made in the night from the one to the other, to cover the body of foot; which was indeed but a slight breast-work, as may easily be judged by the short time they had to make it, and the small number of men who worked about it, being only thirty of each battalion. What remained of the body of the foot was drawn up in one line within this retrenchment to defend it. The dragons upon the left were ordered to the village of *Dormal*, to guard that pass upon the brook of *Beck*, and from thence the left wing of horse reached to *Neer-Landen*, where it was covered by this brook, and from thence turned off to the right behind the body of foot (1).

The King, who had been on horseback till late in the evening, not only to give all the necessary commands, but to see them executed, ordered his coach to be brought to the rear of *Stanley's* regiment, where he reposed himself about two hours, and early in the morning sent for Dr. *Menard*, one of his chaplains, to pray with him in the coach.

By sun-rising the *French* were drawn up within the reach of the Confederates cannon, which played upon them with good success, and which the *French* sustained with great resolution till about six of the clock, when they made a motion to draw nearer the King's retrenchments. About eight *Luxemburg* ordered a strong body of troops to attack the villages of *Lare* and *Neer-Winden*, which they did with great fury and various success, having gained and lost these posts more than once; but at length the Allies maintained their ground, and here it was the Duke of *Berwick* was taken prisoner by Brigadier *Churchill*. This ill success did not discourage the *French* from trying their fortunes against the Confederates left wing at *Neer-Landen*. This post, indeed, was not a weak one, but it was attacked with a great disproportion of forces, and the fire was very smart on both sides. The first battalion of the Royal regiment was, after a sharp dispute, forced to retire, but was soon after encouraged by the King's presence (who rode immediately from the right to the left) and sustained by *Selwin's*, who observing a passage in this place, where horse could come upon his rear, ordered trees to be cut down, and to stop it up. The horse, where *Hamilton's* grenadiers had before been posted, was likewise set on fire; and by this time the two regiments above-mentioned being supported by Prince *Frederic's* and *Fagel's*, the enemy, after a sharp dispute of about two hours, were intirely beaten off, and pursued quite out of the defile into the very plain; so that they attempted this place no more.

Hitherto the success of the day was visibly on the side of the Confederates; and the *French*, who continued a faint fire at *Neer-Winden*, seemed as if they designed to draw off. But *Luxemburg*, having still several brigades of fresh men, resolved to gain the village of *Neer-Winden*, and ordered the Prince of *Conti* to make the attack. The enemy had remained masters of the outermost hedges of this village; for, though our rallied forces had made the *French* give way considerably, yet they could not intirely clear the village. The Prince of *Conti*, with the best foot in the *French* army, charged the Confederates so vigorously, that he obliged them, spent as they were by the former encounters, soon to yield to him the avenues of *Neer-Winden*; upon which success *Luxemburg* came to observe the passages, that led to the Confederates camp, for his horse to march in. As the Marhal de *Villeroy* was marching with a strong body of horse this way, Count d'*Arco*, General of the *Bavarian* Cuirassiers, charged them with so much vigour, that, notwithstanding their brave resistance, he repulsed them quite within their foot; the Duke de *Chartres*, who charged with them, narrowly

(1) Whether it was out of envy to King William, or that he really found something amiss in the forming this camp, *Luxemburg*, when he viewed it the next morn-

ing, said, *Now I believe Waldeck is dead*; that General being allowed to have been the best in his time for incamping.

rowly escaping being made prisoner. Thereupon the Confederates endeavoured to regain once more the post of *Neer-Winden*; and the Elector of *Leiria* ordered two battalions to charge the enemy in front, whilst three others should charge them upon their left flank. But the *French* rallying, and being considerably reinforced, the attempt became impossible, the *Dutch* and the *Scots* guards having spent all their ammunition by their continual fire. The King, who had left *Neer-Landen* upon the enemy's fresh attempt upon *Neer-Winden*, led twice the *English* battalions to the charge, up to the right of the retrenchment (which was now flanked and under the enemy's command) where they fought with great bravery. In the mean time *Luxemburg*, who had found a more convenient passage for the horse between the posts of the King's and *Zurbeck's* brigades, came in himself with the Prince of *Conti* and Count de *Marfin*, into the plain of the Confederates camp, with the Carabineers, and several other regiments; whilst the Marshal de *Joyeuse* passed between *Neer-Winden* and *Lore* with three brigades. *Conti*, being joined by the *French* guards, fell upon the *Hanover* horse, and broke them; whilst part of the enemy's second line of horse, and the reserve, came in upon their left along the hedges of *Lore*. The Marquis d'*Harcourt*, who had been sent for from *Huy* with his detachment of twenty-two squadrons, came time enough to have his share of the day. He joined these, and made his dragoons alight to chase our foot out of the village of *Lore*. The Duke of *Villeroy* came in upon our right of the retrenchments; which place the *English* foot disputed with undaunted resolution, till, being overpowered, the *French* remained masters of this part of the retrenchment, which they levelled, to make room for a body of horse to come in.

After the *Hanover* horse had been broken, the rest of the Confederate right wing of horse, being cut off from the body of foot, was soon overthrown by the enemy, who now had the opportunity of charging them both front and flank. The Elector of *Bavaria* did what he could to resist the numerous multitude of the enemies horse, that charged him thus; but, finding it impossible, with no small difficulty he retreated over the bridge, and rallied on the other side as many of the scattered horse and foot as could get over, to favour the retreat of those, who were ready to pass. The King did what he could to remedy this disorder, riding to the left to bring up the *English* horse for the relief of the right wing. But the enemy had now got another body of horse in our camp commanded by the Duke d'*Elboeuf*. At the same time the Duke de *Montmorency*, *Luxemburg's* son, fell upon the right flank of the *Dutch* horse, and put them in disorder before the *English* horse, which were led on by the King, could come up and form their squadrons; so that they were forced to charge the enemy in the same order they rid up to them (and most of them had rid as fast as their horses could gallop) but that did not hinder them from doing extraordinary service. The King himself charged at the head of Lord *Galkway's* regiment, which distinguished itself very much on this occasion. Colonel *Wyndham*, at the head of his regiment, charged several times through and through the enemy's squadrons. Colonel *Loe* was made

prisoner, and taken to the *French* camp. The King, who had been wounded by a cannon-ball in the leg, was rescued by a Gentleman of the *French* King's guards from the hands of one, who was offering to slay him.

The King, seeing the battle lost, ordered the infantry to retreat to *Dormal* upon the brook of *Beck*, which post had hitherto been kept by the dragoons of the left wing, who had nothing to do this day; and finding, that the enemies were surrounding him on all sides, he ordered the regiments of *Wyndham*, *Lamley*, and *Galkway* to cover his retreat over the bridge at *Neerhespen*, which he gained with great difficulty. There was now nothing but confusion and disorder in the Confederates camp; all those, who could not get the paces for the retreat, being pressed by the enemy, were forced to throw themselves into the river, where many were drowned, the Earl of *Atblone* narrowly escaping the same fate. Lieut. nant-General *Talmash* brought off the *English* foot with great prudence, bravery, and success, but some of the *English* life-guards were so terrified with the apprehension of a pursuing enemy, that they did not think themselves safe till they reached *Breda*. Sixty pieces of cannon and nine mortars were lost; but all the baggage had been sent to *Leuwe* the night before, where it was safely brought off in respect of the enemy, but generally plundered by our own soldiers.

The King in this battle was seen every where, acting the different parts of a General and of a private soldier. He had supported the whole action with so much courage, and so true a judgment, that it was thought he got more honour that day, than even when he triumphed at the *Boyne*. He charged himself, in several places, and was in the midst of the most imminent dangers; many being shot round about him with the enemies cannon, and himself escaping no less than three musket shots, one through his peruke which fastened him for some time, another through the sleeve of his coat, and a third, which carried off the knot of his scarf, and left a small contusion on his side. In a word, he gained so far the respect and admiration of his very enemies, that it was a common saying among them, *That they wanted but such a King to make themselves masters of Christendom*. And the Prince of *Conti*, in an intercepted letter to his Princess, declared, "I saw the King exposing himself to the greatest dangers; and surely so much valour very well deserved the peaceable possession of the crown he wears." The *French* King himself likewise was reported to have said, that *Luxemburg's* behaviour was like the Prince of *Conti's*, but King *William's* like Marshal *Turenne's*.

The *French* lost so many men and suffered so much, in several onsets they had made, that they were not able to pursue a victory, which cost them so dear. The Confederates lost in all about seven thousand; and among these there was scarce an officer of note, only the Count de *Salms* had his leg shot off by a cannon-ball, of which he died in a few hours. By all the accounts that came from *France*, it appeared that the *French* had lost double that number, with at least two thousand officers killed or wounded; and these accounts seem to be confirmed by *Luxemburg's* continuing in the battle, at *Ware*, without attempting any t

1693: The King's army was in a few days as strong as ever, by recalling the Duke of *Wurtemberg* and the battalions he had sent to *Liège*, and some other bodies that he drew out of garrisons. The rest of the campaign passed over without any other action; only after the King had left the army, and *Luxemburg* had been reinforced with some troops from the sea-coast, and a great detachment under *Boissiers* from the *Rhine*, he sat down before *Charleroy*. The place was attacked with great fury, but the garrison made such a vigorous resistance, that, though they had little or no prospect of relief, yet they held out six and twenty days from the opening of the trenches, and then made an honourable capitulation. The country about *Charleroy* had been so cut up, that it was not possible to subsist an army that might have been brought to relieve it.

Affairs of Catalonia. The *French* had better success and less opposition in *Catalonia*, where so early as the 29th of *May* they invested *Roset*, and carried on the siege with that diligence, that they made themselves masters of the place in seven days. Then they advanced to *Barcelona*, expecting their fleet, which was to have bombarded it by sea, while their army attacked it by land. This put all *Spain* in great consternation; the design of the invasion was to force them to a separate peace; while they felt themselves so vigorously attacked, and saw that they were in no condition to resist.

Affairs of Germany. The *Dauphin*, with a great part of the *French* army, had been sent to make head against the *Germans*, who had brought an army together, commanded by the Elector of *Saxony*, the Landgrave of *Hesse*, and the Prince of *Baden*. The *Germans* (who had been retarded by some disputes about the command) were so slow, and the *French* so forward, that the latter passed the *Rhine* about the middle of *May* at *Philipsburg*; and, without any opposition, the Marquis de *Chamilly* invested the city of *Lieidelsberg*. At the same time the Duke de *Lorge* crossed the mountains to oppose the Prince of *Baden*, who was not yet in a condition to act but defensively, so that the town was left to defend itself. But, besides its natural weakness, there was at this time such a division between the garrison and the townsmen about the money, that was called in, and which the garrison would have to be current again, that, when the regiment of *Sconbeck* was ready to enter the place to reinforce the garrison, the townsmen would not suffer them to come in; which gave Monsieur de *Melac* an opportunity to seize a redoubt, which commanded that part of the town. In short, the *French*, on the 21st of *May*, made themselves masters of the suburbs with little opposition, and their grenadiers drove the besieged with so much fury to the castle-gates, that above six hundred of their soldiers were left without, who were all put to the sword. The Governor of the castle, apprehending the same fate, accepted the conditions, which de *Lorge* imposed upon him, and was contented to be conducted to *Wimpel* with the rest of his garrison, consisting of twelve hundred men, two pieces of cannon, and twelve waggon-laden with baggage. The Imperialists were no sooner out of the city, but the *French* set both that and the castle on fire, and committed several other barbarities in the *Palatinate*, not sparing so much as the tombs of the deceased Electors. Flushed with this easy success, de *Lorge*

advanced towards the *Neckar*, with a design to attack the Prince of *Baden*, who lay intrenched with his army on the other side of the river; which the *French* twice endeavoured to pass, but were forced to abandon their enterprize with the loss of near a thousand men. Some time after the *Dauphin* in person joined the army, which consisted of near seventy thousand men; and, having crossed the *Neckar*, made a show of attacking the Prince of *Baden*, but found his Highness so well posted, that he repassed the river, without attempting any thing; and having put a garrison into *Stugard*, and sent a detachment into *Flanders* and *Piedmont*, he returned in August to *Versailles*.

With regard to the affairs of *Italy*, the Duke of *Savoy* was no sooner recovered of his long illness of *Italy*, disposition, but he put himself at the head of the army; which, being considerably strong, made the inhabitants of *Dauphiné* apprehensive of a worse irruption into their country than the last; but the Confederates seemed now chiefly to aim at the driving the *French* out of *Italy*, by dispossessing them of *Casal* and *Pignerol*; neither of which was effected this year. *Casal* indeed was blocked up for some time, and the Fort of *St. George* carried by assault, which completed the blockade of that place; but things went no farther, and the Duke of *Savoy*, with the main army, laid siege to *Pignerol*, and took the fort of *St. Bridget*, that covered the place, but paid too dear for this post, that after all it was debated, whether they should carry on the siege, or only bombard the town. Whilst the Allies were thus deliberating among themselves, *Catinat*, being considerably reinforced, descended into the plains, and gave the Duke such apprehensions for *Turin*, that he drew off from about *Pignerol*, and incamped at *Marsaglia*, having first blown up the fort of *St. Bridget*. The army was presently drawn up. The Marquis de *Leganez* commanded the left wing, composed of the King of *Spain's* troops. The Duke, and under him the Count of *Caparra*, commanded the right wing; and Prince *Eugene* the main battle, having under him the Marquis de la *Parrelle*, and the Count de las *Torres*. As for Duke *Schemberg*, being denied the post due to him, he resolved to fight on foot at the head of his own regiment, like an ordinary Colonel. The Confederate army, being thus disposed, marched into the neighbourhood of *Orbasson*, from whence they perceived the enemy towards the hills, between *Orbasson* and *Piasaque*. Early the next day the *French* advanced towards the Confederates, making use of the advantage they had in the ground, which was full of woods and vine-
yards; and soon after the cannon began to play on both sides. About half an hour after eight the *French* fell upon the Confederates left wing with near twenty thousand men, without firing a shot, having their bayonets at the ends of their fuzees, and their swords in their hands. They were received and driven back with great vigour; but, renewing their attack, they took in front and flank the Neapolitan and Milanese horse, who, after having courageously withstood the fury of their enemies, were at last overpowered by their numbers, and pushed upon the German horse. These, being at the same time charged by the little *Gendarmes*, were no longer able to maintain their ground, but fell upon the infantry, which was put also into disorder.

1693. order. The second line was brought on to oppose the enemy, while the first line rallied; but, the horse giving way, the foot was quickly routed.

While things passed thus on this side, the French were thrice repulsed with great loss by the Confederates main battalia and right wing, till their horse which had made the left wing give way, attacked the Confederates infantry behind and in flank, who had no longer any horse to cover them, and were at the same time attacked by the enemy's foot. All the troops fought with great courage, and the dispute was desperate on both sides. His Britannic Majesty's forces, which were posted in the main battle, particularly distinguished themselves; and Duke Schomberg, their General, was desired by the Count de las Torres, after the enemy's third attack, to take upon him the command, and cause a retreat to be made by the body of foot and the right wing. But his Grace, resenting the usage, which he had met with before, told him, that it was necessary first to have his Royal Highness's order; and till it came he would bear the enemy's fire; adding, that he found things were gone so far, that they must now either conquer or die. The Confederates resisted the repeated efforts of the enemy with extraordinary resolution, but were at last forced to abandon the field of battle, and to retire with the loss of the greatest part of their cannon, and of seven or eight thousand men. Duke Schomberg, having fought with unparalleled valour, received a wound in his thigh, of which he died not many days after, to the regret of all good and gallant men, for he was of that number in an eminent degree. The honour of the action, but with that the greatest loss, fell to the French; for, though they carried the victory by their numbers, yet the resistance, which they met with, was such, that the Duke of Savoy gained more in his reputation, than he suffered by the loss of the day. With this ended the campaign in Piedmont.

Our affairs at sea more fortunate than at land. The English and Dutch fleet was large and strong, and set out early. The Joint-admirals were not at first restrained by any particular instructions, but ordered in general only to use their utmost endeavours to annoy the enemy and protect the trade. But afterwards they received her Majesty's commands more particularly from the Lords of the Admiralty, chiefly regarding the security of a great fleet of merchantmen of near four hundred sail, English, Dutch, Hamburgers, &c. Much time was however spent, several councils of war held, and divers representations made, before they could come to a resolution, what number of ships to appoint for the special convoy, and how far to accompany them with the whole fleet. It was at last determined, that the whole fleet, together with the Mediterranean Squadron, should proceed

together thirty leagues West South-west from Ushant; and that when the Admirals spread a blue flag at the main top-mast head, and fired three guns, Sir George Rooke, as well as the other convoys, should go forward, according to the orders, which they had received from the Lords of the Admiralty; but, being come to the height limited, on the 4th of June, they resolved, in another council of war, to proceed with the Mediterranean Squadron twenty leagues farther, and then to return to the former station, to take up the cruisers, from whence it was judged advisable to proceed to the rendezvous North-west of Ushant. Sir George Rooke therefore, with twenty-three men of war, and the Turkey fleet, left the main body of the fleet on the 6th of June, and, steering for the Straights, left by the way the vessels bound for Bilbao, Lisbon, St. Ubes, and other parts, under the convoy of two men of war. He was unhappy in that, which, upon any other occasion, would have been a great happiness; he had a fair and strong gale of wind, so that no advice sent after him could overtake him; nor did he meet with any ships at sea, that could give him notice of the danger that lay before him. Being come, on the 17th, within sixty leagues of Cape Vincent, he discovered part of the French fleet (1), which made him call a Council of war, wherein it was resolved, that, the wind being fresh northerly, and giving a fair opportunity of hastening their passage to Cadiz, the merchant-ships should make the best of their way. Upon the discovery of the enemy's whole fleet, consisting of eighty sail, commanded by Monsieur de Tourville, Rooke being of opinion, that he was too far advanced to think of a retreat, resolved to push for it; but, the Dutch Vice-Admiral Vandergoos bringing to, and letting him know, he chose to avoid fighting, which he thought hazardous; he likewise brought to, and stood off with an easy sail, that so the Dutch and the heavy ships might work up to the windward; sending at the same time the *sheerneck's* with orders to the small ships, which were near the land, and could not (as he judged) keep up with the fleet, to endeavour to get along shore in the night, and save themselves in Faro, St. Lucar, or Cadiz. About six in the evening, the French Admiral and Vice-Admiral of the Blue, which had the whole afternoon gained upon the squadron, notwithstanding all the sail they could make, came up with the leeward and sternmost of the Confederate fleet. There were three Dutch men of war, whereof two were commanded by the Captains *Schryver* and *Harder Poel*, who for five hours together bravely fought, first eleven, and then seven of the enemy's men of war. They had the good fortune to get clear of the first eleven, but were at last forced to yield, after having made a most obstinate resistance (2). The Dutch merchant-ships immediately tacked, and stood in for the shore, as the enemy

(1) The French either were, or feigned to be, at first, in as great a surprise as the Confederates; for they stood away with several of their ships, and abandoning others, set fire to them. And, though it may have been a decoy to draw them on, yet the great numbers of ships might very well make them apprehend it to be the whole body of the English and Dutch fleets

coming upon them. And, indeed, had they come so far with them, such an occasion offered, which perhaps might not be found again in an age, of destroying the whole naval force of France.

(2) The Captains being carried on board the French Admiral's ship, the Dutch ships were driven to a retreat.

(1) The

1693. enemy did after them. The Admiral stood off all night, having a fresh gale at North North West; and the next morning fifty-four of the merchant-ships, with several men of war, were about him; but of the latter no more than two of those belonging to the *Dutch*, and one *Hamburgher*, five sail of the enemy's ships being to the leeward, and two to the windward, which last kept sight of him until it was night. The next day the Admiral called the officers of the men of war and merchant-ships on board him, to inform himself from them what account they could give of the rest of the fleet, and to advise what was best to be done for their security; and at last determined to fail to *Maderas* for water, and from thence, either to *Cork* or *King'sale*, at the former of which ports he arrived on the 3d of August (1).

Thus the enemy with great art had drawn the Confederate Squadron and the merchant-ships into this misfortune; and if they had pursued the advantage with as much conduct and resolution, not a ship could well have escaped them; for the Admiral and Vice-admiral of the Blue were within shot of Sir George Rooke, when they tacked and stood in for the shore after the *Dutch*; which tacking saved the rest of the fleet, by giving them opportunity to make their escape. However, the loss was very considerable, and fell hardest on the *Dutch*; for, besides four of the greatest *Smyrna* ships and one *Dutch* man of war, which Monsieur Coetlogon burnt or sunk at *Gibraltar*, and seven, which he took, Monsieur D'Estrees took two *Dutch* men of war, burnt a rich pinnace and an *English* man of war, took twenty-nine merchant-men, and destroyed about fifty more. The *French*, instead of fol-

lowing Rooke to the *Maderas*, tried what they could do upon *Cadiz*, but found that it was not practicable. They came next to *Gibraltar*, where the merchants, terrified at the bombs thrown among them, sunk their ships to prevent their falling in their hands. From thence they sailed along the coast of *Spain*, and burnt some *English* and *Dutch* ships at *Malaga*, *Alicant*, and other places. They hoped to have destroyed the *Spanish* fleet; but they put in at *Port Mahon* where they were safe. At length, after a glorious campaign the *French* came back to *Toulon*. Thus the voyage was quite lost, and the disgrace of it was visible to the whole world, and very sensible to the trading part of the nation.

The appearances were such, that it was generally surmised, our counsels were betrayed. The Secretary, that attended on the Admirals, was much suspected, and charged with many things: But the suspicions rose high, even as to the Secretary of State's office. It was said, that our fleet was kept in port, till the *French* were laid in their way, and was then ordered to fail, that it might fall into their hands; Many particulars were laid together, which had such colours, that it was not to be wondered at, if they created jealousy, especially in minds sufficiently prepared for it. Upon enquiry it appeared, that several of those, who, for the last two years, were put in the subaltern employments, through the Kingdom, did upon many occasions shew a disaffection to the Government, and talked and acted like enemies. Our want of intelligence of the motions of the *French*, while they seemed to know every thing that we either did, or designed to do, cast a heavy reproach upon

(1) The following letter, written by Captain Littleton, Commander of the *Smyrna*-factor man of war from *Cadiz*, contains some particulars of this unfortunate affair, not mentioned in other accounts.

"The 26th of June, N. S. says he, at nine in the morning, we arrived to the height of Cape Vincent. About two in the afternoon the head-moſt failors discovered the *French*, and about four in the afternoon both sides engaged for some time. After this the head-moſt retired, and gave notice the same evening to the officer in chief. The 27th in the morning we arrived near *Lagos*, and our ships took a fire-ship of the enemy's, which reported, that there were at *Lagos* eighteen *French* men of war, with some fire-ships and merchant-men. About four in the morning two ships blew up, or else the enemy set them on fire themselves, within cannon-shot of the convoy. The Commander also gave the signal of drawing into a line of battle; for till then we defied no more than nine and twenty sail of the enemies. There was no wind stirring till ten o'clock, at which time a fresh gale arose, and then we discovered a greater number of ships. The convoy also steering southward perceived on the one side forty sail under three flags, beside another Squadron, which endeavoured to get between us and the coasts; which the Admiral observing, gave notice to the merchant-men to make all the sail they could for the port of *Cadiz*, while the men of war kept the enemy in play. This design was observed by the *French*, who made all the sail they could to intercept us. But the convoy, having the wind, kept the enemy in play till the evening, and gave time to the nimbleſt failors to get hither. Towards five in the afternoon the eighteen *French* men of war abovementioned engaged the convoy, and the fight lasted some part of the beginning of the night, the rest of the fleet not being able to come up with

them. The 28th in the morning the fight began with greater fury, so that about seven o'clock our vessels saw four ships on fire, not knowing whether *French* or *English*, and the guns were heard till nine, though the event be not yet known. It is to be feared we have lost some men of war, and several merchants. The engagement happened about six miles from Cape St. Mary."

After having given an account of this misfortune from our own writers, let us now hear what the *French* say to it: "The *English* and *Dutch*, says Father Daniel, sustaining every day great losses from the *French* privateers, and more particularly by those of St. Malo, had resolved to secure their *Smyrna* fleet from any insult; by putting it under a convoy of two and twenty men of war. Advice of this precaution being carried to the King of France, his Majesty ordered the Marshal de Tourville to sail with sixty ships, towards the coast of Portugal, and then way-lay the *Smyrna* fleet. Their scouts discovered it a few days afterwards; but, as they had information, the *English* were at sea with a fleet of ninety men of war, which had been seen on the coast of France, the Marshal, who was not yet joined by the *Toulon* Squadron, consisting of thirty ships, under the Count d'Estrees, thought fit to detach twenty of his best failors, to take a view of the *English* fleet, and to begin the attack, if they did not find them much more numerous than themselves; whilst he would back them with the body of his fleet. They executed the orders given them, and took, at the beginning of the attack, two men of war; after which they burnt, sunk, or ran a-ground upon the coast sixty merchant-ships; seven and twenty were taken, and the remainder, which could not make their way for England, took refuge at St. Lucar, *Cadiz* and *Gibraltar*. The Marquis de Coetlogon, Commander of a Squadron, burnt four ships very richly laden at *Gibraltar*,

1693. upon our Ministers, who were now broke in pieces, that they acted without union or concert: Every one studied to justify himself, and to throw the blame on others: A good share of this was cast on the Earl of Nottingham, the Marquis of Caermarthen was not exempted: The Earl of Rochester began now to have credit with the Queen; and seemed to be so violently set against the Whigs, that they looked for dreadful things from him, if he came again to govern: For, being naturally warm, and apt to heat himself in company, he broke out into sallies, which were carried about, and began to create jealousies, even of the Queen herself.

But, while France was thus triumphing every where over the Allies, she had a more dangerous enemy to encounter within her own bowels, famine. This was occasioned by two bad harvests that came successively one after the other. They had also suffered much in their vintage, so that they had neither bread nor wine. Great diligence was used to bring in corn from all parts; and the famous *Dubart* seasonably brought great quantities from Sweden and Denmark, which

Aggravated
the want of
France.
Barruet.

he safely conveyed into the harbour of *Fréjus*. Strict orders were given by the Court for regulating the price of corn, and furnishing the markets with it. There was also a liberal contribution ordered by the French King for the relief of the poor. But, after all possible care to alleviate the misery, great multitudes perished for want; and the whole Kingdom fell under an extreme poverty: So that all the pomp of their victories could not make them easy at home. They tried all possible methods for bringing about a general peace; or, if that failed, for a separate peace, with some of the Confederates: But there was no disposition in any to hearken to them, nor could they engage the northern Crowns to offer their mediation. Some steps were indeed taken, and a memorial was presented to King William, by the Dutch Minister, wherein some offer was made, not only to the Empire, Spain, and Portugal; but likewise to England: But, as the demands of the French were still so high, that there was no prospect of a just peace, these offers were rejected.

Affairs

"and carried off thirteen, though they were defended by the batteries of the place, and an esplanade. If a greater number of men of war had taken the same course by night, as the Sieurs de Bellisle, Errard, de Chaland, and d'Henri, the English and Dutch would have sustained a far greater loss; though, as it was, it amounted, according to the relations of the Captains of ships, who were taken, to above twenty millions of livres." Monsieur de Forbin, who was in the action, gives us the following account of it in his *Memoirs*: "The King of France's fleet, which consisted of seventy-five men of war, commanded by the Marshal de Tourville, set sail for the freights of Gibraltar, where the Count d'Efrees, who was coming with twenty other ships from Provence, was to join them. They came to anchor in the road of Lagos on the coast of Portugal. I was sent out for intelligence, with orders strictly to examine whatever came to my view; and particularly, if I saw a great number of ships, I was to make it my business to discover, whether they were merchant-men, or the enemy's ships of force. I was accompanied with three other Captains, who were sent on the same errand. We set sail together, and in a few days we discovered a fleet of the enemy's merchant-men. We found they consisted of upwards of a hundred and fifty sail, of which being well assured, we returned with all possible haste to the fleet, to inform the Admiral, that it was a fleet of merchant-men, and not men of war. Upon this advice the Admiral made ready for sailing, and stretched out (for what reason I am at a loss to say) before the wind, to ten leagues distance. The next day our whole fleet discovered the enemy. The Admiral gave orders for the chase, but the enemy took the advantage of the wind which our working the night before had made us lose, and made off, in so much, that we did them very little damage. We took nevertheless two of their men of war of sixty guns; and about thirty of their merchant-ships, which ran a-ground on the coast of Portugal, were burnt; I burnt three of them myself, and took a fourth. It was happy for them, that they came off so well; for, had it not been for the false step I just mentioned, their whole fleet would have been lost."

(1) This memorial was as follows:

S I R,

London, Decemb. 19. O. S. 1693.

The desolation this present war carries into most parts of Europe, together with the duty incumbent on a Christian King, to apply all the remedies, that lie in his power, to so general a calamity, oblige the King of

Denmark, my Master, to impart to your Majesty those proposals of peace, which the most Christian King has communicated to him. My Master might have reason to decline his offers towards the peace of Europe, and taking upon him so important a business, as to advance he has already made, as well as the King of Sweden, have not only proved ineffectual, but likewise been so miscontrived, as to render them suspected. Nevertheless, it is most evident, that without any prospect of private interest (the union of the northern crowns, for the security of the trade of their respective subjects, being so well established, and enjoying the privileges of neutrality, that the continuation of the war might very much increase the riches of their Majesties dominions) the public welfare of Europe, and the desire to see a just and lasting peace, have prevailed above all other considerations. Wherefore the King, my Master, has represented in the most Christian King, that the proposals, which he has made hitherto towards a general peace, have been looked upon by the Confederates rather as a means to disunite them, and to crush and subdue them one after another, than as a mark of his sincere intentions of settling the public repose. But his most Christian Majesty, to remove all manner of distrust, has not only, by repeated protestations, assured the King my Master of the sincerity of his sentiments in this affair, but has likewise delivered a project of a general peace, and added to the conditions, that concern the Empire, and which are already known to your Majesty, some others relating to the rest of the Allies, which are comprehended in the following heads:

I. That, notwithstanding the advantages his arms have gained this campaign, no alterations shall be made in the conditions his most Christian Majesty has already offered to the Emperor, the Princes and States of the Empire, and the Dukes of Lorraine and Savoy.

II. His Majesty shall restore to the Catholic King the important place of *Roset*, that of *Belvers*, and whatever has been conquered in *Catalonia* during the present war.

III. Towards the forming a barrier in the *Lower Countries*, which may remove all jealousy and uneasiness from the States of *Holland*, his most Christian Majesty shall, upon that consideration, restore the places of *Mons* and *Namur* to the King of Spain, and cause *Charlroy* to be razed.

IV. His said Majesty shall restore to the Bishop of *Lige* the town and castle of *Hur*, and recompense him for *Dinant* and *Bouillon*, by annexing upon that account to his Bishoprick such a portion of the country of *Luxembourg*, as shall be determined to that Bishop, and judged equivalent by arbitrators.

V. I.

1693. Affairs in Scotland grew more and more out of joint. Many, whom the King had trusted in the Ministry there, were thought enemies to him and his Government; and some took so little care to conceal their inclinations, that, when an invasion was looked for, they seemed resolved to join in it. They were taken out of a plot, which was managed by persuading many to take oaths to the Government, on design to betray it; and were now trusted with the most important posts. The Presbyterians began to see their error, in driving matters so far, and in provoking the King so much; and they seemed desirous to recover his favour, and to manage their matters with more temper. The King came likewise to see, that he had been a little too sudden in trusting some, who did not deserve his confidence. Duke Hamilton had for some years withdrawn from business; but he was now prevailed with to return to Council; many letters were intercepted between France and Scotland: In those from Scotland, the easiness of engaging that nation was often repeated, if no time were lost; it seemed therefore necessary to bring that Kingdom into a better state.

Proceedings of the Parliament of Scotland.
A Session of Parliament was held there *, which, on the 18th of April, was opened with a speech by the Duke of Hamilton, his Majesty's Commissioner, and another by the Earl of Tweeddale, the Lord Chancellor of that Kingdom; after which the King's letter was read, which exhorted that Assembly to union; to which letter they returned a very dutiful answer. On the 25th of that month, the Com-

mittee, appointed to consider of the security of the nation, voted, that four new regiments of foot, and two of horse, should be immediately raised, to make up the forces then subsisting in that Kingdom six thousand men, without reckoning those on the English establishment; and that for maintaining them, and defraying other public expences, a supply should be given their Majesties of 114,000 l. sterling, to be raised in eighteen months. The Parliament was engaged the same day in a debate about their absent Members; and as it appeared, that several had never come to the House since the Convention had been turned into a Parliament, and had neither taken the oath of fidelity to their Majesties, nor the Assurance (which latter was an abjuration of the late King James) it was resolved and declared, that their places were void; that new elections should be made in their stead; and that fines should be set upon those absentees. With regard to other Members, who had taken the oath of fidelity, but not the Assurance, they were summoned to appear in Parliament by the 15th of May, and to take the Assurance; and, in default thereof, to be dealt with as the others. And lastly, as the heretors or free-holders of the shire of Angus, out of their disaffection to the Government, had hitherto refused to chuse Members to be sent to Parliament, it was resolved, that the said heretors should be cited before the Parliament on the 15th of May, to shew why they had omitted to chuse their Members.

Secretary Johnston likewise laid before a private Committee an information, which he had received,

V. His Majesty consents, that the treaty of commerce made at Nimwegen with the States be renewed without any alteration.

VI. His Majesty thinks the States of Holland will be glad to obtain such important restitutions, and to put an end to the war by a peace so advantageous both to Spain and all the Allies, especially after the prosperous campaigns of France, which may be still attended with others no less successful. But that neither Holland, nor any other State of Europe, may have any ground of apprehension, that, upon pretence of new rights his Majesty will extend the boundaries of his dominions in the Low-Countries, beyond what shall be regulated by the treaty, his Majesty declares, that, in case the King of Spain dies without issue, he consents, that the Low-Countries fall to the share of the Duke of Bavaria, upon condition, that the Emperor makes the same declaration. And his Majesty shall, as well for himself, as for the Dauphin his son, confirm the said renunciation by all the formalities necessary for that purpose, in behalf of his Electoral Highness.

His most Christian Majesty hopes, that this last engagement will, more than any thing besides, secure to the Confederates the firmness of the peace they shall make with him. And he thinks, that, after so advantageous proposals, the world will soon know, whether Europe may hope to see the public tranquillity restored, or whether the preparations of war are to be renewed.

This, Sir, is what the most Christian King has communicated to the King, my Master, and which his Majesty has commanded me to impart to you. He does in no manner pretend to prescribe rules to your Majesty, since your prudence will best judge what is most for your glory and interest; but however, he thinks these proposals deserve a serious consideration. And, because there is no mention made of England, the King, my Master, has made it already his business to incline the most Christian King not to insist upon that, which might put a stop to the general peace. In the mean time, the King, my Master, thinks it necessary.

ry, that, in order to advance a work so profitable and beneficial to all Europe, a negotiation be set on foot. And his Majesty is the more confirmed in this opinion, by reason the winter will soon be over, and that it is to be feared, left by laying till the next campaign an opportunity be given to France, either of enlarging her conquests, or by a powerful irruption into Germany, and the superiority of her forces, to divide the Confederacy; which would give a just pretence to that crown of recalling the offers she has already made, and render a peace very difficult, if not altogether impossible. The King, my Master, does not only offer to become guarantee with all the Princes and Potentates, that will concur with him, but likewise to unite himself in particular with your Majesty by a most strict and indissoluble alliance.

Upon the whole matter, the King, my Master, is persuaded, that nobody has more reason to contribute to this peace, than your Majesty, since it will confirm to you the glory and advantages you have gained during the war; and will besides make Europe to be eternally beholden to your Majesty for the peace the groans after. If your Majesty thinks, that there is any thing defective, in relation to the security of the peace, or that wants to be either altered or explained, the King, my Master, engages to procure to your Majesty all the satisfaction imaginable; and, if you are pleased to confide in his mediation, he will manage it to your Majesty's entire satisfaction. Lastly, the King, my Master, has commanded me to assure your Majesty, that, being, upon several accounts, concerned in the prosperity of your Royal Family, he will, to the utmost of his power, promote its interest and advantage, and desires your Majesty to be persuaded, that all the advances he has made in this affair have no other aim, and are grounded upon no other principle.

* These proceedings are taken from MS. original letters of Mr. James Vernon (Under-Secretary to Sir John Trenchard, Secretary of State) to Sir William Dutton Colt, Envoy extraordinary at Hanover.

1692. ceived, of dangerous practices against the Government, and how the late endeavours to alter the Magistracy of *Edinburgh* were concerted by the enemies of the Government; and he produced proofs of the same, and of the designed invasion the last year.

The *Scots* Parliament proceeded to augment their tax, so as to proportion it to the maintenance of six thousand three hundred men; to supply the magazines of the Kingdom with arms and stores, and to satisfy the country for their arrears of quarters; so that the whole sum then given amounted to 156,000*l.* sterling, to be raised in eighteen months, upon these branches, viz. 48,000*l.* by a poll, 45,000*l.* by an excise upon beer and malt, and by continuing the Cess upon land, which was then to last seven months and an half, to ten months and an half beyond that term, 63,000*l.*

The Committee for the security of the Kingdom, who had before them several intercepted letters and papers, relating to dangerous designs and practices against the peace of the Kingdom, having made their report to the Parliament, it was resolved, that there were sufficient proofs to evince, that a design was carried on both there and in *France*, for invading the nation with foreign force; and that, in order thereunto, there were established correspondencies and concerts; and that assurances had been given both at home and abroad, for effecting such a design, which had lately proceeded so far, that declarations were concerted for that purpose, and the raising of men, and naming of officers to command them, were resolved; as also reconciliations made amongst the different parties of the disaffected; and the proofs were plain, that the late King *James's* interest was at the bottom of the late debates concerning the elections at *Edinburgh*; with regard to which, King *James* had been desired to interpose his authority by letters. In the debate of this vote it was endeavoured to divide it into questions, and to separate the latter part, which related to the Magistracy of *Edinburgh*, from the former part of designs in general; but, the House reserving that upon the previous questions by three to one, the main question was carried without any division.

The whole Presbyterian party in *Scotland* was now again intire in the King's interest. The matters of the Church were brought to more temper than was expected. The Episcopal Clergy had more moderate terms offered them; they were only required to make an address to the General Assembly, offering to subscribe to a confession of faith, and to acknowledge Presbytery to be the only government of that Church, with a promise to submit to it; upon which, within a fortnight after they did that, if no manner of scandal was objected to them, the Assembly was either to receive them into the government of the Church, or, if they could not be brought to that, the King was to take them into his protection, and maintain them in their churches, without any dependance upon the Presbytery. This was a strain of moderation, that the Presbyterians were not easily brought to. A subscription, that owned Presbytery to be the only legal government of that Church, without owning any divine right in it, was far below their usual pretensions. And this act vested the King with an Authority very like that, which they used to condemn as *Erastianism*.

Another act was also passed, requiring all persons in any office of the Church or State to take, besides the oath of allegiance, a declaration called *the Assurance*, owning the King and Queen to be their rightful and lawful Sovereigns, and promising fidelity to them against King *James* and all his adherents. This Council was also empowered to tender these, as they should see cause for it, and to fine and imprison such as should refuse them.

When the Session was near an end, *Nevil Payne* was brought before the Parliament to be examined, upon the many letters, which had been intercepted. There was a full evidence against him in many of his own letters; but he sent word to several of the Lords, and in particular to the Duke of *Hamilton*, that, as long as his life was his own, he would accuse none; but that he was resolved he would not die, since he could deliver enough to clear his person. This struck such a terror into many of them, whose sons and near relations had been concerned with him, that, he moving for a delay, on a pretence of some witnesses, who were not then at hand, a time was given him beyond the continuance of the Session; by which he escaped, and that inquiry was suppressed.

The Session ended calmly; but the King seemed to have forgot *Scotland* so intirely, that he let three months go over, before he took notice of any of their petitions. And though he had asked, and had supplies for an augmentation of forces, and many had been gained to consent to the tax by the hope of Commissions in the troops, that were levied, yet the King did not raise any new ones, but applied the supply to other uses. This began to raise an ill humour, which had been almost quite laid aside in the whole course of this Session, which was thought a reconciling one. The Episcopal Clergy let slip the day prefixed for making their submission to the Assembly, and did not take the oaths; for which reason they could claim no benefit by the acts that had been carried in their favour, not without some difficulty. And the law, which was intended to save them, did now expose them to ruin, since by it they, not taking the oaths, had lost their legal rights to their benefices. However, they were suffered to continue in them, and were put in hope, that the King would protect them, though it was now against law. They were also made to believe, that the King did not desire, that they should take the oaths, or make any submission to Presbytery. And it is certain, that no public signification of his Majesty's mind was made to them; so that they were easily imposed upon by furnishes and whispers; and upon this the distractions grew up afresh. Many concluded there, as well as in *England*, that the King's heart led him still to court his enemies, even after all the manifest reasons, which he had to conclude, that the steps they had made towards him were only feigned submissions to gain such a confidence, as might put it in their power to deliver him up.

The Earl of *Middleton* had gone over to *France* in the beginning of this year; and it was believed, that he was sent by a great number of men, with a proposition, which, had he had the assurance to have made, and the Court of *St. Germain's* the wisdom to have accepted, would have been very serviceable to the King's affairs.

1693. lousies of the nation. It was, that King *James* should offer to resign his title in favour of his son; and likewise to send him to be bred up in *England*, under the direction of a Parliament, till he should be of age. But it is not known, whether the Earl ever ventured upon this advice; but in another he succeeded better. When King *James* thought the invasion from *Normandy*, the former year, was so well laid, that he seemed not to apprehend it could miscarry, he had prepared a declaration, of which some copies were brought over. He promised nothing in it, and pardoned no body by it, but spoke in the stile of a Conqueror, who thought he was Master, and therefore would limit himself by no promises, but such as were conceived in general words, which might be afterwards expounded at pleasure. This was much blamed, even by his own party, who thought, that they themselves were not enough secured by so loose a declaration; and therefore the Earl of *Middleton*, upon his going over, procured one of another strain, which, as far as words could go, gave all content; for King *James* promised every thing, and pardoned all persons. His party got this into their hands, and they waited for a fit occasion to publish it to the nation.

Affairs of
Ireland.
Burnet.
Kennet.

A Parliament had been summoned in *Ireland*, by the Lord *Sidney*; but they met full of discontent, and were disposed to find fault with every thing: And there was too much matter to work upon; for the Lord Lieutenant was apt to excuse and justify those, who had the address, to insinuate themselves into his favour: So that they were dismissed, before they had brought their bills to perfection. The *English* in *Ireland* thought the Government favoured the *Irish* too much; some said, this was the effect of bribery, whereas others, thought it was necessary to keep them safe, from the persecutions of the *English*, who hated them, and were much sharpened against them. The protecting the *Irish* was indeed in some sort necessary, to keep them from breaking out, or running over to the *French*; but it was very plain, that the *Irish* were still enemies to the *English* nation, and to the present Government: So that all kindness shewed them, beyond what was due in strict justice, was the cherishing an inveterate enemy. There were also great complaints of an ill administration, chiefly in the revenue, in the pay of the army, and in the embezzeling of stores. Of these, much noise was made in *England*, which (as has been related) drew addresses from both Houses of Parliament to the King, which were invidiously, penned; every particular being severely aggravated. Upon this the King recalled the Lord *Sidney*, (who was made Master of the Ordnance) and put the government of *Ireland* into three Lords Justices: Lord *Capel*, Sir *Cyril Wyche*, and Mr. *William Duncomb*, who had lately been Envoy Extraordinary in *Sweden*. When they were sent from Court, the Queen did very earnestly recommend to their care, the reforming of many disorders, that were prevailing in that Kingdom: For neither had the late destructive war, out of which they were but beginning to recover themselves, nor their poverty, produced those effects that might have been expected.

July. 10. The Queen taking into consideration, that the great scarcity and excessive price of corn in *France* invited the exportation of it from this

Kingdom thither, whereby not only her enemies were supplied, but her own subjects might be exposed to want; she issued out a proclamation for preventing the exportation of corn to *France*, and enhancing the price of it at home; and, because by this further command the poor were like to become sufferers, she at the same time ordered all the laws in force for setting them at work to be effectually put in execution.

In *October*, the King arrived at the *Hague* from *Loon*, and prevailed with the States of *Holland* to agree to the raising of fifteen thousand men for augmenting the land-forces; and likewise to the addition of a considerable number of ships to their navy; for which he thanked them in their public assembly. The King, having waited almost a month for a fair wind, embarked at last on the 28th of *October*, landed at *Harwich* the 29th, and on the 30th arrived at *Kensington*. The Parliament being met on the 7th of *November*, pursuant to the last prorogation, the King made the following speech to both Houses:

"My Lords and Gentlemen,

"I Am always glad to meet you here, and I could heartily wish, that our satisfaction were not lessened at present, by reflecting upon the disadvantages we have received this year at land, and the miscarriages in our affairs at sea. I think it is evident, that the former was only occasioned by the great number of our enemies, which exceeded ours in all places. For what relates to the latter, which has brought so great a disgrace upon the nation, I have repented it extremely, and as I will take care, that those, who have not done their duty, shall be punished, so I am resolved to use my utmost endeavours, that our power at sea may be rightly managed for the future. And it will well deserve your consideration, whether we are not defective both in the number of our shippings, and in proper ports to the westward, for the better annoying our enemies, and protecting our trade, which is so essential to the welfare of this kingdom.

"My Lords and Gentlemen,

"I am very sensible of the good affection, wherewith you have always assisted me to support the charges of the war, which have been very great; and yet I am persuaded, that the experience of this summer is sufficient to convince us all, that, to arrive at a good end of it, there will be a necessity of increasing our forces both by sea and land the next year. Our Allies have resolved to add to theirs; and I will not doubt, but you will have such regard to the present exigency, as that you will give me a suitable supply to enable me to do the like. I must therefore earnestly recommend it to you, Gentlemen of the House of Commons, to take such timely resolutions, as that your supplies may be effectual, and our preparations so forward, as will be necessary both for the security and the honour of the nation."

In answer to this speech the Commons unanimously resolved, that they would support their Majesties and their Government, and grant a sufficient

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1693.

Oct. 29.

The fifth
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Parliament.Pr. H. C.
II. 415.

1693; sufficient supply for the vigorous prosecution of the war. But the first thing they did was to inquire into the miscarriages of the fleet the last summer, and to take into their consideration the preservation of the trade of the nation. Some time having been spent in examining the instructions and orders given to the fleet; the number of ships for the line of battle, and of the convoys and cruizers; the Admirals, who commanded both, and the results of the several Councils of war held by them; the Commons resolved, on the 17th of November, "that it was their opinion, that there had been a notorious and treacherous mismanagement in the miscarriage of the *Smyrna* fleet." Their next inquiry was, "Why the *Streights* fleet was stopped till the main fleet went out?" and "then, Why the main fleet did not convoy Sir *George Rooke's* squadron, and the merchant-ships, out of danger of the *French*?" And it being alledged, that the main fleet was not sufficiently victualled, the Commons examined the State of the victualling the fleet at its sailing from *Spithead*, and thereupon resolved, on the 27th of November, "That there was sufficient beer on board the main fleet, when Sir *George Rooke* separated, to have convoyed his squadron, and the merchant-ships out of danger of the *Brest* fleet." Two days after the question being

put, "That it did appear to that House, that the Admiral, that commanded the fleet the last summer, had, on the 11th of May last, information, that part of the *Brest* fleet was going out to sea," it passed in the negative. And on the 6th of December another question being put, "That the Admirals, by not sending into *Brest*, for intelligence, before they left the *Streights* squadron, were guilty of a high breach of the trust, that was reposed in them, to the great loss and dishonour of the nation," it was likewise carried in the negative by a hundred and eighty-five against a hundred and seventy-five.

The House of Lords likewise took into consideration this affair, and after hearing the Admirals, and reading the letters and orders in relation to it, resolved, on the 10th of January, "that the Admirals, who commanded the fleet last summer, had done well in the execution of the orders they received;" though some Lords entered their protest (1). There was likewise a conference between the two Houses upon the same subject (2).

Before this inquiry in Parliament, the Admirals had been examined at the Council-board; but nothing could be made to appear to the prejudice of their honour, only some flying reports, which gave occasion to this order of Council

(1) It was as follows:

1. Whereas by an order of the Admiralty, bearing date the 19th of May last, the Admirals were to direct Sir *George Rooke*, that, after their parting with him, he should steer such a course for his passage to *Cádiz*, as should be thought most safe by a Council of war, with relation as well to the *Brest* fleet, if gone out to sea, as the *Toulon* squadron; it does not appear to us, that there has been any Council of war from the 22d of May to the 4th of June, which was the day the signals were given for their parting from the *Streights* fleet; which last Council of war was not called till after the signals for parting were given, and occasioned by the accident of the *Turky* fleet's being becalmed.

2. That though it does appear by the result of the Council of war the 4th of June, that they had no intelligence where the enemy was; yet notwithstanding we do not find in that Council, it was so much as proposed, how to get intelligence where the *Brest* fleet was, pursuant to the order of the Admiralty of the 19th.

3. We conceive it to be the duty of an Admiral or General to use his utmost endeavours to discover the motions of an enemy, without an order from his superiors, and much more when he has one.

4. Their not sending one or more good failors to find out, if the *French* fleet were sailed from *Brest*, as also what course they steered, so as to give intelligence to our main fleet, at a station appointed, before they parted with Sir *George Rooke*, was, as we conceive, the chief cause of the misfortune, that happened to the *Turky* fleet.

5. It appears by the Admiral's own letters to the Admiralty of the 14th of July and 18th of September last, that, at a Council of war held on the 22d of May, they were of opinion, that that part of the Admiralty's order of the 19th, which related to the course Sir *George Rooke* was to steer, was unreasonable and impracticable; yet they did not send up to have it explained, though the fleet did not sail till the 30th. This looks as if they rather designed an artificial excuse for doing nothing, than the discharge of the trust reposed in them.

6. That Sir *George Rooke's* narrative, which might have given a farther light to the inquiry into the Admiral's conduct last summer, was not allowed to be read.

7. This vote seems to approve of the behaviour of the Admirals in the last summer's expedition, which differs, as we conceive, from the opinion the greatest part of *Europe* has of it, and may be of ill consequence, by giving our Allies no very fair prospect of better success.

8. Because by this vote is prevented any further inquiry into the last year's miscarriage relating to the Admirals, if any new matter should arise from new evidence; and it may stop any prosecution of the King's, in case he should think fit to proceed further in this affair.

Bolton,
Berkeley of Berkeley,
Strafford,
Oxford,
Oxford,
Oxford,

Clifford,
J. L. L. L.,
D. L. L.,
Stamford,

Pr. H. L. I. 422.

(2) On the 16th of January a conference having been desired by the Lords, Colonel *Granville* reported from the Committee appointed to attend it, that the Duke of *Devon* managed for the Lords, and acquainted them, that the Lords having had laid before them by the Earl of *Nottingham* an extract of a letter dated from *Paris* June 1st N. S. received May the 30th O. S. 1693, as follows:

"There are sixty-eight ships, in which there are thirty thousand one hundred and eighteen men, and four thousand eight hundred and seventy-six guns."

"We have news since, that this fleet was sailed, and was out of sight."

And whereas upon an address to the King, that such Lords, as are of the Privy-council, may have permission from his Majesty to acquaint the House; when the intelligence of the *French* fleet's sailing from *Brest* was communicated to the Admirals of the fleet:

Thereupon several of those Lords informed the House, that the said letter was laid before the Committee of the Council; and, that it was taken for granted, that the intelligence therein was sent to the Admirals of the fleet; but it not appearing clearly, whether it was so communicated or not, their Lordships desired of the House of Commons to inquire, by the most proper methods of the Members of that House,

693. Council on the 25th of *October*: "Whereas a report has been raised and spread by *Henry Killigrew*, *Sir Ralph Delaval*, and *Sir Cloudesty Shovel*, Admirals of their Majesties fleet, that the Right Honourable the Lord Viscount *Falkland*, one of the Lords of their Majesties most Honourable Privy-council, did, upon reading a paper at the board, stifle something, that was material to their justification, the Lords of the Council having considered of, and examined into the matter, are satisfied, and do declare, that the said report is false and scandalous; although, upon the said examination it did also appear, that something happened, which might mislead the Admirals into that error. And it is ordered in Council, that this be printed and published in the *Gazette*." (1)

A bill for the more frequent elections of *Parliament* having, after the third reading, been rejected by the Commons on the 28th of *November*, another bill to the same purpose was sent down to them by the Lords, which being read the third time, was likewise rejected.

Supplies.
voted

The Commons, having unanimously voted a supply for the vigorous prosecution of the war, agreed, on the 25th of *November*, "that the sum of 500,000*l.* be raised towards the discharging the wages due to the seamen; and that a farther sum of two millions be granted to their Majesties, in full, for the maintenance

of the fleet, including the ordnance, by reason of the revenue now falling short." As for the army, the Commons, having examined the offensive treaties and alliances, which the King was now under with the Confederates, and the proportions of forces that the Confederates were obliged to make for the carrying on this present war, unanimously resolved, on the 20th of *December*, That the number of the land-forces in their Majesties pay be increased, by the raising six new regiments of *English* horse, four new regiments of *English* dragoons, and fifteen new regiments of *English* foot, to be commanded by officers, who were their Majesties natural born subjects: That eighty-three thousand one hundred and twenty-one men, including commission and non-commission officers, were necessary for the service of the year 1694, to be employed in *England*, and beyond the seas: And that the sum of two millions, five hundred and thirty-five thousand, five hundred and ninety pounds be granted for the maintenance of the land-forces (2). They also gave 118,000*l.* to make good the annuity deficiency, and 293,692*l.* to make good the deficiency of the poll-bill. Thus the supplies, given for the service of the year 1694, amounted to near five millions and a half, which were raised by a land-tax of four shillings in the pound, by two more lives in the annuities, by a further excise on beer, and a duty upon salt (3).

The forces
augmented.

The

House, who were of the Privy-council, whether this intelligence, of the *French* fleet's being sailed out of *Brest*, was communicated to the said Admirals, and when it was so communicated. Accordingly an humble address was voted, that his Majesty would be pleased to command, that a copy of the said letter might be laid before the House; and likewise that his Majesty would permit such Members of the House, as were of his Privy-council, to acquaint the House what intelligence was received of the *French* fleet's sailing from *Brest*, and whether, and when the said intelligence was communicated to the said Admirals.

On the 10th of *February*, Mr. Secretary *Trenbald*, according to order, presented to the House of Commons an account in writing of the said letter and intelligence; viz. that he believed, the Earl of *Nottingham* did, on *May* 31, bring to a Committee of Council a letter from *Paris*, dated *June* 1. N.S. and received *May* 30. O. S. an extract of which the Lords had communicated to the House; but he did not remember, that this letter was publicly read at the Committee, though several Lords might read it singly; but that, it remained in the hands of the Earl of *Nottingham*, there being no resolution taken at the said Council, that the said letter should be communicated to the Admirals of the fleet. That, to the best of his remembrance, a list of the *French* fleet, being part of the said letter, was the same day sent to him by the Earl of *Nottingham*; a copy of which list he sent to the Admirals, as appeared by comparing it with the papers delivered by them into the House. That the same day there came a letter from *Scilly*, dated *May* 7th, with advice, that the *French* fleet was seen off that Island; which letter being publicly read at the Committee, a copy thereof, together with the abovementioned list, was immediately by two express sent to the Admirals of the fleet, and were received by them. It was resolved therefore by the House of Commons, that the same be communicated to the Lords at a conference; which was done accordingly. But it does not appear, that it was attended with any extraordinary consequences.

(1) Bishop *Burnet* says, The enquiry into the conduct at sea, particularly, with relation to the *Smyrna* fleet, took up much time, and held long: Great exceptions were taken to the many delays; by which it

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seemed a train was laid, that they should not get out of our ports, till the *French* were ready to lie in their way, and intercept them; our want of intelligence was much complained of: The instructions that the Admirals, who commanded the fleet, had received from the Cabinet Council, were thought ill given, and yet worse executed; their orders seemed weakly drawn, ambiguous, and defective: Nor had they shewed any zeal in doing more, than strictly to obey such orders: They had very cautiously kept within them, and had been very careful never to exceed them in a tittle: They had used no diligence to get certain information, concerning the *French* fleet, whether it was still in *Brest*, or had sailed out; but, in that important matter, they had trusted general and uncertain reports too easily: Nor had they failed with *Rossie*, till he was past danger. To all this their answer was, That they had observed their orders; they had reason to think, the *French* were still in *Brest*; that therefore it was not safe to sail too far from the coast of *England*, when they had (as they understood) ground to believe, that they had left behind them a great naval force, which might make an impression on our coast, when they were at too great a distance from it; the getting certain intelligence from *Brest*, was represented as impracticable. They had many specious things to say in their own defence, and many friends to support them; for it was now the business of one party to accuse, and of another to justify that conduct. In conclusion, there was not ground sufficient to condemn the Admirals; as they had followed their instructions: So a vote passed in their favour. II. 125.

(2) Namely, 210,773*l.* for the office of ordnance, 31,808*l.* for the pay of the general officers; 11,060*l.* for levy-money; 40,808*l.* for the transports; 147,000*l.* for hospitals and contingencies; and 1,990,781*l.* for the pay of the horse, dragoons, and foot.

(3) For every gallon of foreign salt imported, above the former duties 3*d.*; and of *English* salt 1*d.* The rates upon beer, ale, and other liquors, were one moiety more than had been granted by the last additional duties before. This duty upon liquors was now given for sixteen years; that upon salt for three years. The advances of these duties were to be re-

S f f

pa 1

1693.
The King
refuses to
pass the
Place bill
Pr. H. C.
11. 432.

The bill for rendering all members of the House of Commons incapable of places of trust and profit, which had been brought in the last Session, under the title of a bill touching free and impartial proceedings in Parliament, and after passing the Commons had been rejected by the Lords, was now again set on foot, and went through the Lords as well as the Commons; so that when the King came to the House of Peers to pass the land-tax, it lay ready for the Royal assent, but the King thought fit to refuse it. Upon this, the Commons, the next day entering into a grand Committee on the State of the nation, agreed to the following resolution, "That whoever advised the King not to give the Royal assent to the act, which was to redress a grievance, and take off a scandal upon the proceedings of the Commons in Parliament, is an enemy to their Majesties and the Kingdom; and that a representation be made to the King to lay before him, how few instances have been in former reigns of denying the Royal assent to bills for redress of grievances, and the grief of the Commons for his not having given the Royal assent to several public bills, and in particular to this bill, which tends so much to the clearing the reputation of this House, after their having so freely voted to supply the public occasions." And, a Committee being appointed to draw up the representation, it was the day following reported to the House, when the two first paragraphs being exactly conformable to the vote, were agreed to, but the third rejected, which was as follows:

"We beg, Sir, you will be pleased to consider us as answerable to those we represent; and it is from your goodness we must expect arguments to soften to them, in some measure, the necessary hardships they are forced to undergo in this present conjuncture; and therefore humbly beseech your Majesty, for the removing all jealousies from your people, (without which the Parliament will be unable to serve your Majesty, or to support the Government) to be pleased to follow the course of the best of your predecessors, and direct some expedient, whereby your Majesty, your Parliament, and People, may reap the fruit designed by that bill, to which your Majesty, by ill advice, was pleased to lately to deny the Royal assent."

Instead of which the following paragraph was agreed to:

"Upon these considerations we humbly beseech your Majesty to believe, that none can have so great a concern and interest in the prosperity and happiness of your Majesty and your Government, as your two Houses of Parliament; and do therefore humbly pray, that, for the future, you would be graciously pleased to hearken to the advice of your Parliament, and not to the secret advices of

particular persons, who may have private interests of their own, separate from the true interest of your Majesty and your People."

To this address, presented by the whole House, the King was pleased to reply:

"Gentlemen, I am very sensible of the good offices you have expressed to me upon many occasions, and the zeal you have shewn for our common interest; I shall make use of this opportunity to tell you, that no Prince ever had a higher esteem for the constitution of the English Government than myself, and that I shall ever have a great regard for the advice of Parliament."

"I am persuaded, that nothing can so much conduce to the happiness and welfare of this Kingdom, as an intire confidence between the King and People, which I shall by all means endeavour to preserve. And, I assure you, I shall look upon such persons, as my enemies, who shall advise any thing, that may lessen it."

However kind this answer appeared, yet, as it was not thought to be direct, the Commons proceeded to take it into consideration, and the question was put, *That application be made to his Majesty for a farther answer*, but it passed in the negative by two hundred and twenty-nine against twenty-eight.

The East-India Company having, on the 11th of November, 1693, obtained a new charter, whereby they were empowered to raise the sum of seven hundred forty-four thousand pounds, to be added to their general joint-stock, the subscription of each person not exceeding ten thousand pounds; several merchants and others, on the 7th of December, petitioned the Commons for erecting a new East-India Company. Upon which the House examined the charters of the old Company, the book of new subscriptions, the state of their present stock, and the petition above-mentioned, and after mature deliberation resolved, on the 19th of January, "That all the subjects of England have equal right to trade to the East-Indies, unless prohibited by act of Parliament." And this gave occasion to the creating of a new East-India Company, more to the division of the merchants, than to the benefit of trade.

On the 16th of December the Earl of Bellamont having presented to the Commons articles of impeachment against Thomas Lord Coningsby and Sir Charles Porter, two of the late Lords Justices of Ireland, but the Commons after several debates agreed "That, considering the state of affairs in Ireland at that time, the House did not think fit to ground an impeachment against the Lord Coningsby and Sir Charles Porter for the matters charged upon them." Accordingly, the Lord Coningsby and Sir Charles Porter were restored to their places in the House.

The

paid in the sixteen years by way of annuities for that time. A poll-tax was also passed; and an act for granting several rates and duties upon tonnage and poundage of ships and vessels, and upon beer, ale, and other liquors. This excise to be one moiety of the additional excise before granted, and expiring in the year 1697. There was also an act for duties upon vellum, parchment, and paper for four years. The several

stamps were, 40 s. 5 s. 2 s. and 6 d. 1 s. 6 d. and 1 d. every sheet or skin used, to be so stamped, and to pay. Another act was for licensing and regulating hackney and stage coaches. By it seven hundred hackney-coaches to be licensed, and 50 l. to be paid for a licence to be good twenty-one years, besides 4 l. a year each coach; stage-coaches to be licensed but for one year, and to pay 8 l. for a licence.

(1) B. F.

1693. The humour of the nation running at this time upon lotteries, some Members of the House of Commons contrived to raise that way a million for the Government. This design having been propoed to and approved by the House, it was resolved, 1. "That a fund of 140,000 *l. per annum* be raised and vested in their Majesties for the term of sixteen years, for recompensing such persons, as should advance the sum of one million. 2. That the impositions, lately resolved by the House to be laid upon salt, be part of the said fund. 3. That, towards the further answering of the said 140,000 *l. per annum*, one moiety of the duties of excise, granted to their Majesties, by an act made in the second year of their reign, be granted and continued to their Majesties, after the monies charged upon the said duties should be satisfied. And, 4. that a bill be brought in upon the said resolutions." Which was accordingly done, and the bill received the Royal assent.

While the Commons were debating of the supplies, the Commissioners, whom they had appointed for taking the public accounts, having laid before the House an account of what money had been paid for secret service, and to Members of Parliament, out of the public revenue, it was resolved, "That the Lord Viscount Falkland, a Member of that House, by begging and receiving two thousand pounds from his Majesty, contrary to the ordinary method of issuing and bestowing the King's money, was guilty of a high misdemeanor and breach of trust; and that he be committed to the Tower of London, during the pleasure of the House." He was two days after discharged upon petition.

The King, being impatient for the dispatch of what business lay before the Parliament, came to the House of Peers on the 8th of February, and, passing some bills, made a short speech to both Houses, earnestly recommending to them the finishing of those affairs which they had under their deliberation, and particularly the discharging of the debt for transport-ships, which were used in the reduction of Ireland. All the money-bills being passed, and the King desirous of beginning an early campaign, he came again to the House of Peers on the 25th of April, and closed the Session with this speech:

My Lords and Gentlemen,

"THE proofs you have given of your affection to me, and the zeal you have expressed for the Government, oblige me to return you thanks before I put an end to this Session; and, in particular, to thank you, Gentlemen of the House of Commons, for the large supplies you have provided to carry on the war.

"I will endeavour to do my part; and it is from the blessing of God, that we must all expect such success as may answer our desires.

My Lords and Gentlemen,

"The posture of affairs making it necessary for me to be absent for some time out of this Kingdom, I recommend it to you, that in your several stations you be careful to preserve the public peace."

Then the Lord-Keeper, by his Majesty's command, prorogued the Parliament to the 18th of September following.

The most material acts passed this Session were:

1. An act for repealing a clause in the Statute of 34 and 35 of Henry VIII, by which Justices of the Peace in Wales were limited to eight in each country. By this act as many Justices may be appointed as the King pleases.

2. An act to prevent disputes and controversies concerning Royal mines. By this act, all proprietors of copper, tin, iron, or lead mines, shall hold the same, notwithstanding such mines shall be claimed to be Royal mines. Only the ore of such mines (except tin-ore in Cornwall and Devonshire) may be demanded by the King, and all claiming Royal mines under him, at the following rates: Copper-ore washed, 16 *l.* the tun. Tin-ore washed, 40 *s.* the tun. Iron-ore the same. Lead-ore washed, 9 *l.* the tun. In default of payment, the proprietors may dispose of the ore.

3. An act for the relief of the orphans and other creditors of the city of London. The city, it seems, by reason of sundry accidents and public calamities, being now become indebted to the orphans and other creditors for principal money and interest thereof, in a much greater sum than they were able to pay, the Parliament, on the petition of the Lord Mayor, &c. enabled them, by this act, to settle a fund for raising money, to pay the yearly interest at four *per cent.* for the whole debt. The fund consists of several branches, particularly, a rent charge of 8000 *l.* a year, upon all the revenues of the city: 2000 *l.* a year upon personal estates, within the city: 600 *l.* a year, out of the profits of the convex-lights: 4 *d.* a chaldron upon coals: 4 *s.* a tun upon wines, &c. (1) This bill had miscarried in several Sessions, but now found a very quick passage, through the Commons, the reason of which will but too plainly appear in the next Session of the Parliament.

During the Session, the town was entertained with the trial of a cause in Westminster-Hall, of Norfolk, bearing with impatience the suspected commerce, which Mr. *Jermaine* had maintained with his Dukes, had the last winter lodged a bill of divorce in the House of Peers; but their Lordships, being unwilling to proceed in that affair before there were some proofs of the facts made in the course of the common law, his Grace thereupon brought an action of adultery against Mr. *Jermaine* before the Court of King's-Bench. The cause was tried

on

(1) Besides these bills, several others were left unfinished, viz. A bill to regulate trials in cases of bigamy; which the Commons had sent to the Lords for their concurrence; a bill for the naturalizing of all such Protestants, as should take the oaths to their Majesties,

and the Test against popery; a bill concerning the forfeitures both in England and Ireland; a bill for registering of wills, &c. another against stock-jobbers; and another for the encouragement of privateers.

Lord Falkland censured.
Pr. H. C. II. 438.

Parliament prorogued.
Pr. H. C. II. 445.

A is paid this Session.

sol. case. Kennet.

1693. on the 24th of November, and, upon a full hearing of many oblique evidences, the Jury found for the plaintiff, and allowed his Grace one hundred marks damages, with costs of Court; where the slightness of the satisfaction was almost as great a reproach as the crime itself.

St. Malo
bombard-
ed.

Admiral
Wheler
capt. Owen
Burchet.

Towards the middle of November, Captain *Bombow* bombarded *St. Malo* four days successively, though without any great success, having only destroyed some few houses, and thrown down part of the town-wall. But in the end of February arrived the melancholy news, that a fleet of merchant-ships under a convoy of men of war, commanded by Sir *Francis Wheeler* (who had been sent the last year on a fruitless expedition to the *West-Indies*) having sailed on the 17th of that month from *Gibraltar*, up the *Streights*, met the next day with a most violent storm, which continued all that day, and the following night, so that on the 19th, about five in the morning, Sir *Francis's* own ship, the *Suffex*, was foundered, and himself, with all his men, except two *Moors*, drowned; the *Cambridge* and *Lunley Castle* men of war, the *Serpent* bomb-ketch, and the *Mary* ketch, together with the *Italian Merchant*, the *Aleppo Factor*, the *Great George*, and the *Berkshire* bound for *Turky*, the *William* for *Venice*, and the *Golden Merchant* for *Leghorn*, all *English*, were driven ashore on the East-side of *Gibraltar*, and most of the men lost. The same fate attended three *Dutch* ships richly laden; but Rear-Admiral *Nesbitt*, with two *Dutch* men of war, had the good fortune to be blown out of the *Streights*, and put safe into *Cadiz*; as did the rest of the fleet on the 19th into *Gibraltar*. This loss, how great soever, was soon after repaired, the King having caused the men of war on the stocks to be finished with extraordinary diligence.

On Sunday, December the 31st, Prince *Lewis* of *Baden* arrived at *Gravesend*, and on Tuesday he came up the river in the King's barge, and was conducted to the apartment prepared for him at *Whitehall*. His Highness continued in *England* till the 14th of February, during which time he concerted measures with the King, and was treated with very singular respects, and at a great expence, not only by the King, but also by several Peers, particularly the Duke of *Ormond*.

Honours
and pre-
ferments.
Kennet.
Barnet.

On the 22d of November 1693, the King granted to the Earl of *Abington* the office of Chief Justice in *Exchequer* on this side of *Trent*, vacant by the death of the Lord *Loxley*; and appointed the Lord Viscount *Stanley*, Master of the ordinance, to be Colonel of the first regiment of foot-guards, in the place of the late Duke *Schomberg*, in whose room the Duke of *St. Albans* was sworn Captain of the band of pensioners; and, about the middle of January, the Lord *Charles Butler*, brother to the Duke of *Ormond*, was created Lord *Butler*, Baron of *Wexford* in the county of *Huntingdon*, and Earl of *Arran* in *Ireland*. *Peregrine Bertie* was sworn Vice-Chamberlain to his Majesty, upon the resignation of Sir *John Lowther*; *Raigyny*, who had been instrumental in the reduction of *Ireland*, and for his services created Earl of *Galway*, was, at this time, appointed to command the King's forces in *Piedmont* in quality of Lieutenant-General, and to be Envoy Extraordinary to the

Duke of *Savoy*. When old *Raigyny* his father died, he offered his service to the King, who unwillingly accepted of it; because he knew that an estate, which his father had in *France*, and of which he still had the income, would be immediately confiscated: But he had no regard to that, and heartily engaged in the King's service, and was afterwards employed in many eminent posts, in all which he acquitted himself with great reputation, and was also deemed a man of eminent virtues, great piety and zeal for religion.

When the King returned to *England*, from the last campaign, he plainly saw the necessity of changing both his Measures and Ministry. He expressed his dislike of the whole conduct at sea, and named *Raigyny* for the command of the fleet the next year. He dismissed the Earl of *Nottingham*, and would immediately have brought the Earl of *Shrovelbury* into the Ministry. But, when that Lord came to him, he thought the King's inclinations were still the same, that they had been for some years, and that the turn, which he was now making, was not from choice, but from force; for which reason his Lordship went into the country. However the King soon after sent for him, and gave him such assurances, that he was again made Secretary of State, to the general satisfaction of the Whigs. But the person, who had the King's confidence to the highest degree, was the Earl of *Sunderland*, who, by his long experience and his knowledge of men and things, had gained an ascendancy over him, and had more credit with him, than any *Englishmen* ever had. He had brought the King to this change of counsels, by the prospect, he gave him of the ill condition his affairs would be in, if he did not intirely both trust and satisfy those, who, in the present conjuncture, were the only party, that both could and would support him. It was said, that, the true secret of this change of measures was, that the Tories signified to the King plainly, that they could carry on the war no longer; and that therefore he must accept of such a peace, as could be had. This was the most pernicious thing, that could be thought on, and the most contrary to the King's notions and designs; but, they being positive, he was forced to change hands, and to turn to the other party. So the Whigs were now in favour again, and every thing was done, that was like to put them in good humour. The Commission of the Licutenancy for the city of *London*, on which they had set their hearts, much more perhaps than it deserved, was to altered, that the Whigs were the superior number; and all other commissions over *England* were much changed. They were also brought into many places of trust and profit; so that the King put his affairs chiefly into their hands, yet so, that no Tory who had expressed zeal or affection for the Government, was taken out.

The same day the Parliament was prorogued, the King bestowed the title of Duke on the Earl of *Shrovelbury*; and created the Earl of *Mulgrave*, Marquis of *Normandy*, with the grant of a pension of three thousand a year. He was also with the Lord *Down*, on the 3d of May, of the Privy Council. At the same time *Henry Lovett* was made Baron *Lowest of Chertsey* in the County of *Surrey*.

1694. ward *Ruffel*, Sir *George Rooke*, and Sir *John Houblon*, were appointed three of the Commissioners of the Admiralty. On the 30th of *April*, the Marquis of *Caermarthen* was created Duke of *Leeds*; *William Earl of Bedford* Marquis of *Tavistock*, and Duke of *Bedford*; *William Earl of Devonshire*, Marquis of *Hartington* and Duke of *Devonshire*; *John Earl of Clare*, Marquis of *Clare*, and Duke of *Newcastle*; *Francis Lord Newport*, Treasurer of their Majesties Household, Earl of *Bradford* in the county of *Salop*; and Lord *Vilcount Sydney*, Lord Warden of the *Cinque Ports*, Earl of *Romney* in the county of *Kent*. On the 2d of *May*, *Sidney Lord Godolphin*, Sir *Stephen Fox*, *Charles Montague*, Sir *William Trumbull*, and *John Smith*, were appointed Commissioners of the Treasury. Mr *Montague*, a branch of the Earl of *Manchester's* family, had begun, though a young man, to make a great figure in the House of Commons. He was not only made Commissioner of the Treasury, but soon after Chancellor and Under-Treasurer of the Exchequer. He had great vivacity and clearness, both of thought and expression: His spirit was at first turned to wit and poetry, which he continued still to encourage in others, when he applied himself to more important business. He came to have great notions, with relation to all the concerns of the Treasury, and of the public funds, and brought those matters into new and better methods: He shewed the error of giving money upon remote funds, at a vast discount, and with great premiums to raise loans upon them; which occasioned a great outcry, at the sums that were given, at the same time that they were much shrunk, before they produced the money, that was expected from them. So he pressed the King to insist on this as a maxim, to have all the money for the service of a year, to be raised within that year.

The King goes a-broad.

Affairs being thus settled at home, on *Thursday* in the evening, *May* the 3d, the King and Queen went down to *Gravesend*, where his Majesty embarked about five the next morning, the wind being then fair; but, changing soon after, the King came on shore again at *Gravesend* about ten; and, for better expedition, went the same day with the Queen to *Canterbury*; and on the 6th of *May* went early thence to *Margate*, where he embarked on the *Fubbs Yatch*, and set sail about eleven with a fair wind for *Holland*, being attended by eight *Dutch Men* of war, which came from the *Downs*. He landed the next day at the *Hoek of Holland*, over-against the *Brille*, at six in the evening, and came about midnight to the *Hague*, and next morning went first into the assembly of the States of *Holland*, and afterwards that of the States-General, and made a short speech in each of them, and received their compliments on his safe arrival; and after a few days went to *Loo* to take the diversions of that place, till matters were ripe for his going to the army.

A bank erected. *Barnet*.

About this time a draught of a commission for taking subscriptions for the Bank of *England*, together with a schedule containing the draught of a charter for the corporation of the Bank, were first approved and signed by her Majesty on the 8th of *June*; and the charter, which was to pass under the Great Seal of *England*, after the first day of *August*, if the sum of 1,200,000*l.* or one moiety, or more thereof, should be subscribed by that time, or sooner, if

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the whole 1,200,000*l.* should be sooner subscribed, was accordingly granted towards the middle of *July*, the Commissioners having taken subscriptions amounting to that sum by the 5th of that month. The constituting of the Bank occasioned great debates: Some thought a Bank would grow to be a monopoly. All the money of *England* would come into their hands; and they would in a few years become the masters of the stock and wealth of the nation. Others argued for it: That the credit, it would have, must increase trade and the circulation of money, at least in Bank notes. It was visible, that all the enemies of the Government set themselves against it, with such a vehemence of zeal, that this alone convinced all people, that they saw the strength that our affairs would receive from it. The *Dutch* often reckon up the great advantages they had from their Banks; and they concluded that, as long as *England* continued jealous of the Government, a Bank could never be settled among us, nor gain credit enough to support itself: And, upon that, they judged that the superiority in trade must still lie on their side. This, with all the other remote funds that were created, had another good effect: It engaged all those, who were concerned in them, to be, upon the account of their own interest, zealous for maintaining the Government; since it was not to be doubted, but that a Revolution would have swept all these away. The advantages that the King, and all concerned in tallies, had from the Bank, were soon so sensibly felt, that all people saw into the secret reasons, that made the enemies of the Constitution set themselves with so much earnestness against it.

1694.

The Confederate fleet was out early this year; *Affairs at sea* but yet they were neither able to block up that of *France* in *Brest*, nor to fight them at sea; *Burchet*. than which the *English* desired nothing more. *Boyer*. *Barnet*. The *French*, on the contrary, industriously avoided an engagement, and were no sooner out of the harbour, but they made all the sail they could towards the *Mediterranean*, having formed great designs against *Spain*, both by sea and land, this campaign. In order to break their measures, and prevent the intire loss of *Catalonia*, sent to the King thought fit to send his fleet into those seas; but, before Admiral *Ruffel* left the coast of *France*, being informed, that there was a fleet of *French* merchant-men in *Bertram Bay*, *A fleet of French merchant-men destroyed.* bound to the eastward, he detached Captain *Pickard* and the *Roe-kuck* fire-ship, either to take or destroy them. These orders Captain *Pickard* executed with so good success, that, of fifty-five sail, he burnt or sunk thirty-five, and drove the man of war, that was their convoy, among the rocks, where she soon after blew up, with her two sloops of between ten and fifteen guns.

The same good fortune did not attend the design, which the *English* and *Dutch* had been long concerting, to destroy the harbour of *Brest*; *The design against Brest unsuccessful.* the execution of which desperate attempt was committed to Lieutenant-General *Talmash*. On the 5th of *June* the Lord *Berkeley*, Admiral of the Blue Squadron, parted from Admiral *Ruffel* with twenty-nine men of war of the line of battle, *English* and *Dutch*, besides small frigates, fire-ships, bomb-ketches, and transport-ships; the 7th he came to an anchor between *Bertram-bay* and *Camaret* (a small neck of land in the mouth of the river of *Brest*) notwithstanding the

T t t

1694. the enemies bombs from *Camaret* western point, from a castle on a high rock in *Bertram-bay*, and from two forts on each side of the *Isthmus*, going into *Brest* road.

The same day the Lord *Cutts* and the Marquis of *Caermarthen*, in his own galley, stood in a considerable way into the bay, and, having taken a view of it amidst the enemies fire, they returned, and gave the Lord *Berkeley* an account of the posture of the bay, and the situation of the castle, which they found very advantageous to defend the landing-places (1). Upon this, it was thought advisable, that the *Monk*, a ship of sixty-guns, and the *Diamelen*, a Dutch ship of equal force, should go in; but the Marquis of *Caermarthen* not believing, that those two men of war would be sufficient to cover the boats at their landing, nor to assist their land-forces by playing upon the enemy, who were better prepared and more numerous than was expected, and ready to be seconded on all occasions, by fourteen squadrons of horse. Therefore on the 8th, after a consultation of the *English* and *Dutch* flags, and the general officers of the land-forces, it was resolved, that six other men of war should be added to the two former (2), which the Marquis undertook to pass so near, as to bear upon the castle to the best advantage, and to perform those other services, for which they were designed. This was a work of great difficulty and danger; for, no sooner was the *Monk* come within reach of the enemies mortars, but they began to play at her from the point *des Filettes*, and the western point of *Camaret*. As soon as the rest of the ships were got into the bay, they were surprized with three batteries

more, which they never perceived till they felt their shot. But, notwithstanding all these difficulties, the Marquis posted the ships in such a manner, as gave great assistance to the land-forces, and did the enemy considerable mischief. For these ships, as soon as they had dropped their anchors in the bay, fired continually upon the *French*, and forced them to run twice out of *Camaret* fort.

On the other hand, *Talmash*, with a small number of well-boats, and about nine hundred men, went a shore in a confused manner, under a little rock, on the south-side of a small bay. Whereupon a detachment of the *French* marines charged the *English* so vigorously, that they were forced to retire to their boats in great disorder. It happening, at the same time, to be the tide of ebb, most of those boats stuck fast, so that the men were either miserably slaughtered, or obliged to beg for quarter. The rest of the boats retreated under the protection of the men of war, which, with incredible labour and hazard the Marquis of *Caermarthen* brought off, except the *Wesep*, a small Dutch man of war. Of the land forces about four hundred were taken prisoners, and as many killed or desperately wounded. And, as for the loss sustained at sea, four hundred men were lost in the three *English* and four Dutch ships under the Marquis's command. This expedition, which cost the brave *Talmash* his life (3), could not but prove unsuccessful, the *French* having had time to provide themselves against it, the design having been the town-talk in *London* some months before it was put in execution (4).

To revenge this affront Lord *Berkeley* failed Dippe towards bombard-
ed.

(1) Bishop *Burnet* says, that, when our fleet came so near, as to see what preparations were made for the defence of the place, the Council of officers were all against making the attempt; but that General *Talmash* had set his heart so much upon it, that he could not be diverted from it. He fancied, that the men they saw were only a rabble brought together to make a shew, though it appeared very evidently, that there were regular bodies among them, and that their numbers were double to his. *Burnet*, II. 130.

The famous Engineer *Fauban*, whom the King of *France* had employed to put *Brest* and the places in the harbour, which were likely to be attacked, in a posture of defence, wrote to that King, before the *English* fleet arrived, 'That his Majesty needed to be under no apprehensions; that he had made all the subterraneous passages under the castle bomb-proof: that he had placed ninety mortars, and three hundred pieces of cannon, in proper places: That all the ships were out of the reach of the enemy's bombs, and all the troops in good order: That there were three hundred bombardiers in the place, three hundred gentlemen, four thousand men, regular troops, and a regiment of dragoons just arrived.'

(2) Namely, the *Greenwich* of fifty-four, the *Charles* galley of thirty-two, the *Shoreham* of thirty-two, the *Darkestone* of forty-four, the *Wesep* of thirty, and the *Wolf* of thirty guns.

(3) He was shot in the thigh, of which wound he died a few days after, and was much lamented; for he was a brave and generous man, and a good officer, and very fit to animate and encourage inferior officers and soldiers. 'But he was much too apt to be discontented, and to turn mutinous; so that, upon the whole, he was one of those dangerous men that are capable of doing as much mischief as good service.' A little before his death, he is reported

to have said, that, as he lost his life in the performance of his duty to so good a prince, he was perfectly easy as to that point; but that it was a great trouble to him, that the Government had been so basely betrayed. It is said, he knew who were the traitors, and named to a person, who stood at his bed-side, that he might discover them to Queen *Mary*, in the King's absence, that the might be on her guard against those pernicious Counsellors, who had retarded the descent and given the *French* time to be prepared for it. *Oldm.* p. 92.

(4) Father *Daniel* says, that the Lord *Berkeley*, came into the bay of *Camaret* with a squadron of six and fifty men of war, bombs and other vessels. General *Talmash* made a descent at the head of a battalion of grenadiers, and between eight and nine hundred men, which were landed by a great number of shallops. A brisk fire ensued, as well from the *English* on one side, as from the *French* batteries and intrenchments on land, on the other. The *Sieur de Benisse*, Captain of a *French* company of marines, observing, that there was some confusion among the *English* troops, sallied out sword in hand, at the head of sixty men, being immediately followed by another company. He defeated the enemy, killed a great number of their men, and pursued them to their shallops; into which they threw themselves in such numbers, that they could by no means get them off. Upon this the Count *de Servon*, Marshal of *Camp*, the *Sieurs de Paisse*, Brigadier of foot, and *du Plessis*, Brigadier of horse, marched a squadron of the regiment of *du Plessis* up to the shore, which soon obliged the *English* in the boats which were stranded, to demand quarter. The others, which had not yet made their defence, retreated under favour of the cannon of their ships. A Dutch vessel, which ventured too near the shore, ran a-ground, and was obliged to surrender. The *English* lost four hundred men in the descent, among whom was their General *Talmash*, and forty officers, with five soldiers, made



By the collection of the Right Hon the Earl of Duport

of another piece



1694. towards *Dieppe*, and on the 12th of *July* threw one thousand one hundred bombs and carcasses into the town, which set it on fire in several places. The townsmen, despairing to quench the flames, began to run away in great consternation; whereupon two regiments of the militia of *Bretagne* were sent to encourage them; but the disorder was so great, and the fire so dreadful, that the soldiers themselves fled with the rest. If the *English* had known what had passed, they might in all probability have possessed themselves of the place. However they so ruined it, that the greatest part of the houses were reduced to ashes, and scarce any left unshattered.

and Havre de Grace, of *France*, sailed towards *Havre de Grace*; and on the 16th of *July* began to bombard the town under the direction of Captain *Bembow*, which they continued to do till the next morning, when, the wind blowing hard, they gave over. The 18th towards the evening, the weather being calm, the following night was spent in throwing in two hundred and fifty bombs more into the town; but, the wind growing high, the bomb-ketches stood off again; and on the 24th the Lord *Berkeley* failed from *Havre de Grace*, leaving it considerably damaged. *Dunkirk* was the place of the greatest importance, for which reason that attempt was pursued in several ways, but none of them succeeded. These bombardings of the *French* towns soon spread a terror among all, that lived near the coast; batteries were every where raised; and the people were brought out to defend their country. But they could do the *English* no hurt, while their bombs at a mile's distance did great execution. The action seemed inhuman; but the *French*, who had bombarded *Genoa*, without a previous declaration of war, and who had so often put whole countries under military execution, even after they had paid the contributions, which had been laid on them (for which they had protection given them) had no reason to complain of this way of carrying on the war, which they themselves had first begun.

Death of the Bishop of Liege. The death of the Bishop and Prince of *Liege*, towards the beginning of this year, gave the *French* a fair prospect of embroiling the affairs of the Confederates on that side. For as the death of the Elector of *Cologne* in 1688 had divided the Empire and *France* on account of the two Candidates, Prince *Clement* of *Bavaria* on the one side, and Cardinal *Furstemberg* on the other, and kindled the war, which soon after spread itself over the face of almost all *Europe*; so, if the *French* could have got the Cardinal of *Bouillon* to have been advanced to the Principality of *Liege*, they had great hopes, at least to humble the Allies so far, as to make them accept the conditions of peace, which the *French* King had already offered them. But, notwithstanding the private endeavours of the *French* faction, and the Cardinal of *Bouillon*'s open

protestations, the major part of the Chapter of *Liege* made choice of the Elector of *Cologne*, and the rest of the Grand Masters of the *Teutonic* order, to be their Prince and Bishop; both which sent to the Emperor and Court of *Rome* to have their respective election confirmed. This double return was like to be attended with fatal consequences; for as the Grand Master of the *Teutonic* order was no less than brother-in-law to the Emperor, who in all probability would have espoused his cause; so his Competitor was brother to the Elector of *Bavaria*, whose interest was supported by that of his *Britannic* Majesty and of the States of *Holland*. Whilst both parties impatiently expected the decision of the See of *Rome*, the contest was determined by the death of the Grand Master, who was carried off by a contagious distemper, then reigning in the city of *Liege*; so that the Elector of *Cologne*, in some time after, obtained the peaceful possession of that Bishopric and Principality; which, together with the great power of the Allies in *Flanders* this campaign, made things look with an ill aspect on the affairs of *France*.

The Confederate army, under the King's Campaign command, was encamped at *Mont St Andre*, in *Flanders*, consisting of thirty one thousand horse and dragoons, and fifty one thousand foot, all as good troops, as ever had been in the field; besides a body of about seven thousand men, under Count *Thian* near *Ghent*. The *French* were not much inferior in number; but the *Dauphin*, who commanded in person, declared, that he had received orders from his father not to stir from his camp near *Huy*, as long as the Confederates continued in their's at *St Andre*. However, not being able to subsist there any longer, he resolved at last to decamp, and tho' he thought to have concealed his design, by sending out several detachments of horse, under pretence of foraging, to reinforce the Marquis of *Harcourt*'s body (on the other side of the *Maele*) who was to seize the advantageous post of *Pieton*; yet the King, who was apprehensive of it, decamped before him and soon gained the post of *Pieton*, where there was not forage for above four days; and, being informed of the enemy's march, he moved towards *Nivelle*, thence to *Lessines*; having before sent orders for baking bread at *Ghent* and *Delb*. When the army came to *Chieire*, the Elector of *Bavaria* was detached with a considerable body of horse and foot, and some pieces of cannon, to possess himself of a post upon the *Scheld*; and the army followed with an intention to have passed the river at *Pont Esperies*. But, though the Confederates made great expedition to get thither, yet the *French* made more to prevent them; for, the Elector having advanced towards *Pont d'Escabuffe*, in order to force the passage of the river, he found the *French*, to the number of thirty-thousand, so well intrenched on the other

1694.

of Cologne in his room.

N. S.

Aug. 15.

Aug. 24.

other

made prisoners. Many more were drowned; and, a bomb happening to fall into a bomb-veffel full of soldiers, it blew up with all that were in it. This enterprise cost the *English* and *Dutch* two thousand men. They burnt one of their vessels in the night, and another of sixty pieces of cannon was run a-ground. The *French*, on the contrary, had no more than five and

forty slain. Monsieur *Vauban*, who commanded at *Brest*, had taken all his precautions with an admirable skill, as well with regard to the batteries as the intrenchments, in which was placed a battalion of marines, with some other soldiers, under the command of the Marquis de *Langeron*.

1694. other side, that he did not think it prudent to pursue his enterprise. By this hasty march the French cavalry suffered much; but that loss was inconsiderable in comparison of the advantage, which they gained by hindering the Allies from penetrating into French Flanders, where, considering their strength, they would, in all probability, have made some important conquest, or at least, secured winter quarters. The King of France was so sensible of it, that he wrote a letter, which he ordered, to be read at the head of the army, wherein he returned thanks, in the first place, to the Princes of the blood; next to Marshal Luxembourg, as having a principal share in the conduct; then to the rest of the Marshals of France, and all the general officers; and lastly to all the French and Swiss infantry, regiment by regiment, acknowledging how much he was obliged to their zeal and incredible diligence.

Whilst the French were deeply intrenched near Courtray, from whence they had sent strong detachments to cover Ypres, Menin, Berg St Winoc, Furnes, and Dunkirk, the King, finding it impossible to attempt any thing on that side, resolved to lay hold on this occasion, to dispossess the enemy of the town and castle of Huy. In pursuance of this design, the Prince Tserclaes de Tilley passed the Meuse, and invested the place with all the horse and dragoons of the Bishopric of Liege, a party of Brandenburg horse, and some battalions of foot. The next day arrived sixteen regiments of foot with the Duke of Holsheim Ploem, whom the King appointed to command the siege, and at whose approach the town immediately surrendered. By the 19th of September, the batteries were raised against the castle; and, all things being ready for an assault by the 27th, the French Governor beat a parly, and surrendered that fortress the next day. By this conquest the French were totally expelled out of the Bishopric of Liege, Dinant at that time being a part of France. Thus ended the campaign in Flanders. But the Confederates, especially the English and Dutch, grew weary of keeping vast armies, which did nothing else than lay for some months advantageously posted, in view of the enemy, without any action.

The French, under the command of Marshal Noailles, made a better figure in Catalonia; for, being near thirty thousand strong, and much superior to the Spaniards, they arrived on the 26th of May on the banks of the river Ter; which they resolved to pass, notwithstanding they found the Spaniards intrenched on the other side. Accordingly, having sounded all the fords that same evening they forced their way through; and, after half an hour's dispute, constrained the Spanish foot to abandon their retrenchments. The Spanish cavalry shewed a more than ordinary valour and conduct in covering the foot, and at last made their own retreat without any great loss, except that of their baggage, the French not thinking it safe to pursue them, because of the narrowness of the ways. However the Marshal de Noailles improved this advantage by laying siege to Palamos, a town by the sea-side, about twenty-two leagues from Barcelona, to the South East. On the 30th of May, the place was invested; and, on the 7th of June, all things were in a readiness to storm the covered way. This the French grenadiers performed with great resolution, en-

tered the town at two narrow breaches, plundered it, and put all they met to the sword. Of those, who were saved, all were made prisoners of war; only some of the officers, who were most wounded, were sent to Gironne upon their parole; not only, said the French General in his letter to the King his Master, because they seemed to desire, but because he considered the terror, that it would strike among the soldiers and people. Marshal Noailles judged rightly of the matter; for the Spaniards immediately withdrew their garrison out of St Felix Quinola, and the castle of St Elome; and, though they pretended to make a stout resistance at Gironne, a well fortified town, which the French had besieged by the 19th of June, yet they surrendered it in ten days upon very ignominious terms. From Gironne the French advanced to Ofsalric, a little town upon the road to Barcelona, which they quickly carried without any great resistance, and thereby enlarged their territories twenty miles in extent. But the army, because of the excessive heats, beginning now to be sickly, Noailles put them into quarters of refreshment, upon the fertile banks of the river Terdera, where they lived as undisturbed from the Spaniards, as if they had been in the middle of France. After they had sufficiently refreshed themselves, they formed a design upon Castle Folet, a town a little to the West of Gironne, which they took, having routed a body of country militia, that came to relieve it, and made the garrison prisoners of war.

Whilst the French were busy on this side, the Spaniards thought to improve this opportunity by retaking Ofsalric, which they actually besieged, and had carried their point so far, that the Governor was upon articles of surrender, and hostages were already exchanged; but, the Spaniards insisting, that the Miquelets should be made prisoners of war, the Governor in the mean time had notice, that Noailles was marching to his relief; whereupon he redemanded his hostages, and refused to stand to the articles, so that the siege was immediately raised.

Frustrated with these successes, the French threatened no less than the besieging of Barcelona, the Capital of Catalonia, and the only fortified town of that province in the hands of the Spaniards. The Court of Madrid felt their weakness, and saw their danger so visibly, that they were forced to implore the protection of the English fleet. The French had carried the best part of their naval force into the Mediterranean, and had resolved to attack Barcelona both by sea and land, at the same time; and, upon their success there, to have gone round Spain, destroying the coast every where. All this was intended to force the Spaniards to accept the offers, which the French were willing to give them. But, to prevent this, Admiral Russel was ordered to sail into the Mediterranean with a fleet of threecore great ships. He was so long stopped in his voyage by contrary winds, that the French, if they had pursued their advantages, might have finished the conquest of Catalonia. But, as they were resolved not to hazard their fleet, it was brought back to Toulon, long before Admiral Russel could get into the Mediterranean, which was now intirely left to him. However, it was thought, that the French intended to make a second attempt in the end of the year, as soon as he should sail back to England.

The French King's letter to his army.

Huy taken. Kennet. Burnet.

In Catalonia.

Palamos taken.

Gironne surrenders.

Ofsalric taken.

and Folet.

The French besieged Barcelona.

comes with a fleet into the Mediterranean. Burnet.

1694. land; for which reason it was proposed, that he might lie at *Cadiz* all the winter. This was an affair of such importance, that it was long and much debated, before it was resolved on. It was thought a dangerous thing to expose the best part of our fleet, so much as it must be, while it lay at so great a distance from us, that convoys of stores and provisions might easily be intercepted. And indeed the ships were so low in their provisions, when they came back to *Cadiz* (the vessels that were ordered to carry them, having been stopped four months, in the channel by contrary winds) that our fleet had not then above a fortnight's victuals on board. Yet, when the whole matter was thoroughly canvassed, it was agreed, that our ships might both lie safe, and be well careened at *Cadiz*. Nor was the difference in the expence, between their lying there and in our own ports, considerable. By their lying there, the *French* were shut up in the *Mediterranean*; so that the ocean and their coasts were left open to us. They were in effect shut up within *Toulon*; for they, having no other port in those seas but that, resolved not to venture abroad; so that now we were masters of the seas every where. These considerations determined the King to send orders to Admiral *Ruffel*, to lie all the winter at *Cadiz*; which produced very good effects. The *Venetians* and the Grand Duke of *Tuscany* had not thought fit to own the King till then. A great fleet of stores and ammunition, with all other provisions for the next campaign, came safe to *Cadiz*; and some clean men of war were sent out in exchange for others, which were ordered home (1).

In Pied-
mont.

Little was done in *Piedmont* this summer: For though the Duke of *Savoy* openly rejected the proposals made to him from *France*, after his defeat at *Marsaglia*, yet a secret negotiation was carried on, which rendered him very unactive, and the *French* careless on that side. And when it was expected that the Confederate army would form the siege of *Casale* (the success of which enterprize was as little doubted of) they contented themselves with the taking the fort of *St George*, whereby that place was more closely blocked up. Neither is it worth the while to mention either the small successes of the *Vaudois* in the valley of *Pragelas*; their rout-

ing of some *Irish* detachments sent against them in the valley of *St Martin*; or their faint irruption into *Dauphiné* as far as *Briançon*.

The Imperialists, headed by Prince *Lewis* of *Baden*, lying incamped near *Hailbron*, Marshal *de Lorge*, with the *French* army under his command, adventured to pass the *Rhine*, and to march towards them in order of battle. The Prince, believing the enemy had a mind to fight, went on to meet them. But, the *French* finding him so resolute, retreated towards *Wiselock*, passed the *Neckar*, burnt the town of *Laudenburg*, and ruined the flat country. This so incensed the Prince of *Baden*, that, though he was not yet reinforced by the *Saxons*, he advanced to *Wiselock*, an advantageous post, of which he possessed himself, after a sharp encounter with the enemy, wherein the *French* lost three hundred men, and the *Germans* about half that number. Upon this *de Lorge* repassed the *Rhine*, and for some time the two armies only observed one another. At length the Prince of *Baden*, impatient of action, crossed the *Rhine* in his turn; of which the *French* General was no sooner informed, but he marched towards *Landau*. On the other hand, the Prince advanced and made himself master of several small places, and of all the passes as far as *Croon Welfemburg*; and it was confidently expected that now the *Germans* would either force the *French* to a battle, or secure winter-quarters on that side the *Rhine*. But neither of these happened; for in a few days the Imperialists repassed the *Rhine*, bringing away with them fourteen thousand head of cattle; and having destroyed a great quantity of forage in the country, and some magazines of the *French*; which put an end to the campaign in *Germany*.

The campaign ended every where to the advantage of the Confederates, though no signal successes had happened to their arms. At the conclusion of it, the Court of *France* flattered their people with hopes of a speedy end of the war. And some men of great consideration were sent to try, what terms they could bring the Empire or the States-General to. But the *French* were yet far from offering conditions, upon which a just or a safe peace could be treated of (2). The States sent some persons as far as *Moesbricht*, to see what pow-

Attempts
for a
peace.
Burnet.

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(1) While the fleet lay at *Cadiz*, Captain *Killgrew* was sent out with six men of war to execute certain orders, and meeting by the way with two stout *French* men of war called the *Trident* and the *Content*, they were both taken, but *Killgrew* lost his life in the engagement. *Burchet*, 816.

(2) In this year, 1694, was published a piece intitled, *Reflections upon the conditions of peace offered by France; and the means to be employed for procuring of better*. The author begins with observing, that 'since persons, who are possessed with too great opinion of the power of *France*, and are ignorant of the reasons that oblige that Crown to wish to see an end of the war, might be apt to imagine, that the conditions of peace, which were proposed in *Sweden* by the Count d'*Avaux*, ought not to have been so disdainfully rejected, it might not be amiss to shew, how captious and unjust those conditions were, and how necessary it was to look upon them as a snare, which we ought to be very cautious of falling into; since it was certain, that they would have left *France* in a condition to break the treaty, which it would make with the Allies, upon the first favourable occasion, that should present itself; and it could

not be doubted, but that our enemies would be ready to renew the war, after the term of some few years, and to push on their arms with so much the more fury, as they should then find fewer obstacles to their designs; if they were not reduced to such restitution, as should give us security, that they would not dare again to violate their words.' He then demonstrates from a series of facts the unmeasurable ambition of *France*; and shews the necessity of humbling that kingdom. He remarks, that no security had been offered by it to the Allies; and that it was the interest of *England* and *Holland* to re-establish a good barrier in *Flanders* and *Brabant*. 'It is a truth, says he, of which none can doubt, that the conquest of the *Low-Countries* would put *France* into a condition of giving laws to all *Europe*; and it is another truth, that is no less evident, that nothing can hinder the *French* from making this conquest upon the first occasion, if we accept of the conditions of peace, which they now offer us. The greatest of our interests then is here concerned, lest *France* being in possession of the ports of the *Spanish Netherlands*, and keeping the *Hollanders* in slavery, or at least in an indispensable necessity of re-

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1694. ers those sent from *France* had brought with them, before they would grant the passports, that they desired. And when they saw how limited these were, the negotiation was soon at an end; or rather, it never began. When the *French* saw this, they disowned their having sent any on such an errand, and pretended, that this was only an artifice of the Confederates to keep one another and their people in heart, by making them believe, that they had now only a small remnant of the war before them, since the *French* had instruments every where at work, to solicit peace.

During the King's absence there was little remarkable in *England*, but the eminent prudence of the Queen in preserving the peace of the nation; though the Jacobites were industrious and implacable in their plots against the Government. Colonel *Parker* had been committed to the *Tower* for high-treason, and a bill of indictment was found against him in *Trinity Term*; but on *Saturday, August the 11th*, by a stratagem he made his escape in the night, and fled from justice; and though there was a proclamation for the discovering and apprehending of him, with a reward of four hundred pounds for

1694.
The Queen's great prudence.
Kennet.

'maining in a good union with that Crown, the *French* would become absolute masters of our commerce; left they should oppress *Germany, Spain, and Italy*; whilst we being shut up in our island, and out of all communication with the continent, should be spectators of that Revolution, without being able to hinder it. It is visible therefore, that the safety of *England* depends upon the preservation of the *Low-Countries*. But what shall we say of the glory of the nation? It is certain, that, if we procure an advantageous peace for the Allies, by continuing the war with the same vigour, that we have shewn hitherto, *England* will have the honour of having saved *Europe* from chains, and will remain the arbiter of its destiny.

'It is the general interest of all *Christendom* to settle the house of *Austria* in a sort of equality with *France*. This equilibrium is necessary for the security of the People, and even for that of the Sovereigns too. But it is the particular interest of *England* to re-establish this equality, that she may have the balance in her hand, and turn it to which side she pleases. This is the only means we can make use of, not only to maintain the Empire of the sea, which we have regained the possession of in so glorious a manner, but even to enable us to decide the success of wars, and the conditions of treaties for the future. The nation begins already to recover in *Europe* the rank which she ought to hold. Our fleets are mistresses of the two seas; the security of our commerce is perfectly re-established; we have seen the *French* reduced to a necessity of letting their maritime towns in the ocean be burnt, while their fleet is shut up, and as it were imprisoned in part of the *Mediterranean*, to avoid the being attacked by ours. We have begun to stop the progress of their arms in the *Low-Countries*; and the taking of *Huy* is not of so little importance, but that it opens a way to greater conquests, in giving us an opportunity to draw off a great part of our garisons from *Liege* and *Maastricht*. Besides, we may without flattery say, that we have a numerous army upon the *Rhine*, and may expect great things from that Prince that commands it. The Duke of *Savoy* will be able to make a more considerable diversion on that side, than he hath hitherto done, because he will act in concert with our fleet. And it is to be hoped, that the *Turks*, discouraged by their losses, and being convinced that *France* will sacrifice them, will at length, by making an accommodation with the Emperor, prevent the danger they would be in, if they should be the last in making a peace. Add to all this, the extremity to which *France* finds herself now reduced: They are forced to abandon to us the two seas; they are under an impossibility of augmenting their forces by land; their commerce is absolutely ruined; their subjects discontented, and their troops ill paid. In a word, if the Allies will but make the best of this conjuncture, it seems the most certain, that they must quickly obtain reasonable conditions of peace, and that *Europe* may thereby enjoy a solid and durable repose.'

About the same time was published likewise another

piece intitled, *The Englishman's choice and true interest in a vigorous prosecution of the war against France, and serving King William and Queen Mary, and acknowledging their right*. The Author begins with animadverting upon those, who murmured against the taxes and the war; and complains, that the King had been too good to his enemies, whose false pretences in opposing his Majesty he exposes. He then considers the state of the war, and observes, that there were some, who represented, that our navy might guard our coasts against invasions; or our militia, and other forces at home, might be enough to preserve us, if the enemies land. But these men, says he, cannot but own, that it is much better for *England* to be at charges in keeping the enemy at a distance, than to be the seat of war; and that if any one of those Allies, whom they undervalue, joined with *France*, it were such an accession to its power, as the *French* party here would be very glad of; nor is there any one of them, who would not in such a case be as much magnified by that party, as now they are lessened. But it is evident, that if the *French* should swallow *Flanders*, (which they had certainly done before now, if it had not been for the Confederacy) *Holland*, which has lately set us to good an example since the battle of *London*, must necessarily truckle, and their navy be at the command of *France*. And how could we expect a fleet able to secure us against both, when hitherto we and *Holland* in conjunction have done so little against the naval Force of *France*, excepting that memorable time, when Admiral *Ruffel* (whose victory was by some men held a crime) to his eternal honour and glory, so well maintained the reputation of the *English* nation. If *France* had no enemy but *England*, and were at liberty to employ against it all their armies in *Flanders*, upon the *Rhine*, in *Piedmont*, in *Catalonia*, and in their garisons, (which together amount to near four-hundred thousand men) while so many here shew themselves ready to declare for them; what could *England* hope for, but to be a field of blood? And how could we think, that the *French* swords would be sheathed, while there were one Protestant remaining? Nay, when we consider, how barbarously they use the people, whom they subdue, though of their own religion, without regard to religious houses or churches, or the sepulchres of Princes, we may believe that the *English* Papists would find little better quarter than others. They, who have had such fatal proofs of the *English* valour and enmity to them, would take care never more to be in fear of their ancient enemies; nor is it to be thought, that any thing less than our total extirpation would satisfy them.' The author then justifies the present settlement, exposes the absurd conduct of those Protestants, who were enemies to the Government; shews, that the Jacobites were more inexcusable than the Papists, and observes, that the former 'magnified the power of *France*, and the advantage of its way of Government to make war, or command peace, and mightily lessened and reproached the Confederates; and that chiefly under a popular mask of zeal against leagues with Popish Princes; which they, good men! are so far from, that they are

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1694. for so doing, yet he safely got to *France*, where his treasonable designs were first laid and undertaken (1).

The King returns to England. His Majesty having spent some months in his usual diversions at *Loo*, and then settled the publick foreign affairs at the *Hague*, embarked the 8th of *November* on the *William and Mary* yacht in the *Masfe*, being attended by a squadron of men of war under the command of the Lord Marquis of *Caermarthen*; and the next day landed at *Margate*. He lay that night at *Canterbury*, and was met by the Queen at *Rocheſter*. The day following he came to *Kensington*; and on *Monday* the 12th, the Parliament being met at *Westminster*, the King made the following speech to both Houses:

My Lords and Gentlemen,

The King's speech to the sixth Session of the Parliament. I Am glad to meet you here, when I can say our affairs are in a better posture both by sea and land, than when we parted last.

Pr. H. C. II. 445. The enemy has not been in a condition to oppose our fleet in these seas; and our sending so great a force into the *Mediterranean* has disappointed their designs, and leaves us a prospect of further success.

With respect to the war by land, I think I may say, that this year a stop has been put to the progress of the *French* arms.

Gentlemen of the House of Commons,

I have had so much experience of your good affection to me, and of your zeal for the public, that I cannot doubt of your assistance at this time. I do therefore earnestly recommend to you, to provide such supplies, as may enable me to prosecute the war with vigour;

for submitting to the worst of them without terms. They insinuate, continues he, as if *England* bears the charge of a needless war, to maintain the dominion of a foreign Prince; not considering, that the *Dutch* alone have in their pay one hundred and six thousand, five hundred, and forty men, besides their allowing twenty-five thousand gilders a month towards carrying on the war in *Piedmont*; and are so far from being discouraged by the late misfortunes from a vigorous prosecution of the war, that they have added fifteen thousand to their former land-forces, besides increasing their navy. And it is a known maxim that the preservation of *Flanders* is more for the interest of *England* than of *Spain*. If *Flanders* be an accession to *France*, *Holland* must soon follow, and *England* next. The importance of *Flanders* is sufficiently confessed by these Gentlemen, when they would have others believe there is a necessity of our truckling to *France*, upon the taking of a town or two. And yet they are for giving it all up. But any man, who has seen the noble towns and large country yet remaining, would think it very well worth the preserving. Antwerp itself, if it were in the *French* hands, would command the trade of *Christendom*. He next refutes the insinuations of the *Jacobites* against the *French* Protestants in *England*, and against the *Dutch*; and takes notice of their insolence towards the King; whom they represented as no friend to the *English* nation.

(1) He had been seized on account of the *Lancashire* plot, and knew so much of the designs of the conspirators, that they were very busy to get him out of prison, being looked upon as the most daring and desperate, as well as the most active and bloody of all

which is the only means to procure peace to *Christendom*, with the safety and honour of *England*.

I must likewise put you in mind, that the act of tonnage and poundage expires at *Christmas*; and I hope you will think fit to continue that revenue to the Crown; which is the more necessary at this time, in regard the several branches of the revenue are under great anticipations for extraordinary expences of the war, and subject to many demands upon other accounts.

I cannot but mention to you again the debt for the transport-ships employed in the reducing of *Ireland*, which is a case of compassion, and deserves relief.

My Lords and Gentlemen,

I should be glad you would take into your consideration the preparing some good bill for the encouragement of our seamen. You cannot but be sensible, how much a law of this nature would tend to the advancement of trade, and of the naval strength of the Kingdom; which is our great interest, and ought to be our principal care.

The Parliament was opened with a calmer face than had appeared in any Session during this reign. The supplies that were demanded, amounting to almost five millions, were all readily granted (2). An ill humour indeed appeared in some, who opposed the funds, that would most easily and most certainly raise the money that was given, upon this pretence, that such taxes would grow to be a general excise; and that the more easily money was raised, it would be the more easy to continue such duties to a longer period, if not for ever; the truth was,

their agents. While he was in the *Tower*, a person came to him and told him, 'he had brought him liberty, but he must have two hundred pounds.' *Parker* replied, 'You shall have three hundred pounds.' And accordingly he had it, as he told *Goodman*; and by this man's means he got out of the *Tower* in the night, and from thence to *France*. *Oldm.* p. 94.

(2) For the navy, 2,382,712 l.

For the army, 2,382,000 l.

For the raising these sums:

1. The subsidy of tonnage and poundage, that was granted to King *Charles II.* for life, was now continued for five years.

2. A land-tax of 4s. in the pound.

3. Certain rates and duties upon marriages, births, and burials, and upon bachelors and widows, for five years.

The burial of every person 4s. and over and above for a Duke or Dukes 50 l. Marquis 40 l. and so descending gradually through all degrees.

Every child 2s. and over and above for a Duke's child 30 l. and so on through all degrees, as in the burials.

Every marriage 2s. 6d. but every Duke over and above 50 l. &c.

Every bachelor above twenty-five years of age, and widow, 1s. a year, but every Duke over and above 12 l. 10s. &c.

4. An act for additional duties upon coffee, tea, and chocolate, towards paying the Debts due for transport-service, for the reduction of *Ireland*.

5. An act for certain duties upon glass-ware, stone and earthen bottles, coal and culm.

(1) B. shop

1697. was, the secret enemies of the Government proposed such funds, as would be the heaviest to the people, and would not fully answer what they were estimated at; that so the nation might be uneasy under that load, and that a constant deficiency might bring on such a debt, that the Government could not discharge but must sink under it.

With the supply-bills, as the price or bargain for them, the bill for the frequent meeting and calling of Parliaments went on. It was prepared by order of the Commons, and brought in by Mr *Harley* on the 22d of *November*, and, in a few days passing the House, was sent up to the Lords, who gave it their concurrence without any amendment. Four days after, on the 22d of *December*, the King gave it the Royal assent. It enacted, that a new Parliament should be called every third year, and that the present Parliament should be dissolved before the 1st of *January* 1695-6. This act was received with great joy, many fancying that all the other laws and liberties were now the more secure, since this was passed into a law. Men, that intended to sell their own votes without doors, spared no cost to buy to votes of others in elections. But now it was hoped that men's characters and reputations would be the prevailing considerations in the choice of Members of Parliament, and that our Constitution, particularly that part of it relating to the House of Commons, would recover its strength and reputation; which was now much sunk; for corruption was so generally spread, that it was believed every thing was carried by that method. But time, and the many additional acts made upon this head, have plainly shewn how vain were these hopes, and how difficult it is to put an end to the corrupt practices which obstruct the freedom of elections.

The very day this bill was brought in died Dr *John Tillotson*, Archbishop of *Canterbury*. He was taken with a fit of the dead palsy, while he was in the chapel at *Whitehall* on a *Sunday*. He felt it coming on him, but, not thinking it decent to interrupt the divine service, he neglected it so long, that all remedies were ineffectual; and he died the fifth day after he was seized, on the 22d of *November*. His distemper did so oppress him, and speaking was so uneasy to him, that though it appeared, by signs and other indications, that his understanding remained long clear, yet he was not able to express himself to others. He seemed still serene and calm, and in broken words said, He thanked God he was quiet within, and had nothing then to do, but to wait for the will of heaven. His body was buried, at his own desire, in the Church of *St Lawrence-Jury* in *London*, where he had been the *Tuesday* Lecturer many years (1). He was a man of excellent judgment and temper. He had a clear head, with a most tender and compassionate heart. He was a faithful and zealous friend, but a gentle and soon conquered enemy. He was truly and seriously religious,

but without affectation, bigotry or superstition. His notions of morality were fine and sublime. His thread of reasoning was easy, clear, and solid. He was not only the best Preacher of the age, but seemed to have brought preaching to perfection. His sermons were so well heard and liked, and so much read, that all the nation proposed him as a pattern, and studied to copy after him. His parts remained with him clear and unclouded; but the perpetual flanders, and other ill usage he had been followed with, for many years, most particularly since his advancement to that great post, gave him too much trouble and too deep a concern: It could neither provoke him, nor fright him from his duty; but it affected his mind so much that this was thought to have shortened his Days.

Both King and Queen were much affected with *Tillotson's* death. The Queen for many days spoke of him in the tenderest manner, and not without tears. He died so poor, that, if the King had not forgiven his first-fruits, his debts could not have been paid: So generous and charitable was he in a post, out of which *Sanicroft* had raised an estate, which he left to his family (2). Among the Prelates that were talked of to succeed him, *Stillingfleet* Bishop of *Worcester*, was one. The Queen was inclined to him, and spoke more than once to the Duke of *Shrovesbury* on that subject, and also pressed the King earnestly for him. But the Whigs did generally apprehend, that both his notions and temper were too high; so the person most approved of by the Ministry, as well as universally well liked by the people, was Dr *Tennison* Bishop of *Lincoln*, who for serving the cure of *St Martin's* in the worst time, with so much courage and discretion, had now many friends, and no enemies. Accordingly he was translated to the See of *Canterbury* on *Jan. 10, 1694-5*, and had the privilege of recommending Dr *James Gardiner* to the See of *Lincoln*, which he had resigned.

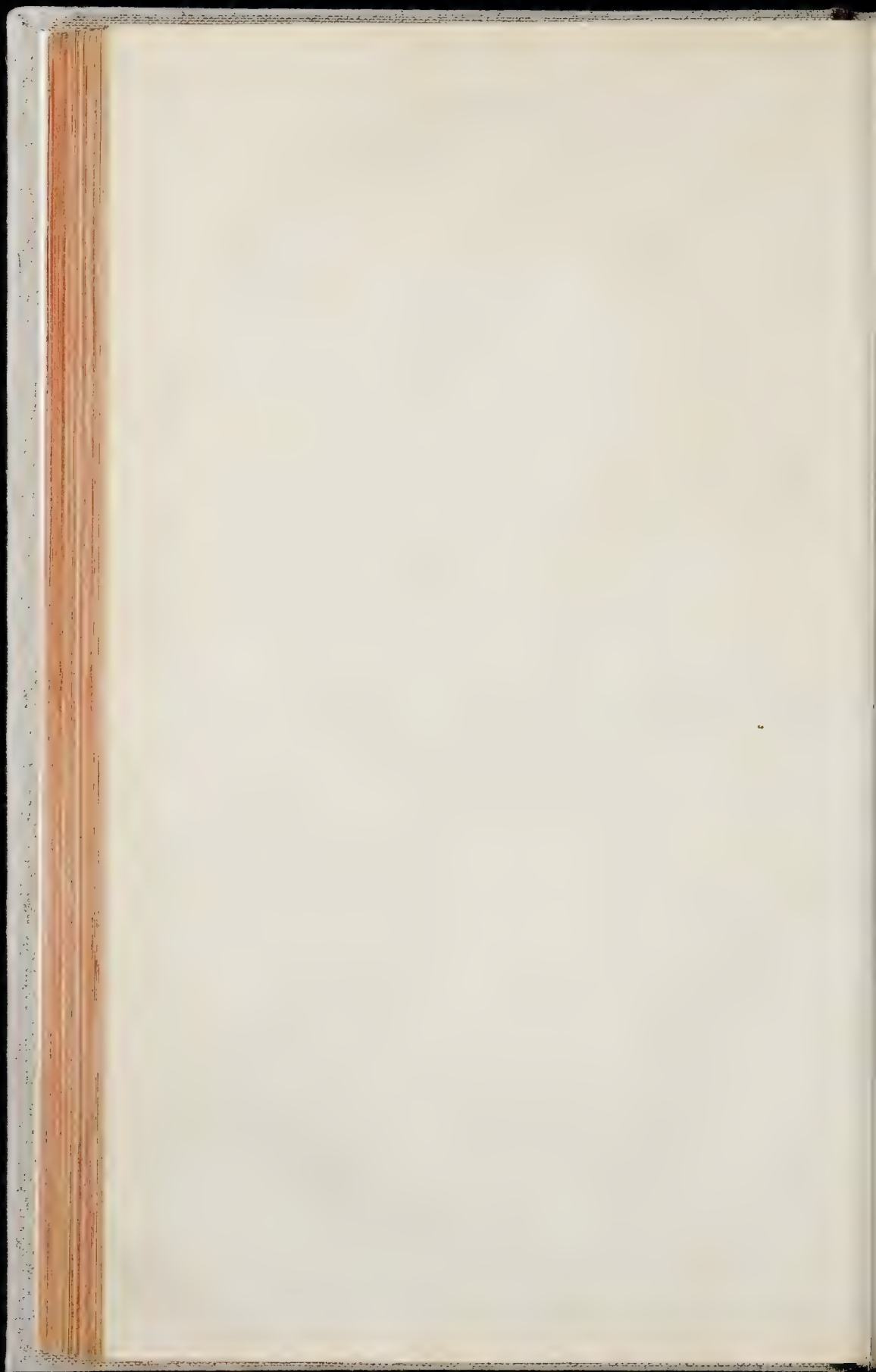
About a month after *Tillotson's* death, the Queen was taken ill, but the next day her illness seemed to go off. The day following she went abroad; but her illness returned so heavily on her, that she could disguise it no longer. She shut herself up in her closet that night some hours, and, burning many papers, put the rest in order. After that, she used some slight remedies, thinking it was only a transient indisposition; but it increased upon her, and within two days after, the small-pox (which then raged about *London*) appeared with very bad symptoms. It is said, the Physician's part was universally condemned, and that her death was imputed to the negligence or unskilfulness of Dr *Ratcliffe*. He was called for; and it appeared, but too evidently, that his opinion was chiefly considered, and most depended on. Other Physicians were afterwards called; but not 'till it was too late. The King was struck with this beyond-expectation. On the second day of her illness he passed the

(1) *Bishop Burnet* preord his funeral sermon to a crowd, and such, which, as he says himself, he gave him a character which was to severely try, that perhaps he kept too much within bounds, and said less than he deserved.

(2) The Queen settled 300*l.* a year upon his widow.

which had been provided for her, that the money was raised by the sale of the copy of *Tillotson's* Sermons, published by Dr *Barker*, amounting to 1500*l.* (the largest sum that had till then been given for a copy) was the greatest part of what was left.





1694. the bill for frequent Parliaments, which if he had not done that day, it is very probable he would never have passed it. Never was such a face of universal sorrow seen in a court, or in a town, as at this time: All people, men and women, young and old, could scarce refrain from tears: On *Christmas* day, the small-pox funk so intirely, and the Queen felt herself so well upon it, that it was for a while concluded she had the measles, and that the danger was over. This hope was ill grounded, and of a short continuance: For, before night, all was sadly changed. It appeared, that the small-pox were now so funk, that there was no hope of raising them. The new Archbishop attended on her; he performed all devotions, and had much private discourse with her: When the desperate condition she was in was evident beyond doubt, he told the King, He could not do his duty faithfully, unless he acquainted her with the danger she was in: The King approved of it, and said, whatever effect it might have, he would not have her deceived in so important a matter. And, as the Archbishop was preparing the Queen, with some address, not to surprize her too much with such tidings, she presently apprehended his drift, but shewed no fear nor disorder upon it. She said, she thanked God she had always carried this in her mind, that nothing was to be left to the last hour; she had nothing then to do, but to look up to God, and submit to his will; it went further indeed than submission; for she seemed to desire death, rather than life; and she conti-

nued to the last minute of her life in that calm and resigned state. She had formerly wrote her mind, in many particulars, to the King: And she gave order, to look carefully for a small scrutoir that she made use of, and to deliver it to the King: And, having dispatched that, she avoided the giving herself or him the tenderness, which a final parting might have raised in them both.

The day before she died she received the Sacrament, all the Bishops who were attending being admitted to receive it with her. When this was over, she composed herself solemnly to die; she slumbered sometimes, but said, she was not refreshed by it; she tried once or twice to have said somewhat to the King, but was not able to go through with it. Several cordials were given, but all was ineffectual; she lay silent for some hours: And some words, that came from her, shewed her thoughts began to break. In conclusion, she died the 28th of *December*, about one in the morning, in the thirty-third year of her age, and sixth of her reign.

She was the most universally lamented Princess, and deserved the best to be so, of any in our age or in our history. Bishop *Burnet* has written an essay on her character, in which he affirms nothing is said, but what he knew to be strictly true, without the enlargement of figure or rhetoric (1).

The King's affliction for her death was as great as it was just; it was greater than those, who knew him best, thought his temper capable of.

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(1) Her character is also drawn by Mr *Boyer*, in the following manner:

Her person was tall and well proportioned; her shape, while Princess of *Orange*, easy and genteel; her complexion light brown; her visage oval, her eyes quick and lively, and the rest of her features regular. Her stately port and native air of greatness commanded respect from the most confident; but her sweet and graceful countenance tempered the awfulness of Majesty, and her affable temper encouraged the most timorous to approach her.

Her apprehension was clear and ready; her memory exact; and her judgment steady and solid: Her soul free from all the weaknesses of her own sex, and endowed with the courage and strength, that seem peculiar to ours. She was neither elated with prosperity, nor dejected by adversity; and it remains undecided, whether she bore with more temper the smiles or the frowns of fortune!

When the necessity of affairs called the King out of his dominions, she alone was sensible of his absence, which she fully supplied to these three Kingdoms by her wife and prudent administration. While he went abroad as the arbiter of *Europe*, to wage a just war, she staid at home to maintain peace and administer justice. He was to oppose and conquer enemies; she to maintain and gain friends. In all this there was a union of their thoughts, and a concurrence in the same ends, the safety of *Europe*, the support of the Protestant religion, and the honour and prosperity of *England*. An eagerness of command was so far below her, that never was so great a capacity for Government joined with so little appetite to it; or an authority so unwillingly assumed, so modestly managed, and so cheerfully laid down. It was easy for her to reward, for all sorts of bounty flowed readily from her; but it was much harder for her to punish, except when the nature of the crime made mercy become a cruelty, for then she was inexorable.

She had the most active zeal for the public, and the most constant desire of doing good, joined with such unaffected humility, that the secret flatteries of vanity.

ty, or self-love, had no power over her. For, when due acknowledgements were made, or decent things said upon occasions, that well deserved them, these seemed scarce to be heard, and she presently turned off the discourse to other subjects.

Her piety and virtue were real and unaffected; and the vivacity and sweetness of her temper and conversation softened all those disagreeable ideas, which the world is too willing to entertain of the severities of virtue, and of the strictness of true religion.

She was not content with being devout herself, but she infused piety into all, who came near her; especially those, whom she took into her more immediate care, and whom she studied to form with the tenderness and watchfulness of a mother. She charmed them with her instructions, as she overcame them with her kindness. Never was mistress both feared and loved so entirely as she was. She scattered books of instruction round about her, that such as waited might not be condemned to idleness, but might entertain themselves usefully, while they were in their turns of attendance.

She had a sublime idea of the Christian religion in general, and a particular affection to the Church of *England*; but an affection, that was neither blind nor partial. She had a true regard to piety wherever she saw it, in what form or party soever. Her education and judgment led her to the national communion; but her charity was extended to all. She longed to see all Protestants, both at home and abroad, in a close and brotherly conjunction; and few things ever grieved her more, than that the prospect of so desired a union vanished out of sight.

Access to her was never obstructed by self-interested supercilious domestics. She made those her favourites, who made the distressed theirs. She wondered, that the true pleasure, which accompanied doing good, did not engage Princes to pursue it more effectually. Without this she thought, that a private life was the happier as well as the safer state. When reflections were once made before her of the sharpness of some Historians who had left heavy imputations on the memory of some Princes, she answered, 'That, if those Princes

1694. When she died, his spirits sunk so low, that there was reason to apprehend, that he was following her; for some weeks after he was so little master of himself, that he was not capable of minding business, or of seeing company.

There are two things that seem to cast some reflection on the memory of Queen Mary; her behaviour, when she first came to *Whiteball*, after her father's abdication; and her lasting quarrel with her sister, the Princess of Denmark. The Queen arrived in England the very night before the throne was filled, and appeared so very cheerful and gay, as if she had not the least concern for what had happened to her Father. When she came to her own apartment at *Whiteball* (says the Duchess of Marlborough, who was then waiting on her) she ran about it, looking into every closet and conveniency, and turning up the quilts upon the bed, as people do when come into an inn, and with no other sort of concern in her appearance but such as they express; a behaviour, which, though at that time the Duchess was extremely carested by her, she thought very strange and unbecoming. For whatever necessity there was of deposing King James, he was still her father, who had been so lately driven from that chamber and that bed; and therefore, if she felt no tenderness, she should (as the Duchess observes) at least have looked grave, or even pensively sad, at so melancholy a reverse of his fortune. But Bishop Burnet's account of this incident entirely clears the Queen from the charge of indecency, and want of tenderness on so moving an occasion. It had, it seems, been given out, that she was not well pleased with the late transactions, both with relation to her Father and the present settlement. Upon which the Prince wrote to her, that it was necessary she should appear, at first, so cheerful, that no body might be discouraged

Conduct of
the Du-
chess of
Marl-
borough
p. 25.

Burnet.
I. 826.

by her looks, or to be led to apprehend that she was uneasy by reason of what had been done. This made her put on a great air of gaiety, when she came to *Whiteball*, and, as may be imagined, had great crowds of all sorts coming to wait upon her. The Bishop owns, he was one of those who censured her in his thoughts. He was of opinion, that a little more seriousness had done as well, when she came into her Father's palace, and was to be set on her Father's throne the next day. He had never seen the least indecency in any part of her deportment before, which made this appear so extraordinary, that some days after he took the liberty to ask her, how it came, that what she saw so sad a revolution, as to her Father's person, made not a greater impression upon her? She took this freedom with her usual goodness, and assured him, that she felt the sense of it very lively upon her thoughts. But she told him, that the letters which had been sent her, had obliged her to put on a cheerfulness, in which she might, perhaps, go too far, because she was obeying directions, and acting a part, which was not very natural to her.

As to the breach between the Queen and her sister, the Bishop says, it cannot be mentioned without some reflections on her memory, and he owns himself much troubled to see her carry it so far. Doubtless the Queen imagined, the Princess was in the wrong to seek after a Parliamentary provision, without any previous application to her or the King, and afterwards to refuse to dismiss from her service the Lady Marlborough (when the Earl her husband was in disgrace) though earnestly desired, nay, ordered by their Majesties so to do; and therefore she might think the Princess had injured her in not submitting to her will. However this be, the Queen saw her not in her last illness.

‘were such, as the Historians represented them, they had well deserved that treatment; and others, who tread their steps, might look for the same; for truth would be told at last.’ Her charity was not confined to her own subjects, but extended in a most particular manner to multitudes of French exiles, whom the persecution sent hither. The scattered *Vaudois* had a share in her bounty; and, when by the King's intercession restored to their valleys, they were enabled by the Queen to transmit their faith to their posterity. She likewise took care of preserving the poor remnants of the *Bohemian* churches, and formed nurseries of religion in some parts of Germany, which were exhausted by war. And the last great project, that her thoughts were working on, with relation to a Noble and Royal provision for disabled seamen at *Greenwich*, was particularly designed to be so constituted, as to put them in a probable way of ending their days in the fear of God.

She was a perfect example of conjugal love, chastity, and obedience. She set her husband's will before her as the rule of her life. Her admiration of him made her submission not only easy, but delightful. And it is remarkable, that when Dr *Tennison*, named to be archbishop of *Canterbury*, went to comfort the King, his Majesty answered, ‘That he could not but grieve, since he had lost a wife, who in seventeen years had never been guilty of an indiscretion.’

The openness of her behaviour was subject to universal observation, but it was under that regularity of conduct, that those, who knew her best, and saw her oftenest, could never discover her thoughts further, than as she herself had a mind to reveal them; and this she managed so, that no distrust was shewn in it, nor distaste given by it.

She maintained sincerity so entirely, that she never once needed explanations to justify either her words or actions. As she would not deceive others, so she avoided the saying of any thing, that might give them occasion to deceive themselves. And, when she did not intend to promise, she took care to explain her meaning so critically, that no fruitless hopes might be conceived from general words of favour.

Her age and her rank had denied her opportunities for much study; yet she had read the best books in English, French, and Dutch, the three languages, that were almost equally familiar to her. She gave the most of her retired hours to the reading of the Scriptures, and of books relating to them. Next to the best subjects, she bestowed most of her time on books of history especially of the latter ages, and particularly of her own kingdoms, as being the most proper to give her useful instructions. She had a great relish, as well as a great love, for poetry, but loved it best, when it was conversant about divine and moral subjects; and she would often express her concern for the defilement of the English stage.

She had no relish for those indolent diversions, which are too common consumers of most people's time, and which make as great wastes on their minds, as they do on their fortunes. If she used them sometimes, it was only in compliance with forms, because she was unwilling to seem to censure others with too harsh a severity. She gave her minutes of leisure with the greatest delight to architecture and gardening. She had no other inclination, besides this, to any diversions, that were expensive; and, since this employed many hands, she was pleased to say, *That she hoped it would*

be

1694. nefs. For though the Princefs, upon news of the Queen's indisposition, sent a Lady of her bed-chamber, to desire that she might be allowed to wait on her Majesty, she received for answer the next day, in a letter to the Lady that brought the message, that the King and Queen thanked her for sending and desiring to come: but, it being thought so necessary to keep the Queen as quiet as possible, hoped she would defer it. This deferring the Princefs's coming, (says the Duchess of Marlborough) was only to leave room for continuing the quarrel, in case the Queen should chance to recover, or for reconciliation with the King (if that should be thought convenient) in case of the Queen's death. By this delay, the two sisters never met; though, (as Bishop Burnet says) the Queen, when dying, sent a reconciling message to the Princefs. Be that as it will, upon the death of the Queen, the Princefs, by advice of the Lord Sunderland and others, wrote the following letter to the King:

Conduct of the Duchess of Marl.
p. 106.

Burnet.
II. 149.

The King and the Princefs Anne reconciled.
Burnet.
Conduct of the Duchess of Marl.

S I R,

' I beg your Majesty's favourable acceptance of my sincere and hearty sorrow for your great affliction in the loss of the Queen. And I do assure your Majesty, I am as sensibly touched with this sad misfortune, as if I had never been so unhappy, as to have fallen into her displeasure.

' It is my earnest desire, your Majesty would give me leave to wait upon you, as soon as it can be without inconvenience to you, and without danger of increasing your affliction, that I may have an opportunity myself, not

only of repeating this, but of assuring your Majesty of my real intentions to omit no occasion of giving you constant proofs of my sincere respect and concern for your Person and Interest, as becomes,

S I R,

Your MAJESTY'S

most affectionate Sister,

and Servant,

A N N E.

The King, thinking a reconciliation expedient, now that the Princefs was become the next heir to the Crown by the act of settlement, consented that she should wait upon him at Kensington at a time he appointed, where she was received with extraordinary civility. The person, who managed entirely the affair between the King and the Princefs, was the Lord Sunderland. He had, before there was any thought of the Queen's dying, designed to use his utmost endeavours to make up the breach. He also persuaded his Majesty to give the Princefs St James's house, to which the King added, by way of present, most of the Queen's jewels.

But, notwithstanding these and some other favours, the good correspondence, that appeared between the King and Princefs, was little more than an appearance. They lived indeed in terms of civility, and in formal visits; but the King did not bring her into any share of business; nor did he order his Ministers to wait on her, and give her any account of affairs.

be forgiven her. When her eyes were endangered by reading too much, and in all those hours, that were not given to better employments, she wrought with her own hands, and that sometimes with so constant a diligence, as if she had been to get her livelihood by it. It was a new sight (and such a one as was made by some, the subject of raillery) to see a Queen work so many hours a day. But she used to say, ' That she looked on idleness as the great corrupter of human nature: That, if the mind had no employment given it, it would create some of the worst sort to itself.' Her example soon wrought on, not only those, who belonged to her, but the whole Kingdom to follow it; so that it was become as much the fashion among the ladies of quality to work, as it had been formerly to be idle.

She thought it a barbarous diversion, which resulted from the misfortunes, imperfections, or follies of others; and she scarce ever expressed a more entire satisfaction in a sermon, than in that of Archbishop Tillotson against Evil-speaking. When she thought some were guilty of it, she would ask them, *If they had read that sermon?* Which was understood to be a reprimand, though in the softest manner. She had indeed one of the blessings of virtue, that does not always accompany it; for she was as free from censures, as she was from deserving them.

In those steps of her later years, which, at first appearance, seemed capable of hard construction, she weighed the reasons, which she went upon, with great caution and exactness. Her inclinations lay strong to a duty, that nature had put her under; but she was determined to accept the Crown, because she was persuaded, that there was no other visible means left to preserve the Protestant religion, not only here, but every where else. And, when the famous battle of the Boyne was fought, her concern was equally divided between a Father and an Husband.

She received the intimations of approaching death with an entire resignation to the will of God; and, when in the closest struggle with that King of terrors, she preserved a perfect tranquillity. The melancholy sighs of all, who came near her, could not discompose her. She then declared, ' That she felt the joys of a good conscience, and the power of religion, giving her supports, which even the last agonies could not shake.' She received the Sacrament with a devotion, that inflamed as well as melted all, who saw it; and then quietly concluded a life, that had been led through a great variety of accidents with a constant equality of temper. To sum up all, she was a tender Wife, a kind Friend, a gentle Mistress, a gracious Queen, a good Christian, and one of the best of women.

T H E
HISTORY of *ENGLAND*.

B O O K XXV.

S E C T. II.

From the Death of Queen MARY, to the End of the Reign of
King WILLIAM, in 1701-2.

28. WILLIAM III. Alone.

1694.
Address
on the
Queen's
death.

UPON the Queen's death, the two Houses set an example, that was followed by the whole nation, of making consolatory and dutiful addresses to the King. The Lords led the way, and on the 31st of December, went in a body to *Kensington*, and presented the following address :

The Lords
address.
Pr. H. L.
I 443

WE your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, do with inexpressible grief humbly assure your Majesty of the deep sense we have of the loss your Majesty and the whole Kingdom doth sustain by the death of that excellent Princess, our Sovereign Lady, the Queen ; most humbly beseeching your Majesty, that you would not indulge your grief upon this sad occasion, to the prejudice of the health of your Royal person, in whose preservation, not only the welfare of your own subjects, but of all *Christianity* is so much concerned. We further beg leave, upon this sad occasion, humbly to renew to your Majesty, the hearty and sincere assurances of our utmost assistance against all your enemies, both at home and abroad, and of all other demonstrations of the greatest duty and affection, that can possibly be paid by the most faithful subjects.

To this address his Majesty answered : *I heartily thank you for your kindness to me, but much more for the sense you shew of our great loss, which is above what I can express.*

(1) This sermon gave great offence to the dissenters, who were extremely incensed at the Queen for her conduct towards her Father ; and Dr *Thomas Kenn*, the deprived Bishop of *Bath* and *Wells*, wrote a letter to Dr *Tennison* dated *March* the 29th 1695, upon the occasion of his sermon, re-

proaching him particularly, for not calling upon her Majesty on her death-bed to repent of the share she had in the Revolution. And this was a topic insisted upon in another pamphlet, printed at that time ; to both which an answer was published in 1696, under the title of *A defence of the Archbishop's sermon on the death*

On the same day, the King was attended by the House of Commons, with the like address, which was soon followed by addresses, from the City and Clergy of *London* ; and from most of the considerable Corporations throughout *England*. He was also addressed by the Dissenting Ministers, who had lost in the Queen a true friend ; in respect of her hearty desire of uniting to the Church as many of the Protestant Dissenters, as could be brought into the scheme of a comprehension. For few things ever grieved her more, than that the prospect of so desired an union entirely vanished by the proceedings of the Convocation, in 1689.

The Queen having lain some time in state in her bed-chamber at *Whitehall*, her funeral was performed on the 5th day of *March*, with such magnificence, as expressed the great affection, the nation had for her. Not only her Majesty's household servants, but all the Judges, Serjeants at Law, Lord Mayor and Aldermen of the city of *London*, and, which raised that mournful pomp to the highest pitch of splendor, both Houses of Parliament attended the Royal corps from *Whitehall* to *Westminster-Abbey*, where Dr *Tennison*, Archbishop of *Canterbury*, preached her funeral sermon (1). This circumstance of the two Houses attending could never happen before, since death had always dissolved our Parliaments. It is true, the Earl of *Rocheester* tried, if he could have raised a doubt of the legality of this Parliament's continuance, since it was summoned by King *William* and Queen *Mary* ; alledging, that, upon her death, the writ, that ran in her name, seemed to die with her.

1694-5.

The
Queen's
funeral.
March 5.
Barnet.

her.

proaching him particularly, for not calling upon her Majesty on her death-bed to repent of the share she had in the Revolution. And this was a topic insisted upon in another pamphlet, printed at that time ; to both which an answer was published in 1696, under the title of *A defence of the Archbishop's sermon on the death*

1694-5. her. This would have had fatal consequences, if, in that season of the year, all things must have stood still, till a new Parliament could have been brought together. But the act, which put the administration entirely in the King, though the Queen had a share in the dignity of Sovereign, made this cavil appear to be so ill-grounded, that no body seconded so dangerous a suggestion.

Remarks on the bill for frequent Parliaments.
The passing the bill for the frequent meeting of Parliaments, before Queen Mary's death, and even before her being taken ill, was a very reasonable step in the King, since he thereby dispelled the jealousies, which not only his enemies, but also many of his friends began to entertain of the present Parliament; whereas, had he not given his assent to that act, till after the Queen's death, people had not failed to say, that it had been extorted from him by the necessity of his affairs.

Account of the Lancashire plot. Boyer. Burnet.
Towards the beginning of this Session of Parliament, the Popish Lancashire Gentlemen, instead of acknowledging the lenity of the present Government, endeavoured to represent the legal prosecution of some of their party as a state-trick, and the contrivance of some Courtiers to enrich themselves by the ruin of others; and submitted the whole matter to the examination of the House of Commons. It will be proper therefore to premise a brief account of their design to subvert the Government, and of the proceedings against them, in order that a right notion may be formed of the grounds of the clamour against those proceedings.

Lunt's depositions.
On the 15th of June 1694, Lunt, an Irishman, (who has already been mentioned) made his discovery, and deposed before Sir John Trenchard, Secretary of State: 'That he had followed the late King James into France, and thence into Ireland: That from Ireland he was sent into England, with commissions from that King to certain Gentlemen in Lancashire, Cheshire, &c. to raise war against King William and Queen Mary: That he and George Wilson, his guide, delivered those commissions to whom they were directed; whose names he mentioned in his narrative. That, at the instance and proper costs of those Gentlemen, to whom he had delivered commissions, he bought arms, and lifted and subsisted many for the service of the late King James, in order to an invasion and insurrection in that county. That he was twice sent by those Gentlemen into France to the late King, to signify their readiness, and receive his further commands; and that, when he was at London, besides his employment of buying arms, and lifting soldiers, he helped some Jacobites over into France, and secured others, who came from thence, who, all of them, told him, that

'generally Sir John Freind furnished money for those expeditions, and paid subsistence-money to them as soldiers.' This evidence was confirmed by the testimony of George Wilson, who guided and assisted Lunt in the delivery of King James's commissions, and by the depositions and affidavits of several persons, (some at a great distance from, and utter strangers to one another) all agreeing in the most material circumstances of the Lancashire conspiracy.

The Government being fully informed of the plot, warrants were issued out to seize the conspirators; and though, for the greater secrecy, the names of the offenders were not put into the warrant at the Secretary's office by those who drew the warrants, but were afterwards put in by the Secretaries themselves, yet, by some treacherous correspondence, the Lancashire Gentlemen had notice given them of all proceedings at London. Upon this they burnt their commissions, buried their arms and other warlike equipage, under-ground, and most of them fled from their habitations. However, through the extraordinary care and diligence of Captain Baker, and others employed in that service, some of the plotters were apprehended, and arms enough found to convince the world, that there was a treasonable design on foot against the Government. There was likewise found in Mr Standish's closet, at the search made at Standish-Hall, on the 16th of July 1694, the draught of a remonstrance or declaration, to be printed and published at King James's landing; which, according to Mr Croft's papers, and Mr Robinson's depositions, was to be attempted very speedily.

As many of the persons accused, as could be apprehended, being brought up to London, and examined, were, some of them committed to the Tower, and others to Newgate, where they continued about a month. During this time, their friends and solicitors exerted all their skill and diligence to take off the King's evidence, both by offering them large sums of Money, as was attested by Mr Baker, Mrs Hearst, Mr Clayton, Mr Brown, and Mrs Elliot; and that failing, by finding out persons, who would represent the King's witnesses under heinous characters, that the Jury might give no credit to their depositions. Many persons were practised upon, some of whom refused so base an action; but others, through great importunities and promises of large rewards, were prevailed with to defame the King's evidences, both at Manchester, and in the Parliament-house. But that, which raised the great clamour against the discovery of the plot, was the gaining one Taffe, alias Thomas O Mullen, an Irishman, to the other side; which happened in this manner.

In

death of her late Majesty of blessed memory, and of the sermons of the late Archbishop, Bishop of Litchfield and Coventry, Bishop of Ely, Bishop of Salisbury, Dr Sherlock, Dr Wake, Mr Fleetwood, &c. preached upon that and several other solemn occasions: Being a vindication of the late Queen, his present Majesty, and the Government, from the malicious aspersions cast upon them in two late pamphlets, one intitled, Remarks on some late sermons, &c. the other, A Letter to the author of a sermon preached at the funeral of her late Majesty Queen Mary. The author of the remarks on some late sermons makes the following observations:

No. 17. Vol. III.

'That the Queen was taken sick and died, in the same month when her Father laboured under an natural rebellion, and about the same hour, that he went from Feverham; and was cut off in the middle of her days, according to the punishment threatened, to the breakers of the fifth commandment.' St. Tr. II. 534. So inveterate were the Jacobite Cleaggy against the Queen, for usurping (as they called it) her Father's throne, that one of them insulted her memory, with this text, *Go now see this cursed woman and bury her, for she is a King's daughter.*

Y y y

(1) Taffe

1694-5. In December 1693, *Lunt* came from France, and being, as he afterwards pretended, troubled in conscience, for having engaged in the barbarous design of assassinating the King, resolved to atone for that crime, by discovering all he knew, that had been acted, or was then plotting against his Majesty. His coming over was made known to Mr *Taffe*, a familiar acquaintance of *Lunt's* wife, and who was represented to *Lunt* as a person, that had done some considerable service to the public (1). To him *Lunt's* wife had told, that her husband was lately come out of France; which made *Taffe*, who pretended to be zealous for the Government, enquire how matters stood at *St Germain's*? adding, that, if *Lunt* could discover any thing, that might be serviceable to their Majesties, he would introduce him to a person, that would receive his information. *Lunt* gives credit to *Taffe*, shews his willingness to make a discovery, and thereupon *Taffe* brings him to the Earl of *Bellamont*, and vouches for his honesty. After his Lordship had heard *Lunt's* relation, he commanded him to wait on him again in two or three days; which *Lunt* obeying, and his Lordship being somewhat indisposed, he sent *Lunt* with a letter to Sir *John Trenchard*. *Taffe* accompanied him thither, and the Secretary, hearing what *Lunt* had to discover, first sent him into *Kent*, and afterwards commanded him to put his depositions into writing, and bring them to him. *Lunt* performed it; *Taffe* heard all the information read, aggravated the crimes, and appeared the most forward of any to have the persons accused brought to justice; and, pretending to be serviceable in knowing the country and people there, he went down into *Lancashire* with Mr *Aaron Smith* and Mr *Baker*, and assisted the King's Messengers in searching at *Standish-Hall*, and other places.

Taffe shewed an extraordinary zeal in his Majesty's service, but might have been much more useful than he was in finding concealed arms and persons, if he had made more use of his head and less of his fingers. The managers of that affair, and the King's messengers, quickly perceiving his pilfering practices to be very injurious to the inhabitants, and no less scandalous to themselves, were forced to have as watchful an eye upon him, as upon the business they were employed in; though, notwithstanding all their care, he committed some gross felonies. Soon after he came to *London*, he waited on the Lord *Bellamont*, gave his Lordship an account of what persons and arms had been seized, that several Gentlemen had made their escapes, and that others absconded to secure themselves: Whereupon the Lord *Bellamont* asked *Taffe*, If this was the business, which *Lunt* had discovered? *Taffe* answered, it was, and that *Lunt* was the main evidence of the conspiracy; was very well known at the respective places, which

he had mentioned in his depositions; and had done greater service at his being there, if the *Lancashire* Gentlemen had not received notice from *London* of their coming ten days before they came to *Standish-Hall*. This account being given to the Lord *Bellamont*, *Taffe* addressed himself to Mr *Aaron Smith* and Captain *Baker*, for the reward of his service; but, finding himself slighted and reprimanded for his scandalous behaviour, he grew angry, and resolved to revenge himself upon the Government, even to the spoiling of the plot. The friends, relations, and solicitors of the prisoners were no sooner acquainted with his design, but the bargain was struck, and his terms agreed to: Twenty pounds were paid him in hand, with assurance (as was afterwards sworn in the House of Lords) of a good annuity for life, to be settled in *Lancashire*; and, lest he should cool, he was immediately sent into the country to be their counter-evidence, when the trials should commence at *Manchester*.

Having thus gained *Taffe*, and got from unwary *Lunt* the names of the King's witnesses, and the whole matter of the evidence, the next attempt for defeating the whole plot was engaging *Ferguson* to write in defence of the *Lancashire* Gentlemen, and to asperse their accusers; and this stratagem had such a notable effect, that the Popish mob at *Manchester* animated by reading *Ferguson's* paper (which was almost in every hand in that county) had resolved to prevent the trials of the prisoners, by stoning the King's evidences to death. But those, who knew they would be acquitted, prevailed with the mob to forbear the execution of that inhuman resolution till the trials were ended. And indeed, no sooner were the trials over, and the witnesses leaving the town, but the mob endeavoured to stone them to death, and in such a violent and tumultuous manner, that not only the witnesses, but a Gentleman of Counsel for the King, the King's Prosecutor, and the King's Clerk in the Crown-Office, very narrowly escaped with their lives.

The trials began at *Manchester* the 16th of October 1694, where the King's evidence proved, 'That the prisoners at the bar had received commissions from the late King *James*, to raise war against the present Government; and to that end had bought arms, listed and subsisted soldiers at their own charge, &c.' It is affirmed, that Sir *William Williams*, though then one of the Counsel for the King, endeavoured to baffle and confound the King's witnesses, by asking them several frivolous questions; but, failing in that, he required *Lunt* to point at the several prisoners by name. In doing this, *Lunt* happened to point at a wrong man, which mistake might be occasioned by the crowd. However, this gratified the Popish mob, and raised a loud laugh. But their mirth continued

(1) *Taffe* was an Irish Priest, who had not only changed his religion, but had married in King *James's* time. He came into the service of the present Government, and had a small pension. He was long in pursuit of a discovery of the imposture in the birth of the Prince of *Wales*, and was engaged with more success in discovering the concealed estates of the Priests and the Religious Orders, in which some progress was made. These seemed to be sure evidences of the

man's sincerity, at least in his opposition to those, whom he had forsaken, and whom he was provoking in so sensible a manner. This is mentioned chiefly to shew, how little that sort of men are to be depended on. He possessed those, to whom his other discoveries gave him access, of the importance of this *Lunt*, and was very zealous in supporting *Lunt's* credit, and in assisting him in his discoveries. *Burnet*, II. 142.

(1) By

1694-5. continued not long; for, another of the Judges commanding *Lunt* to touch and name all the accused Gentlemen with the Cryer's staff, he named them all right.

And acquitted.

Witnesses were afterwards produced for the prisoners, but nothing was alledged by them, that could invalidate the King's evidence, except *Taffe's* testimony, who boldly declared, 'That there was no truth in the pretended plot, the whole being a villainous contrivance between himself and *Lunt*;' which single declaration, without any oath, outweighed the testimonies of the ten positive witnesses for the King; and thereupon *Sir William Williams*, the chief manager of the trial, sat down in the court, and would examine no more witnesses against the prisoners. And so, without calling for the rest of the evidence, the matter was let fall; and, when the Judges gave the charge to the Jury, it was in favour of the prisoners; so that they were acquitted, and those, that were ordered to be tried after them, were all discharged without trial.

The whole party triumphed upon this as a victory, and complained both of the Ministers of State and of the Judges; and *Sir William Williams*, being returned to London, represented the plot as a wicked and horrible contrivance; upon which the Government, in abhorrence of such a design, immediately ordered the witnesses to be prosecuted for a conspiracy against the lives and estates of the *Lancashire* and *Cheshire* Gentlemen. This strange turn being given to the affair, many of the wiser sort of those, who were friends to the accused Gentlemen, and dreaded the consequence of a further inquiry, advised them to fit down quietly, and leave it to the Government to punish their accusers, if they saw fit; but some Lawyers over-ruled this advice, and so the *Lancashire* and *Cheshire* Gentlemen, on the 24th of November 1694, brought the affair into the House of Commons.

While this affair was depending, several witnesses were procured against the King's evidences in Parliament, by downright bribery, and by telling them, that they were not to be put to their oaths; and therefore, not being in danger of perjury, might safely and confidently tell all the stories, that were dictated to them (1). Indirect means were also used to asperse the Earl of *Macclesfield*, at that time Lord-Lieutenant of the county of *Lancaster*, who, being a professed friend to the Government, was, of consequence, thought by the Jacobites their mortal enemy.

Notes of the Commons about the Lancashire plot.

The House of Commons, after several hearings, strict examinations, and long debates, which continued at the several appointed times, the space of eleven weeks, on the 6th of February, 'proceeded farther in reading the information and papers delivered into the House by Mr *Aaron Smith*, touching the late proceedings and trials in *Lancashire* and *Cheshire*. Mr *Lunt's* information was read; as also Mr *Wilson's* and Mr *Womball's*; and other papers delivered into the House by Mr *Aaron*

Smith were likewise read; among which were several printed papers. Whereupon the House came to the following resolutions; first, That there did appear to the House, That there was sufficient grounds for the prosecution and trials of the Gentlemen at Manchester. And, secondly, That upon the informations and examinations before this House, it doth appear, That there was a dangerous plot carried on against the King and Government. At the same time the Commons ordered an act of the pretended Parliament of Ireland, held in the year 1689, recognizing the late King James, and two proclamations of that abdicated Prince, to be burnt by the hands of the common hangman. Besides this, the House, after having given an order for the taking Mr *Standish* of *Standish-Hall* in *Lancashire* into custody, and their messenger reporting, that he was not to be found, addressed the King to issue out a proclamation to apprehend him.

This disappointment in the House of Commons was no small mortification to the Jacobites; yet, in hopes of better success, they laid their complaints also before the House of Peers, where, after examining some witnesses, and many debates, the question being put, Whether the Government had sufficient cause to prosecute the *Lancashire* and *Cheshire* Gentlemen? It was carried in the affirmative; though the Earls of *Rochester* and *Nottingham* appeared with great zeal on the other side, and in conclusion protested against the vote, by which the Lords justified the proceedings against those Gentlemen.

The accused Gentlemen, notwithstanding these disappointments, at the next *Lancaster* assizes in August 1695, brought on trials upon an information of perjury against *Lunt*, *Womball*, and *Wilson*, three of the King's witnesses, who were all found guilty; and afterwards indicted for a conspiracy against the lives and estates of those Gentlemen. But, the Gentlemen refusing to furnish the King's Attorney and Solicitor-General with witnesses to prove the pretended perjuries, the prosecution was let fall, and *Lunt*, *Womball*, and *Wilson* discharged.

This design of throwing an imputation upon the Government failing, another was set up against the *Bank*, which began to have a flourishing credit, and had supplied the King so regularly with money, and that upon such reasonable terms, that those, who intended to make matters go heavily, tried what could be done to shake the credit of the *Bank*. But this attempt was rejected in both Houses with indignation; it being very evident, that public credit would signify little, if what was established, in one Session of Parliament, might be fallen upon and shaken in another.

The most remarkable business of this Session of Parliament was the inquiry into bribery, and the timely check given to the most scandalous and dangerous corruption, which had lately tainted, not only the Agents of the army, and several St. Tr. II. 476.

(1) By the late trial, it had manifestly appeared, how little the Crown gained by one thing, which yet was thought an advantage; that the witnesses for the prisoners were not upon oath: Many things were upon this occasion witnessed in favour of the prisoners, which

were afterwards found to be notoriously false; and it is certain, that the terror of an oath is a great restraint, and many, whom an oath might over-awe, would more freely allow themselves the liberty of lying, in behalf of a prisoner, to save his life.

(1) The

1694-5. several Members of the House of Commons, but also the Speaker himself, and crept into his Majesty's Privy-council. The inquiry into these corrupt practices was as accidental as necessary.

The occasion of the inquiry

In the account of it, mention is made of the monstrous sums of thousands, and tens of thousands; yet, at the first, the payment of a petty sum of ten pounds, or less, had certainly prevented the discovery, the rise of which was from the just complaint of some inhabitants of *Reydon* in *Hertsfordshire* against the abuses of officers and soldiers in exacting subsistence-money.

Jan. 12.

This coming by petition, before the House of Commons, and the petitioners, and also Mr *Tracey Pauncefort*, Agent of Colonel *Hastings's* regiment, and the officers complained of, being heard and examined, it was unanimously resolved, 'That the officers and soldiers

Jan. 23.

'of the army demanding and exacting subsistence-money in their quarters, or upon their march, is arbitrary and illegal, and a great violation of the rights and liberties of the subject;' and thereupon ordered, 'That the Commissioners for taking and stating the public accounts do lay before the House their observations of the abuses and ill practices committed by the Agents of the regiments of the army; and that the Agent *Pauncefort* should forthwith lay before the House a particular account of all the monies received by him from the Earl of *Ranelagh*, and the times of such receipts since the 28th of May last; and how he had paid the sums, and when, and to whom, and what remained in his hands.'

Pursuant to this order, Mr *Harley*, from the Commissioners for taking and stating the public accounts, presented to the House their observations on the ill practices committed by the agents; which being taken into consideration, and *Pauncefort*, upon bringing in his account, being examined, as also Colonel *Hastings*, Major *Montcal*, and some other officers and agents, it was resolved by the House, 'That Agent *Tracey Pauncefort*,

Jan. 25.

Jan. 29.

'for neglecting to pay the subsistence-money

'to the officers and soldiers, that quartered at *Reydon*, having monies in his hands to do the same, be taken into the custody of the Sergeant at Arms attending the House.' About a fortnight after *Pauncefort* was again examined, and refusing to answer to several questions, tho' required upon pain of being proceeded against with the utmost rigour and severity, it was unanimously resolved, 'That, by his absolute refusal to answer to a matter of fact, demanded of him by the House, he had violated the privilege, and contemned the authority of the House, and the fundamental constitution thereof;' for which offence he was immediately committed prisoner to the Tower.

His brother, Mr *Edward Pauncefort*, was next brought upon the stage, who being summoned, and examined by the House, it was resolved, 'That he, for contriving to cheat Feb. 16. Colonel *Hastings's* regiment of five hundred guineas, and for giving a bribe to obtain the King's bounty, be taken into custody.' Then immediately followed Mr *Henry Guy*, a Member of the House, and Secretary of the Treasury, who, for having taken a bribe of two hundred guineas for procuring the arrears due to a regiment, to be paid, was sent to the Tower, and turned out of his place. Many were the more sharpened against him, because it was believed, that he, as well as *Trevor* the Speaker, were deeply concerned in corrupting the Members of the House of Commons. He had held his place both in King *Charles's* and King *James's* time: And the share he had, in the secret distribution of money, had made him a necessary man for those methods.

For the redress of these things the Commons aged upon a representation to be made to the King, setting forth the notorious abuses, ill practices, and intolerable exactions of the Colonels and their agents, upon the inferior officers and common soldiers, which the King promised to take all possible care to have redressed (1). Accordingly Colonel *Hastings* was immediately cashiered,

(1) The representation was as follows:

I. That some of the agents had detained the money due to the soldiers in their hands, and made use of it for their own advantage, instead of immediately applying it to the subsistence of the officers and soldiers, for whom they were intrusted. II. That by their intolerable exactions, and great extortions, upon the officers and soldiers, for paying by way of advance, and by their charging more for the discount of tallies, than they actually paid, it appeared, that those who served in his Majesty's armies, notwithstanding they had a greater pay, than is given in any other part of the world, they were yet reduced to inconveniences and extremities, which ought not to be put upon those, who venture their lives for the honour and safety of the nation. III. That in particular Colonel *Hastings* had compelled some officers of his regiment to take their clothes from him at extravagant rates, by confining and threatening those, that would not comply therewith; by which the authority, that might be necessary to be lodged in the Colonel over the inferior officers, in some cases was misapplied, and extended so as to promote a private advantage of his own, without any regard to his Majesty's service, or to the discipline of the army. IV. That Colonel *Hastings's* Agent had presumed fraudulently to detain five hundred guineas out of a bounty given by his Majesty to the officers of the regiment, under pretence of giving them as a

bribe to obtain the same, to the dishonour of his Majesty, and injury to the officers; and had taken two-pence per pound out of the money due to the officers and soldiers, for which deduction there being no warrant, the Colonel, whose servant the Agent is, was answerable. V. That Colonel *Hastings's* Agent had refused or neglected to give an account of the pay due to the Captains of his regiment, and their companies, which tended apparently to the defrauding the officers and soldiers. VI. That some of the Agents assumed to themselves the liberty of making great deductions, which since they knew not how to justify, they endeavoured to cover, by putting them under the shelter of the uncertain head of contingences, which gave them the better opportunity of hiding the frauds and abuses, that would otherwise be more liable to be detected. VII. That Colonel *Hastings* had discharged an ensign, by putting another into his room, contrary to the true discipline of an army; from which the Colonels have no right to exempt themselves, to enlarge their own authority, to the prejudice of his Majesty's service, and of the officers, that serve under them. VIII. That Colonel *Hastings* had taken money for the recommending to commands in his regiment, to the great discouragement of the officers, who were to serve in his Majesty's armies, who ought to be such, as deserved their commands, and not such as paid for them.'

(1.) The

1694-5. shiered, and his regiment given to Sir *John Jacob* his Lieutenant-Colonel.

Feb. 19. Some time before, the King in Council was pleased to order the chief officers of the army to meet twice a week, at the Great Chamber at the *Horse-Guards* at *Whitehall*, to receive and examine all informations and complaints, that should be brought before them, of any wrong or injury done by an officer or soldier of his Majesty's land-forces, in order to redress the same. And on the 13th of *March* was published his Majesty's declaration for the strict discipline of the army, whereby in particular all officers and soldiers were forbid to exact or demand subsistence-money in their quarters, or on their march.

To get a further insight into the ill practices of the Colonels and their Agents, Mr *James Craggs*, one of the Contractors, for the clothing of the army, was summoned to attend the House of Commons; but upon his refusal to produce his books, and to be examined before the Commissioners for taking and stating the public accounts, thereby obstructing the enquiry of the House into the disposal of the public monies, it was resolved, 'That he be committed prisoner to the Tower of London.'

Mr *Richard Harnage* another Contractor, refusing also to be examined upon oath before the Commissioners, a bill was ordered to be brought in, to oblige Mr *Edw.* and Mr *Tracy Pauncefort*, Mr *Craggs*, and Mr *Harnage*, to discover how they disposed of the money paid into their hands, relating to the army. A few days after *Harnage* was likewise ordered to be taken into custody.

About the same time a loud clamour of bribery was raised against the Commissioners for licensing hackney-coaches; and the House of Commons having appointed a Committee to examine the matter, they made their report to the House, 'That several of the Commissioners had, by receiving bribes, and by other undue means, acted corruptly and arbitrarily, contrary to the authority and trust reposed in them by act of Parliament.' Upon which the House ordered the Committee to distinguish the Commissioners, which they accordingly did; and by their report of the 20th of *March*, *Henry Albury* and *Walter Overbury*, two of the Commissioners, were honourably cleared; and the others, *Henry Killegrew*, *Henry Villers*, and *Richard Gee*, declared guilty, upon which the House resolved, 'That an address be made to his Majesty, to remove them from the commission for licensing hackney-coaches;' which was accordingly done, and they were removed.

From these small beginnings, a common murmur arose, that an universal corruption had overspread the nation; that Court, Camp, and City were tainted, nay, the very Parliament it-

self infected. The House of Commons, being awakened by the alarm, resolved to search into the bottom of the reigning corruption. They began with appointing a Committee, to inspect the books of the Chamberlain of London, and of the *East-India* Company, and impowered them to send for persons and papers (1).

The inspection of the Chamberlain's books related chiefly to the Orphans affair. The City of London had several years solicited in vain, to have a bill passed, for payment of the debt due to the Orphans. This debt grew into a great burden on the City, during the Magistracy of *Moor*, *Pritchard*, *Norib*, *Rich*, and some others. Many hundred Orphans starved, for want of their portions, which had been put into the Chamberlain's hands, on the security of the City; but, as the *Exchequer* was shut up in King *Charles*'s time, so the Chamber of London was also shut up, and bankruptcy pleaded to the demand of the distressed Orphans. When the management of the City-affairs fell into better hands, a Committee was appointed to enquire into this matter, who, finding that nothing had been done after three years troublesome solicitation, and that several bills had been brought into the House of Commons, for the relief of the Orphans, but they were always lost or so clogged, that a bill could not pass through the House in a Session, thought the most effectual way, to prevent the starving of these Orphans, would be to give some men of interest what they should require; and engage them to do for profit, what they would not do for justice.

Accordingly, by a proper application and disposal of several sums of money, a bill (as hath been related) passed in the last Session of Parliament, creating a fund for the repayment of the debt owing to the Orphans, by the Chamber of London *. Among the sums distributed * See p. 251. on this occasion, it was found that the Chamber had made Sir *John Trevor*, the Speaker, a present of a thousand guineas, for the service he did them in this affair. This was entered in their books, so that full proof was made of it. It was indeed believed, that a much greater present had been made him, in behalf of the Orphans: But no proof of that appeared, whereas what had been taken, in so public a manner, could not be hid. This was objected to *Trevor*, as corruption and a breach of trust, and, upon it, he was expelled the House; and Mr *Paul Foley* was chosen Speaker in his room, who had got credit by his integrity and constant complaining of the administration. Mr *John Hungerford*, a Member of the House of Commons, was also found to have received twenty guineas upon the same account, for which he was likewise expelled the House (2).

One discovery making way for another, the *East-India* Company's affair. *Burnet*.

(1) The Commissioners were, Mr *Paul Foley*, Sir *Richard Onslow*, Mr *John Pollexfen*, Sir *John Thompson*, Mr *Foot Onslow*, Mr *Thomas Pelham*, Sir *Samuel Barnardiston*, the Honourable Mr *Thomas Wharton*, and Mr *Francis Gwin*.

(2) The reader may see a large account of this matter in the collection of the proceedings in Parliament in 1694 and 1695, published in the second volume of *State Tracts*, p. 481. The substance of which is as follows:

The Committee reported, That, having inspected Numb. XVIII. Vol. III.

the Chamberlain of London's books, they found an order made by a Committee of the Common-Council for the City of London (appointed to consider of ways and means for satisfying the debts due to the Orphans of the said City) and dated the 12th of February 1693-4, by which the Chamberlain was directed to pay to Sir *John Trevor*, Speaker of the House of Commons, the sum of one thousand guineas, so soon as a bill were passed into an act of Parliament for satisfying the debts of the Orphans, and other creditors of the said City; which sum was paid and delivered to Sir *John Trevor*,
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on

1694-5. Committee for inspecting the *East-India* Company's books found that there were entries made of great sums given, for secret service done the Company, that amounted to 170,000 *l.* and it was generally believed, that the greatest part of it had gone among the Members of the House of Commons; for the two preceding winters, there had been attempts, eagerly pursued by some, for breaking the Company, and either opening a free trade to the *Indies*, or, at least, erecting a new Company: But it was observed, that some of the hottest sticklers against the Company did, insensibly, not only fall off from that heat, but turned to serve the Company, as much as they had at first endeavoured to destroy it. *Seymour* was among the chief of these: And it was said, that he had 12000 *l.* of their money, under the colour of a bargain for their Salt-petre. Great pains and art was used to stifle this enquiry; but curiosity, envy, and ill-nature, as well as virtue, will on such occasions always prevail, to set on enquiries. Those, who have had nothing, desire to know who have had something, while the guilty persons dare not shew too great a concern in opposing discoveries. Sir *Thomas Cooke*, a rich merchant, who was Governor of the Company, was examined concerning that great sum given for secret service; but he refused to answer. So a severe bill was brought in against him, in case he should not, by a prefixed day, confess how all that money had been disposed of. When the bill was sent up to the Lords, and was like to pass, he came in, and offered to make a full discovery, if he might be indemnified, for

all that he had done, or that he might say in 1694-5. that matter: The enemies of the Court hoped for great discoveries, that should disgrace both the Ministers and the Favourites; but it appeared, that, whereas both King *Charles* and King *James* had obliged the Company, to make them a yearly present of 10,000 *l.* that the King had received this but once; and that, though the Company offered a present of 50,000 *l.* if the King would grant them a new charter, and consent to an act of Parliament confirming it, the King had refused to hearken to it. There were indeed presumptions, that the Marquis of *Caermarthen* had taken a present of 5000 guineas, which were sent back to Sir *Thomas Cooke*, the morning before he was to make his discovery. The Lords appointed twelve of their body to meet with twenty-four of the House of Commons, to examine into this matter; but they were so ill satisfied with the account, that was given them, by the four persons who had been intrusted with this secret, that by a particular act, that passed both Houses, they were committed to the *Tower of London*, till the end of the next Session of Parliament, and restrained from disposing of their estates, real or personal. These were proceedings of an extraordinary nature, which could not be justified, but from the extraordinary occasion that was given for them. Some said, this looked like the setting up a court of inquisition, when new laws were made on purpose to discover secret transactions; and that no bounds could be set to such a method of proceeding. Others said, that, when entries were made of such sums, secretly disposed of,

on the 22d of June 1694, in the presence of Sir *Robert Clayton* and Sir *James Houlton*. That they observed, that the order of the Committee of the Common-Council, which now stood dated the 12th of February, was at first dated the 13th of February; and that the person named therein was put in a different hand. That examining, who first writ the warrant, Mr *Barrett*, the City Solicitor, owned it was his handwriting; and at first said, that he believed the blank at first left therein was filled up with the Speaker's name, before the Committee signed it, because he believed they would not set their hands to a blank. But all the Committee, who signed it, and who appeared upon summons, declared most of them positively, that there was a blank for the person's name, when they signed it; and the rest being doubtful, Mr *Barrett* then said, that the blank might be filled up afterwards, though he could not tell the time: However, he owned he filled it up with another pen. That they found another order of the said Committee dated the 26th of April 1693, directing the Chamberlain to pay to *Paul Jodrell*, Esq; the sum of a hundred guineas for his pains and service in assisting the Orphans bill to pass in Parliament; which sum was paid him the 22d of June 1694. That in the Chamberlain's books were entered several sums paid to Mr *Barrett*, to defray the charge of drawing the Bill, making copies thereof, and of the petitions and orders relating to the same; amongst which payments they found five guineas paid to Mr Solicitor-General for his advice therein, five guineas to Mr *Harcourt*, twenty guineas to Mr *Hungerford*, Chairman of the Grand Committee, for his pains and service, and 60 *l.* 9 *s.* to Mr *Jodrell*. That they understood, that the Orphans, for the procuring of this bill, had giving bond to Mr *Smith* and Mr *Charles Neis*, to allow them 12 *d.* in the pound, when the bill was passed, for their pains and charges in that matter; which contract being made void in that bill, the Court of Aldermen were impowered to satisfy them for their real expences. That upon this *Smith* and *Neis*

applied themselves to the Court of Aldermen, and got a petition to be signed by many of the Orphans, that they were willing, notwithstanding the act of Parliament, they should be allowed 12 *d.* in the pound. That the said *Neis* and *Smith* brought in a bill to the Committee of the Common-Council of their charges, amounting to 3457 *l.* 16 *s.* but, as was alleged, they pretended to be more than 10,000 *l.* out of purse; by which argument they got subscriptions to the said petition; in which bill there was charged 1650 *l.* paid to Mr *George Finch*, for carrying on the said act. That, Mr *Neis* and Mr *Smith* being examined, they utterly denied, that they had given any money to any Member of Parliament on the account of the said bill, or knew of any to be given; but they were willing to get what they could, having taken a great deal of pains in long soliciting the same; and that they did say, that, notwithstanding they charged 1650 *l.* to be paid Mr *George Finch*, yet they had not paid him any money; but, having delivered up his bond for the 12 *d.* in the pound, they valued his share of the Orphans debt to amount to that sum. That Mr *George Finch*, being examined, denied to have received any thing from Mr *Neis* and Mr *Smith*, or his paying any money to any Member of Parliament; but wavering in his discourse, and being again asked, if he ever did distribute, or knew of any money distributed on account of the Orphans bill, he said, *It was a hard thing to be asked such questions*: That however he owned, that upon suggestion, that there were obstructions to the bill, which must be removed by money, he applied himself to several of the Orphans, and received 100 *l.* from Mr *John Chadwick*, 200 *l.* from Mr *Harvey*, 100 *l.* from Mr *Scott*, a 50 *l.* from Mr *Horne*, and had a promise of 100 *l.* from Sir *John Smith*, which was not yet paid. And lastly, they reported, that Mr *Chadwick* and Mr *Horne* proved the payment of the money to Mr *George Finch*, but could give no account what he had done with it.

The Commons, having debated and weighed the report,

1694-5. of, it was as just for a Parliament to force a confession, as it was common in the course of the law to *subpoena* a man, to declare all his knowledge of any matter, how secretly soever it might have been managed, and what person soever might have been concerned in it. The Lord President felt, that he was deeply wounded with this discovery; for, while the act, against *Cooke*, was passing in the House of Lords, he took occasion to affirm, with solemn protestations, that he himself was not at all concerned in that matter; but now all had broke out: One *Firebrass* a merchant, employed by the *East-India* Company, had treated with *Bates*, a friend of the Marquis of *Caermarthen*'s; and for the favour that Lord was to do them, in procuring them a new charter, *Bates* was to have for his use five thousand guineas. But now a new turn was to be given to all this: *Bates* swore, that he indeed received the money, and that he offered it to that Lord, who positively refused to take it: But, since it was already paid in, he advised *Bates* to keep it to himself: though, by the examination, it appeared, that *Bates* was to have five hundred pounds for his own negotiating the affair: It did also appear, that the

money was paid to one of that Lord's servants; but he could not be come at: Upon this discovery, the House of Commons voted an impeachment for a misdemeanour against the Lord President; he, to prevent that desired to be heard speak to that House in his own justification; when he was before them, he set out the services that he had done the nation, in terms that were not thought very decent; he assumed the greatest share of the honour of the Revolution to himself; he expressed a great uneasiness, to be brought under so black an imputation, from which he cleared himself as much as words could do; in the end, he desired a present trial. Articles were upon that brought against him; he, in answer to these, denied his having received the money. But his servant, whose testimony only could have cleared that point, disappearing, the suspicion stuck still on him. It was intended to hang up the matter to another Session; but an act of Grace came in the end of this, with an exception indeed as to corruption; yet this whole discovery was let fall, and it was believed, too many of all sides were concerned in it: For, by a common consent, it was never revived (1).

Whilst

ports, came to this resolution, 'That Sir *John Trevor*, Speaker of the House, receiving a gratuity of 1000 guineas from the City of London, after passing of the Orphans bill, was guilty of a high crime and misdemeanour.'

Sir *John Trevor* absented himself from the House, the Commons, on the 14th of March, resolved to proceed to the election of a new Speaker; and Sir *Thomas Littleton* and Mr *Paul Foley* were proposed. The majority inclined to choose *Littleton*; but Mr *Wharton*, Comptroller of the King's household, having spoken in his behalf, the Commons from thence presumed, that he was altogether in the Court-interest, and thereupon elected Mr *Foley*.

On the 16th of March the Commons proceeded upon the abovementioned reports, and resolved, 'That Sir *John Trevor*, their late Speaker, being guilty of a high crime and misdemeanour, &c. be expelled the House.' Two days after they passed another vote, 'That whosoever should discover any money or other gratuity given to any Member of the House, for matters transacted in the House, relating to the Orphans bill, or the *East-India* Company, should have the indemnity of the House for such gift;' and ordered, that Mr *Charles Nois* and several others should attend the House the next day. Mr *Nois* attended accordingly, and being examined, it was resolved, 'That he, having to several persons pretended he was out of purse, or engaged to give great sums of money to several Members of the House, in order to pass the Orphans bill, which, on his examination, he denied to have given or promised, had been an occasion of scandal to the House and the Members thereof.' And thereupon it was ordered, that the said Mr *Nois* be taken into the custody of the Serjeant at Arms attending the House.

On the 26th of March 1695, it was resolved by the Commons, 'That Mr *Hungerford*, one of their Members, having received twenty guineas for his pains and service as Chairman of the Committee of the House, to whom the Orphans bill was committed, was guilty of a high crime and misdemeanour; and that he be expelled the House.'

(1) In the collection of the proceedings in Parliament mentioned in the foregoing note, the reader may likewise find an account of the *East-India* Company's affair, from whence the following extract is taken.

On the 12th of March Mr *Foley* reported from the said Committee, that, as soon as they came to the *East-India* House, they called for an account of all monies paid for the special service of the Company; upon perusal of which observing, that the greatest payment

was in the year 1693, they searched for the orders for the issuing of that money, the chief of which were, one dated the 13th of April 1693, another dated the 24th of November 1693, and another the 22d of January 1693-4; in pursuance of which the sums of 22275 l. 24983 l. and 30000 l. were severally paid out of the cash, amounting in all to 77258 l. besides several smaller sums, amounting in the whole to 10144 l. which, with the former sum, made 87402 l. all issued out in the year 1693, while Sir *Thomas Cooke* was Governor, and *Francis Tysen*, Esq; Deputy-governor, for the special service of the House, and obtaining a new charter. That they found by examination of most of the persons present at the Committees of the *East-India* Company, where the said orders were made. That the Governor in the said Committees did only, in general, inform what sums he had disbursed, without naming the particulars, to whom, or to what service; which several of them said was a new course, since Sir *Thomas Cooke* came to be Deputy-governor or Governor. That in a state of the Company's cash, dated at the *East-India* House the 7th of March 1694-5, and drawn up by several Members of the Company empowered for that purpose, near all the aforesaid sums were observed to be paid and placed to the Company's account of charges general, paid out of cash, viz. in 1688 and 1689, Sir *Benjamin Bathurst* Governor, and Sir *Josiah Child* Deputy-governor, 2230 l. 14 s. In 1690 and 1691, Sir *Joseph Herne* Governor, and Sir *Thomas Cooke* Deputy-governor, 13532 l. 9 s. In 1692 and 1693, Sir *Thomas Cooke* Governor, and Mr *Tysen* Deputy-governor, 87,402 l. 12 s. in the whole 103165 l. 15 s. That upon examination of the Company's cash-book, having found that the balance, the 31st of October 1694, was 124249 l. they demanded of Mr *Portman* the cashier, if he had the same in cash. That he replied, he had not, but instead thereof laid before them in writing, that 90,000 l. was lent upon Sir *Thomas Cooke*'s notes (which he produced) with other particulars, which made up the abovementioned balance. That in this note Sir *Thomas Cooke* owned the receipt of 90000 l. which he had disbursed and paid for 99197 l. stock in the *East-India* Company for their account; though they did not find any warrant for the said sum, or any of the stock transferred in the Company's books for their account, exceeding 18300 l. stock the 16th of January 1694-5. The Committee of the House of Commons further reported, that they found a contract, dated the 26th of February 1693, for 200 tons of salt-petre, to be brought home in the ship *Seymour* from India,

1695.
The Par-
liament
prorogued
May 3.

Whilst the Lords were debating on the Duke of Leeds's affair, and the Commons proceeding to impeach other persons concerned in this corruption, the King came to the House of Peers, and, sending for the Commons, put an end to the Session with the following speech:

My Lords and Gentlemen,

The King's
Speech.
Pr. H. C.
II. 471.

I Am come to give you thanks for the supplies provided for carrying on the war, in which we are engaged, and at the same time

to conclude this Session, which cannot be continued longer without manifest prejudice to the ends, for which these supplies are given; the season of the year making it so necessary for me to be abroad, that it were to be wished our business at home would have allowed me to have been there sooner.
'I will take care to place the Administration of affairs, during my absence, in such persons, on whose care and fidelity I can entirely depend; and I doubt not, my Lords and Gentlemen, but every one of you, in your

India, to pay 12000 *l.* for the same, and 25 *l.* freight per tun, besides all charges here. That 2000 *l.* which was the sum sent out to purchase the salt-petre, was actually paid out of the Company's cash; and that a bond for the remaining 10000 *l.* was given under the seal of the Company, payable the 31st of March 1695, whether the said ship arrived in safety or not, with this limitation only, that, if 200 tun of salt-petre be not laden upon the said ship, then to repay in proportion to the want thereof; so that the result of this contract was, that the Company ran the adventure of 12000 *l.* for that, which cost only 2000 *l.* and must consequently lose 12000 *l.* if the ship miscarried. And on the other hand, the seller got 10000 *l.* clear, without disburser or running the hazard of one penny; and, what is yet more, a certain loss of 9 or 10000 *l.* would attend it, if the ship arrived in safety. That the Committee, having examined the Members of the Company concerning this contract, they owned it to be true: That the 2000 *l.* was paid, and 10000 *l.* bond given to Mr Thomas Coston. That, about the same time this contract was made, so many of the interlopers, as would sell their shares in the interlopers to the East-India Company, were allowed their first cost, and 25 *l.* per cent. advance; which was done by giving them credit for so much in the East-India books. That the Committee found Sir Samuel Dashwood, Sir John Fleet, Mr John Perry, Sir Joseph Herne, and Sir Thomas Cooke, were present at the Court of Committees, when the orders abovementioned were made; but, they being all Members of the House of Commons, the Committee did not think fit to examine them. That the rest of the Committees, who were present at making those orders, and most of whom had been examined, could give no account of the disposal of the money issued out during the time of Sir Joseph Herne's and Sir Thomas Cooke's Government, but only that the same was paid for special service; and that a great part thereof was put into the hands of Sir Basil Firebrass: That one of them, viz. Sir Benjamin Bathurst, said, that Sir Joseph Herne had the greatest part of 13932 *l.* 9 *s.* to dispose of; and Sir Benjamin Bathurst would have called for an account thereof, but Sir Thomas Cooke desired he would not: That the Company's Committee of nine had often called upon Sir Thomas Cooke to give an account to whom he had distributed the money he received, which he had some time promised, and afterwards declined to do; so that the secret of that service, and the placing of that money, lay principally with Sir Thomas Cooke and Sir Joseph Herne. That, Sir Benjamin Bathurst finding so great a sum as 30000 *l.* charged for secret services, he had some warm discourse with Sir Thomas Cooke about it, to know how it was disbursed; but Sir Thomas refused to give him any particulars, and told him, he should remember he was bound by his oath to the Company to keep their secrets; to which Sir Benjamin replied, 'He was under the same obligation to be true to the interest of the Company.' Sir Benjamin Bathurst further said, that, about April 1694, understanding, that they were in want of money, he looked into the cash-book; which casting up, he found a considerable sum in cash, and, taking some persons with him, discoursed Sir Thomas Cooke about it, who said, 'The 90000 *l.* he had received was to gratify some persons, in case the bill should pass.'

As for the contract about salt-petre, Sir Benjamin Bathurst said, that it was made by Sir Thomas Cooke and Sir Basil Firebrass; but he knew nothing of it till it came into Court.

The Committee likewise reported, that Sir Basil Firebrass, being examined, owned he had received upwards of 16000 *l.* which was for buying shares of stocks, and of which the Company had allowed; but said, he knew no ground the Committee of nine had to say, that a great part of the other sums were put into his hands. He confessed, that he invited several persons to come into the Company, and offered to lay down money for several; and that, if they liked it not at the year's end, he would then take it off their hands, which offer he made to Members of the House of Commons among others; and gave an account to the Company of his doing so, who promised to indemnify him. That, concerning the accommodation with the interlopers, the Company had a letter from the Earl of Nottingham, 'That it was the King's pleasure, that they should come to an agreement with the interlopers.' That the proposal to them was 25 per cent. for bringing in their stock to the Company, and one half of the profit besides, which one half of the interlopers accepted; but, Mr Godfrey, and some others, standing upon 30 per cent. Mr Coston went off with them, and did not come into the Company. That Mr Ward said it was agreed by the interlopers, that only 2000 *l.* should be employed in buying of salt-petre: That Mr Coston was to have the advantage of it, which he believed was not for Mr Coston himself, but for some other Gentleman: And lastly, that the original inducement to the leave of the interlopers going out was that agreement with Mr Coston.

On the 26th of March, the Commons ordered, 'That Sir Thomas Cooke, a Member of the House, do give an account, how the 87402 *l.* mentioned in the report, was distributed; which he refusing to do, he was thereupon committed prisoner to the Tower of London, and a bill was ordered to be brought in, to oblige him to make the said discovery. On the 28th of March, the bill was presented, received, and read the first time; the Cashier of the East-India Company ordered to produce the warrants for the sums mentioned, in the report to be paid for special service or charges general; and the contract for salt-petre, offered to the House by Mr Coston, read and examined. The next day the bill was read a second time, and committed to a Committee of the whole House, and the Cashier of the East-India Company produced the warrants, according to order. On the 30th of March, Sir Basil Firebrass delivered in an account of monies by him paid, upon account of the East-India Company, which was examined, and Sir Thomas Cooke petitioned the House, that he might be heard by Counsel, before the Bill against him should pass; which was granted.

Upon the 2d of April, the Commons, in a Grand Committee, went through the bill, to oblige Sir Thomas Cooke to account, made several amendments to it, and ordered it to be reported the next day. Accordingly on the 3d of April, Mr Bridges reported the amendments made to that bill, which were agreed unto, and the bill, so amended, ordered to be engrossed. Upon the 6th of the same month, Sir Thomas Cooke's Counsel having been heard, the bill against him was read the third time, and passed, and sent up to the Lords for their concurrence.

At

1695. 'your several stations, will be assisting to them.
'This is what I require of you, and that you
'be more than ordinarily vigilant in preferring
'the public peace.'

Then the Lord-Keeper, by his Majesty's command, prorogued the Parliament to the 18th of June.

At the first reading of this bill in the House of Lords, the Duke of Leeds, Lord President of his Majesty's Privy-council, spoke vehemently against it, having introduced his discourse by a solemn protestation of his own innocence and disinterestedness in this matter; which anticipated apology for himself, together with the abhorrence of so necessary a law, began to raise great suspicions against his Grace. On the 13th of April the Lords sent a message to the House of Commons, to desire them, that Sir Thomas Cooke, a Member of their House, and now a prisoner in the Tower; might be permitted and ordered to appear at the Bar of the Lords, whereupon the Commons ordered, that he should attend their Lordships, as was desired. Sir Thomas Cooke being brought, upon his petition, to the bar of the Lords, declared himself ready and very willing to make a full discovery, and said, he would have done it before in the House of Commons, if he could have obtained there an indemnifying vote. Thereupon it being demanded of him, What he would be indemnified from? He answered, all actions and suits, except from the East-India Company, whom, if he had injured, he would be bound to suffer the severest punishment. He desired also to be indemnified from Scandalums; and it being asked him, Whether he meant Scandalum Magnatum? he said, Yes.

He being withdrawn, the Duke of Leeds stood up, and declared, 'That he was very glad, that Gentleman was come to such a temper, as to be willing to discover; whereby that bill was prevented, which his Grace esteemed of so pernicious a nature.' His Grace observed to their Lordships, 'how the Commons took care of the reputation of their House, in asking Sir Thomas Cooke, Whether he had distributed any money among any of their Members? Who purged them by a solemn protestation, that he had not.' His Grace therefore thought it reasonable, that the Lords should have some regard to themselves; and moved, That Sir Thomas Cooke might be called in, and asked, 'Whether he was willing, upon oath, to purge all that fat there?' This motion being rejected, the Lords resolved, that the bill sent up from the Commons against Sir Thomas Cooke should not be proceeded upon, but appointed a Committee to draw up a bill to indemnify him.

That Committee being withdrawn, and having made some progress, notice came from Sir Thomas Cooke, that he was afraid he might be misapprehended as to what he had said concerning a discovery, in that he said he was willing and ready; for by ready he only meant willing; and that he should need at least four months to make the discovery he promised. This was highly resented by some of the Lords of the Committee, who immediately moved, that the Committee might rise and report to the House this fresh matter, and the trifling of Sir Thomas Cooke; so that the bill designed to oblige him to give an account might now proceed. But some Lords softened this, and Sir Thomas Cooke begging a favourable treatment, and engaging to discover within seven days, the Committee went on with the bill, 'to indemnify him from actions, which he might be liable to, by reason of his discovery, to whom he had distributed several sums of money therein mentioned, to be received out of the treasure of the East-India Company, or for any prosecution for such distribution.'

This bill having passed both Houses by the 19th of April, his Majesty, on the 22d, came to the House of Lords, and gave his assent to it.

As soon as the act to indemnify Sir Thomas Cooke was passed, the Lords, by a message, acquainted the Commons, that they had resolved to nominate twelve

No. 18. VOL. III.

During this Session, a bill was passed for preventing the clipping and counterfeiting the current coin of the Kingdom. The state of the silver coin was now extremely bad. There were two sorts of it; the one was milled, and could not be practised on: But the other was not so, and was subject to clipping; and, in a course of

1695.

State of the coin. Remarks.

of their House to be of the Committee of Lords and Commons appointed by the said act, and accordingly nominated,

The Earl of Pembroke,	Earl of Monmouth,
Lord Privy Seal,	Earl of Marlborough,
Duke of Shrewsbury,	Earl of Torrington,
Earl of Manchester,	Lord Viscount Howe,
Earl of Bridgewater,	Lord Cornwallis,
Earl of Thanet,	Lord Godephuin,
Earl of Rochester,	

Whereupon the Commons resolved, that twenty-four of their House should be nominated to be of that Committee, who were as follow:

Sir John Thompson,	Mr Harley,
Sir Richard Onslow,	Sir Walter Young,
Mr Bridges,	Sir Christopher Musgrave,
Mr Charles Montagu,	Sir Edward Abney,
Mr Henry Boyle,	Mr Chadwick,
Sir Henry Hobart,	Sir Herbert Croft,
Sir Thomas Littleton,	Sir Rowland Gwyn,
Mr Hutchinson,	Mr Papillon,
Mr Beccaven,	Sir William Cooper,
Sir Thomas Pope Blount,	Mr Brockman,
Mr Clarke,	Mr Gwyn,
Mr Pelham,	
The Honourable Thomas Wharton, Esq;	

On the 23d of April, Sir Thomas Cooke appeared before the Committee, and, being sworn, delivered to them in writing his Discovery of the disposal and application of the sums of 67000*l.* and 9000*l.* In the account of the 67000*l.* the sum of 10000*l.* was mentioned to be delivered to Francis Tyssen, Esq; 12000*l.* to Mr Richard Alton, 338*l.* to Mr Nathaniel Molyneux, 220*l.* to Sir John Chardin, 350*l.* to Paul Doctinque, Esq; 382*l.* to Captain John Germain, 1000 guineas to Colonel Fitz Patrick, 545*l.* to Charles Bates, Esq; and 40000*l.* to Sir Basil Firebrass; all which forementioned sums were said to be paid for special service of the East-India Company, to defray the charges, and acknowledge the pains and services of the aforementioned persons and their friends, on soliciting to prevent a new settlement of the East-India Company, and to endeavour the establishment of the old; or in consideration of losses they had by the East-India Stock. Besides 500 guineas paid to the Attorney-General, 200 to the Solicitor-General, and 200 more to Mr Sambrook, for the great trouble and charges in passing the Charter, and other affairs relating to the Company. As for the sum of 90000*l.* mentioned in the bill, the same was said to be laid out in buying East-India Stock of several persons, for account of the East-India Company.

The original being read by Sir Thomas Cook, and the Committee conceiving it to be imperfect, and not such as the act required, they acquainted him, that they expected a more particular account of those matters. Whereupon Sir Thomas Cooke said, 'That as to the first sum of 10000*l.* the same was paid to Mr Tyssen in tallies in November 1692: That he gave him no directions, how it should be disposed, but it was in expectation to have the charter of the East-India Company confirmed, and new regulations thereto made. That it was intended for the service of the King. That he could not say the King had it; but believed Mr Tyssen told him, that he delivered it to Sir Josiah Child, who delivered it to his Majesty; adding, that it was a customary present, and

A a a

that

1635. some years, the old money was every year so much diminished, that it at last grew to be less than the half of the intrinsic value; those, who drove this trade, were as much enriched, as the nation suffered by it: When it came to be generally observed, the King was advised to issue out a proclamation, that no money should pass for the future, by the tale, but by the weight, which would put a present end to clipping. But *Seymour*, being then in the Treasury,

opposed this; he advised the King to look on, 1695. and let that matter have its course: The Parliament would in due time take care of it; but, in the mean while, the badness of money quickened the circulation, while every one studied to put out of his hands all the bad money; and this would make all people the readier to bring their cash into the *Exchequer*; and so a loan was more easily made. The badness of the money began now to grow very visible; it was plain, that no remedy

that in King *Charles's* and other former reigns, the like had been done for several years; which by the books of the Company might appear. That, as to the 12000*l.* next mentioned in the account, that sum was paid to Mr *Richard Alton* about the same time, who declared, he had several friends capable of doing great service to the Company's affairs, and several of them would speak with Parliament-men. That he could not particularize who they were, but the end aimed at was to get an act of Parliament. That he knew no man besides Mr *Alton* who could give an account, who had that money: That he intrusted it wholly with Mr *Alton*, with the Privy of Sir *Josiah Child*, who recommended *Alton* as an honest and able man, and a person capable of doing the Company service; the Court having given him power as he conceived to dispose of the money by another hand as well as by his own. That the inducements for giving this money were fears of the interlopers going out, and subscriptions for a new Company going on; by which they apprehended the Company would be ruined. That there was a bill at that time for another *East-India* Company; and that the King had sent a message to the House of Commons to settle the *East-India* trade. That 10000*l.* was advanced by *Alton* himself, and not repaid him in some months after; which money he believed *Alton* paid away the same session; and that the other 2000*l.* to *Alton* was for interest, and his pains and expences, which were great. That *Alton* did say, He could tell some persons employed in that affair: That he did understand, that this money was to be laid out for promoting their affairs in Parliament: That he could not say to whom it was given, but understood it went no further than the House of Commons; and that he found no good fruit by such distribution. As to the 3284*l.* paid to Mr *Molyneux*, Sir *Thomas Cooke* said, that Mr *Molyneux* told him, this money was to be disposed of to the Lord *Rivers*; but since his confinement *Molyneux* had told him, that my Lord never had it, and he had made use of it himself. As to the thousand guineas paid to Mr *Fitz-Patrick* deceased, that *Fitz-Patrick* told him, he had a great interest with the Lord *Nottingham*; that he would try what he could do; and he did not doubt but he might accomplish great services, provided he might have such a sum of money. That he believed *Fitz-Patrick* kept the money himself; and that there was a promise of a farther sum, if the intended act of Parliament did not pass. That the 545*l.* was to be paid to Mr *Charles Bates*, when the charter was settled, and was paid accordingly in October 1693. That he himself had no acquaintance with him; but Sir *Basil Firebrass* told him, that Bates had acquaintance with several Lords, and named the *Marquis of Caermarthen* now Duke of Leeds. That, as to the first 10000*l.* paid to Sir *Basil Firebrass*, it was paid to him about November 1693. That it was always his apprehension, that Sir *Basil Firebrass* kept it for himself, to recompense his losses in the interloping trade. And as to the several other sums, which complete the further sum of 30000*l.* paid to Sir *Basil*, that they were paid at one time, tho' depending upon several contracts; and that the reason, why the 30000*l.* was in ten several contracts, might be because Sir *Basil* might have occasion to distribute it to several persons. That as the sums paid to Sir *John Chardin* and Mr *Dominique*, he believed they

were expended in the Company's service; and as to the 3824*l.* to Captain *Germain*, that it was paid him to bring him off from the interlopers, and engage him in the *East-India* Company's interest. Lastly, as to the 90000*l.* Sir *Thomas Cooke* declared, that it was 99197 stock bought for 90000*l.* of several persons for the use of the Company, to make good the contracts with Sir *Basil*, if he should chuse to accept stock: That the stock was distributed to several persons to the Company's use; that he was accountable for it; that they had his own obligation for the same; that part of the stock was transferred to the Company; and that the other part was sold to their uses, and they had the money.

Mr *Comptroller Wharton* having, on the 24th of April, reported this examination to the House of Commons, some debates arose about the same; and one of the Members informed the House, that the Earl *Rivers* protested he never received a penny; and though he was now of another House, he had the same esteem for the Commons as heretofore; and that, according to his Lordship's motion, the Lords had had sent for Mr *Molyneux* to be examined. Another Member observed that, as to all the little sums, Sir *Thomas Cooke* knew well to whom they were given; but he could never learn to whom Sir *Basil Firebrass* distributed the monies he had received; for Sir *Basil* would not give him an account of that matter, though often asked by him to do it. That, on the other hand, *Alton* would have told Sir *Thomas*, but he would not hear him. A third Member said, that Sir *Thomas Cooke's* account contained nothing but Generals; not one date, not one time, &c. That, as to the ten thousand pounds to Mr *Alton* he offered to tell him the particulars, and he was unwilling to hear him, but did not doubt but *Alton* would give a particular and satisfactory account of all distributed by him. And yet, in the same moment being asked where and in what condition this *Alton* was, he declared, 'he was a distracted man, and not able to give the House any account at all.' A fourth Member said, 'No man is innocent, if every man be guilty. We cannot be innocent, if we do not lay our hands on these men, that have betrayed us and the Company; and, I hope, themselves.' Let us go as far as we can, and then we shall not be in fault.' And he moved, that *Firebrass* and *Alton* be ordered to attend the House the next day. Another Member seconded the motion; and likewise moved, that they forget not a Member of their own, who was accused for receiving a considerable sum.

In the midst of these debates there came a message from the Lords, desiring a conference, which was immediately held; and therein their Lordships acquainted the Commons, that they had sent for Mr *Alton* and several others, in order to have them examined; that they had intimation, that Sir *Basil Firebrass* was near at hand, and would appear; and that their Lordships were of opinion, that all future examinations of any of the persons mentioned in the report of Sir *Thomas Cooke's* account be had before the Committee of both Houses, appointed to receive Sir *Thomas Cooke's* examination; to which the Commons agreed. Accordingly, the Committee met the same day in the *Exchequer Chamber*, and Sir *Basil Firebrass*, being interrogated touching his receipt of 10000*l.* charged on him by Sir *Thomas Cooke*, and touching the distribution thereof, he deposed 'That the first 10000*l.* was given to him as a gratuity for his losses, some time before the charter of the *East-India* Company passed: That the sum of 10000*l.*

1695. remedy could be provided for it, but by recoin-
ing all the specie of England; and that could
not be set about, in the end of a Session. The
Earls of *Rocheſter* and *Nottingham* represented
this very tragically in the Houſe of Lords,
where it was not poſſible to give the proper re-
medy; it produced only an act, with ſtricter
clauſes and feverer penalties againſt Clippers;
this had no other effect, but that it alarmed the
nation, and ſunk the value of our money in the

exchange; guineas, which were equal in value to
twenty-one ſhillings and fix-pence in ſilver, roſe
to thirty ſhillings, that is to ſay, thirty ſhillings
ſunk to twenty-one ſhillings and fix-pence. This
public diſgrace, put on our coin, when the evil
was not cured, was in effect a great point car-
ried, by which there was an opportunity given
to ſink the credit of the Government, and of the
public funds; and it brought a diſcount of above
40*l. per Cent.* upon tallies.

1695.

After

was received by him, by virtue of a contract with
Sir *Thomas Cooke*, for favours and ſervices done:
That the ſtock, at the time of the contract valued at
150*l. per cent.* falling afterwards to 100 *per cent.*
the difference was 3000*l.* which they made up to
him. That the reaſon of the fall of the ſtock was the
ſhips not coming in; and that, if that had not hap-
pened, he had gained as much as the 3000*l.* paid
him. That he was poſitive, that the 1000*l.* and
3000*l.* were for himſelf, and for the uſe of no
other perſon whatſoever, except 500*l.* paid to Mr
Powell, becauſe he had good intereſt amongſt the in-
terlopers, and was inſtrumental in reconciling dif-
ferences. That he paid no part of the ſaid ſums
towards a Charter or act of Parliament, nor made
any promiſe ſo to do, though he had ſeveral diſ-
coursies with Sir *Thomas Cooke* about uſing his endea-
vours to procure a new Charter, it being his intereſt
ſo to do, after the contracts were made. That he
believed Sir *Thomas Cooke* might deſire him to ac-
quaint him, how he diſpoſed of the money; but
that the deponent told him, it was not fair, but con-
trary to agreement; and that Sir *Thomas* was not
to aſk him what he did with his own. Afterwards
the Committee aſked Sir *Baſil*, 'What particular ſer-
vice he did, or was to do, for procuring a new
Charter?' To which he answered, 'That he
was unwilling to take too much upon himſelf; that
he thought he did great ſervice to the Company in ſol-
licitation; but willed he might answer to that at ſome
other time, being then much indiſpoſed as to his health.'

The next day Sir *Baſil Firebraſs*, being again ex-
amined, farther depoſed, 'That, having had a treaty
with Mr *Bates*, whom he thought able to do ſer-
vice in paſſing the Charter, and to have acquaintance
with ſeveral perſons of honour, he gave two notes
for 5500 guineas to Mr *Atwell*, payable to Mr
Bates, or bearer. That one note was for 3000*l.*
and the other for 2500 guineas. That he put the
notes into *Bates's* hands, who told the deponent,
that he would deal with him for himſelf; and if the
buſineſs were done, he would keep the notes, elſe
deliver them again. That the 2500 guineas were
paid after the Charter for reſtoring the *East-India*
Company paſſed; the other for 3000 guineas after
the Charter for regulation paſſed. That he had
theſe notes from Sir *Thomas Cooke*, and was accoun-
table to him for the ſame. That he believed Sir
Thomas Cooke knew how theſe notes were to be diſ-
poſed of; and that he told Sir *Thomas Cooke*, that
Mr *Bates* had acquaintance with ſeveral Lords,
namely the Lord Preſident, and others. That the depo-
nent could not tell whom this money was deſigned for,
or what *Bates* did with it, for that *Bates* would not deal
on ſuch terms of telling names. That *Bates* introduced
him ſeveral times to the Lord Preſident, who made
ſome ſcruples in point of law, which were removed
by the Attorney-General. That one day laſt week
the 5000 guineas were offered by *Bates* back again
to him, *Bates* ſaying, that this might make a noiſe;
that, if Sir *Thomas Cooke* thought it too much, he
would give it him again; that on *Tueſday* laſt 4400
guineas was brought to this deponent, and that the
other 500 guineas were ſtill in *Bates's* hands. That
Sir *Thomas Cooke* ſcrupled to take back his money at
firſt, but afterwards conſented to it the morning
when he was brought up before this Committee.
That he believed Sir *Thomas* had a double account;

the one made up with this ſum, the other without
it. That *Bates* would have paid back the whole;
but Sir *Thomas Cooke* ſaid, the account would not be
even, if the 500 guineas were brought into that ac-
count. That this was no part of the 4000*l.* before-
mentioned to be paid to this deponent; which ſum,
he ſaid, he always underſtood to be wholly for his
own uſe and benefit. That they found great tops in
the Charters, which they apprehended proceeded
ſometimes from my Lord *Nottingham*, and ſome-
times from others. That Col. *Fitz-Patrick* received
1000 guineas on the ſame terms as was with others,
if the Charter paſſed. That he pretended great in-
tereſt with the Lord *Nottingham*, and that he could
have information from the Lady *Derby*, how the
Queen's pleaſure was. That Col. *Fitz-Patrick* ſaid,
He would try to prevail with Lord *Nottingham* for
5000 guineas upon paſſing the Charter, and 5000*l.*
on the act of Parliament; but that the Earl of *Not-*
tingham abſolutely reſuſed to take it. That the de-
ponent heard, that a note, ſigned by Sir *Jyſſah*
Child and Sir *Thomas Cooke*, for 5000*l.* was lodged
in *Tyſſen's* hands for about a year, to be paid in
caſe the act paſſed; and that it was reſuſed, as he
underſtood, by the Earl of *Portland*, to whom *Tyſſen*
had offered it.

Mr *Richard Aſſen* being examined before the ſame
Committee, depoſed, 'That he received the ſums of
10000*l.* and 2000*l.* of Sir *Thomas Cooke*. That he
told Sir *Thomas* he had friends, who would take
pains to do the Company ſervice; but they would
have 10000*l.* That he had 2000*l.* for his trouble
in attending two ſeſſions; and that, if the bill for a
new Company had paſſed, he was to have had no-
thing. That he did not diſtribute the 10000*l.* to
Members, but to thoſe, who had intereſt with
Members. That ſome of them, to whom he gave
money to be diſtributed, were Mr *Craggs*, with
whom this deponent was concerned in clothing the
army, (and who had acquaintance with Colonels in
the Houſe, and ſome Northern Members) Mr
Wallis, Mr *Ridley*, Mr *Dominiqne*, &c. and that
Colonel *Goldwell* and Colonel *Dean*, who were ſince
dead, were the only perſons, whom he himſelf
gave money to.'

The next day, *April* 26th, the Committee of both
Houſes proceeded upon the examination of the reſt of
the perſons mentioned in their report; and Mr *Bates*,
being ſworn, depoſed, 'That Sir *Baſil Firebraſs* did
apply himſelf to him, to uſe his intereſt for obtaining
a Charter for the *East India* Company, the old Char-
ter being forfeited; and told him they would be
grateful. That the deponent did uſe his intereſt
with the Lord Preſident, who ſaid, he would do
what ſervice he could. That the Lord Preſident,
had delivered his opinion publicly for confirming the
Charter, and thought the forfeiture an hardſhip.
That, having received notes for five thouſand five-
hundred guineas, he told the Lord Preſident what
ſum he had, and would have paſſed it to his Lord-
ſhip, but he reſuſed it. That thereupon, in re-
gard he could not very well tell money himſelf, he
aſked leave of my Lord, that his ſervant might tell
the money; to which his Lordſhip answered, he
gave leave; and accordingly Monſieur *Robart* re-
ceived the money. That after Monſieur *Robart*
had received it, he brought the ſame to the depo-
nent, in whoſe poſſeſſion it remained till he paid
four

1695.
Consultations in the Council about the coin
Burnet.

After the Session was over, the affair of the coin was considered by the Council; and, as the late act against Clipping was far from affording a redress of that grievance, it was consulted what methods should be taken for remedying so great an abuse. Some proposed the recoining the money, with such a raising the value of the specie, as should balance the loss upon the old

money, that it was to be called in. That so many, that it was not easy to correct an error, which must have had very bad effects in the conclusion; for the only fixed standard must be the intrinsic value of an ounce of silver; and it was a public robbery, that would very much prejudice our trade, not to keep the value of our specie near an equality with its weight and fineness.

four thousand four hundred guineas thereof back again to Sir Basil Firebrass, which, as he takes it, was upon Monday or Tuesday last. And, being examined again as to the same matter, he said, 'That these four thousand four hundred guineas paid back to Sir Basil were in four bags, with one thousand one hundred guineas in each, brought to him by Monsieur Robart, within a month last past. As to the 600 guineas remaining of the 5000, he at first said he had spent the same; and being afterwards examined as to the same matter, said, they were at home in his study, but he may have spent some. That the reason why he paid back the four thousand four hundred guineas was the noise, that it made, and that people might think he had not deserved them. That the whole five thousand five hundred guineas were for his own private use, and that he might have given them to his footman.'

Sir Basil Firebrass, being once more examined, deposed, 'That Sir Thomas Cooke and others observing him active, and to have interest enough among Noblemen, applied themselves to him to endeavour the procuring a new Charter. That Sir Thomas Cooke was apprehensive, that it stuck with the Duke of Leeds, and told the deponent, that some way must be found out to the Duke. That he thereupon applied himself to Mr Bates, who would not pretend to talk with the Duke, but said, the deponent must tell him what the Company would do. That he told Mr Bates, he thought a present might be made of 2 or 3000*l.* That Mr Bates told him, he went to St James's, and said, he had spoke with his friend, and that more had been offered by the other side; and that at another time Bates said, that 5000*l.* had been offered him by another hand on the same side. Upon which the deponent did not come up to the market. That he acquainted Sir Thomas Cooke with this proposal, who said, if it was insisted on, it must be done; and so it was agreed to offer 5000 guineas. That Bates then said, this was nothing to him; he ought not to be employed for nothing. That therefore the deponent was forced to go back to Sir Thomas Cooke for new orders; and so 500 guineas were given to him besides. That at first Bates said, He would undertake no farther than that the Duke should not oppose, but be silent, because he did not know but the Duke had engaged himself, by having spoke on the other side. That the deponent did except against this, because he would not let the Company's money go for nothing; and it would reflect upon him, if nothing appeared to be done for it. That it was then agreed, that, if the Duke did act in favour of the Company, he should have 2 or 3000 guineas, and Bates 500 guineas to himself. That the deponent would have put off Bates's 500 guineas to the last, to engage him to take the more pains; but Bates said, his friend would have him have the 500 guineas to himself first. Sir Basil produced a copy of Mr Bates's receipt of a note for 3000 guineas, which he thereby promised not to call for till the Charter should pass. The original Mr Bates had back, when the money was paid, and the deponent had not taken a copy of the counter-note for 2500 guineas. He further said, that, after the Charter was passed in October, he sent to Mr Bates, that he might call for the money; and he called for it in two or three days. That the other note was paid in a week after the passing the second Charter: That from the time the notes were given they had free access to the Lord President, and found him easy and willing to give

the Company his assistance: That Mr Bates was shy, and called it his friend at St James's. That the condition of one draught of a counter-note, which Mr Bates brought, was worded, *In case the Lord President did not assist the Company in passing the Charter*; to which this deponent made an alteration, by putting out his Lordship's name, and making it not payable, in case the Charter should not pass, or to that effect. That, about a week before the money was brought back again, the deponent went to Bates about it, who then told him, it was all for himself. That on Sunday night last, or Monday, Bates being at his own house said, he had not the money by him, but he would fetch it; and that the money he thought was in silver; but afterwards told the deponent it was only a mistake, and he had brought it in gold, which by computation came to the same sum. That when this deponent told him, that Sir Thomas Cooke would not take the whole back, Bates said, he could give no answer to it till he had spoke with his friend. That on Monday last five hundred guineas were left at his house by Mr Gibb, a friend of Sir John Trevor's, who said, he had it from Sir John Trevor, to whom Sir Thomas Cooke had before paid it with his own hands, under colour of an arrear for four or five years, as he had been Commissioner of the Great Seal, and that the deponent was present, when Sir Thomas Cooke gave it; and that there was at another time two hundred guineas ordered to be given to the said Sir John Trevor, as a new year's gift, by Sir Joseph Jernyngham. That as to 2000*l.* of the 3000*l.* before mentioned, the same sums were not actually paid till since Lady-day. And as to the other 1000*l.* he hath it now in stock in the East-India Company. That, as to 5000*l.* part of the said 3000*l.* he did design one third thereof to Mr Edward Seymour, one third to Sir John Trevor, and one third to Mr Guy. That he offered the same to Mr Guy, but the latter told him, they did not desire to meddle with the stock, but would do any service they could to promote the getting of the Charter. And Sir Edward Seymour, afterwards meeting with the deponent, chid him for making that proposal, and told him, if he made any more such proffers, he would never have any thing more to do with him. That the deponent told Mr Guy, that the advantage to them in passing the Charter and act of Parliament would be worth 10000*l.* among them. That he intended a distribution of all the 3000*l.* in the manner following, viz. to Sir Edward Seymour, Sir John Trevor, and Mr Guy, 10000*l.* in case the Charter and act of Parliament passed; to the merchants interlopers 10000*l.* and to himself 10000*l.* That he thought himself obliged in honour to pay two thirds of the 5000*l.* when received to Sir John Trevor and Mr Guy; the other third, which he intended for Sir Edward Seymour, he kept for himself. That Sir John Trevor did some time afterwards give the deponent some hints of his expectation.

Sir Joseph Child, being examined, said, 'He never disposed of 40*l.* of the Company's money to his remembrance, always affecting ignorance in that manner: That he did recommend Mr Atten, as being an honest man, and thought he might do service to the Company in Parliament, because of his acquaintance. That he did recommend it, that a present of 50000*l.* should be made to the King, if his Majesty would so far waive his prerogative, that an act of Parliament might be passed for settling the

Com-

1695. fines in silver. So that the difference between the old and new money could only be set right by the House of Commons, in a supply to be given for that end. The Lord-Keeper Sommers did indeed propose that, which would have

put an effectual stop to clipping for the future; it was, that a proclamation should be prepared with such secrecy, as to be published over all England on the same day, ordering money to pass only by weight; but that, at the same time,

Company; but Mr *Tyssen* told him, the King would not meddle in that matter. That he knew nothing of the 40000 *l.* paid to Sir *Basil Firebrass*. That there was a kind of Committee of twenty-five persons, who sat *de die in diem*; to destroy the Company; and that he told Sir *Thomas Cooke*, that he thought Sir *Basil* the fittest person to divide them.

Mr *Atwell* produced his cash books, by which it appeared, that, on the 9th of October 1693, Mr *Bates* had received 545 *l.* 6 *s.* 3 *d.*; on the 10th of that month 2181 *l.* 5 *s.*; and on the 16th of November 3275 *l.*; and he said, that the money was paid by order of Sir *Thomas Cooke*.

Mr *Bates*, being again examined, said, he believed the money might be paid as the books expressed; and further owned, that he had not 4400 guineas in his house on Sunday night last, but that the 4400 guineas, which he paid back to Sir *Basil Firebrass*, were brought to him by Monsieur *Rehart* on Tuesday morning last at eight o'clock.

Mr *Tyssen*, being again examined, said, That Sir *Thomas Cooke* and Sir *Josiah Child* gave him a note under their hands for 50000 *l.* which was intended to be presented to the King, if his Majesty would pass an act of Parliament as they should desire. That he acquainted the Lord *Portland* with the Company's intention to make such a present, who told this deponent, that the King would not meddle with it. And being asked, whether he had offered the same to the Lord *Portland*, he denied he had so done, saying, if he had, he must never have seen his face more. That, when he was examined before the House of Commons, he did not take it, that the 10000 *l.* given to his Majesty was included in the sum charged upon Sir *Thomas Cooke*, being before the date of any order for that money.

Mr *Craggs*, being examined, gave in an account how he had disposed of and applied 4540 *l.* with which he was charged by Mr *Atten*; and denied, that he had ever paid any money to any Members of Parliament.

Mr Comptroller *Wharton*, on Saturday the 27th of April, made a report to the House of Commons from the Committee of both Houses, of the examinations taken by them; which being read, one of the Members stood up, and urged the necessity of searching this matter to the bottom, and to provide laws for the future, to prevent the Members of the House taking money. That all imaginable endeavours had been used to suppress all discoveries. That 10000 *l.* had been pretended to be given to the King, and 50000 *l.* offered to buy an act of Parliament, or gain their Charter. That the facts proved themselves; and that Mr *Bates* appeared an unfortunate person, whom the care of his friend, (the Duke of *Leeds*) and the sense of his oath, had caused to make such contradictions. He moved the House therefore, that they would put the matter into such a method, as became their justice, and as the shortness of their time would allow. Another Member said, that there were never greater and more general instances of corruption; he insisted on the necessity of a speedy remedy, and that it was very fit, that the House should let the world see, that they were in earnest. He put them in mind of the practices and arts, that had been used to stop their discovery, so that what they had was got, as it were, by the utmost force and constraint; at which they could not wonder, when they now found so great a man at the bottom. 'But there is, added he, no person in a post so high, that this House cannot reach; no man's practice or art so deep, that this House cannot discover. Here have been all imaginable endeavours used to obstruct the inquiry. First, his Majesty's name was made use of at the Committees, with hopes, perhaps, that might stop any further search; and, if it were made use of there, you may reasonably expect it

was made use of elsewhere. But that appeared to be so far from being a matter of reflection on the King, that Sir *Josiah Child* often complained of it, as a rudeness to his Majesty, that what other Kings had yearly as a present, they had not offered to his Majesty in three years. It was indeed, if not a matter of a right, a matter of custom. As for the Earl of *Portland*, who may be named for his honour on this occasion, when the great sum of 50000 *l.* was pressed upon him, he absolutely refused it, and told him, *He would for ever be their enemy and opposer, if they offered any such thing to him.* Having thus mentioned the innocent, I must, continued he, say somewhat of the guilty. A stop having been put, the Duke of *Leeds* must be applied to. Certainly there never was a more notorious bribery, and that in a person, whom we might have expected to have been free from such a crime, if you respect either the greatness of his place, or of his former obligation. It is fit to speak plainly on such occasions: The House ought to endeavour to remove such a person from the King's Council and Presence. What security can the nation have, when we are bought by and sold to one another? We have seen our designs defeated, our attempts betrayed; and what wonder is it? Can any man think it more strange, that our Councils should be sold abroad, than that Charters should be sold at home? Certainly, a man may reasonably believe, that he, who will sell the Subjects, will sell the Kingdom, if he can have a sufficient bribe. What Prince can be safe in such councils, which are given for private advantage? Several proposals, said he in the conclusion, may here be offered for remedy. One, that this House should address his Majesty to remove the Duke of *Leeds*; but, with submission, an address is too mean, too low a thing for the House to do at this time, and upon such an occasion. I therefore move, that we may lodge an Impeachment, viz. That *Thomas Duke of Leeds, Lord President of his Majesty's Council, be impeached by this House: Or thus, That Thomas Duke of Leeds be impeached by this House of high crimes and misdemeanors, and particularly of corruption in taking a bribe of five thousand guineas, to obtain a Charter and regulation for the East-India Company.*

Though this speech was approved of in the main, yet some expressions in it were thought too reflecting; and another Member stood up, and said, 'He wondered the Gentleman, who spoke last, should say that, which he hoped he did not believe, That that Lord should have sold our councils to France.' Upon this the other rose again, and said, 'It was with some uneasiness he stood up, for he did not take pleasure to rake into a dunghill. That he was far from saying the Duke had betrayed our councils, but argued only from the possibility. That it was as reasonable to believe one as the other; and that, when honour and justice were not the rule of men's actions, there was nothing incredible, that might be for their disadvantage.'

Several Members seconded the motion for an impeachment, adding, 'That such actions as these were a blemish, if not a scandal to the Revolution itself.' And it being demanded, *By what law it was a crime to take money at court?* It was answered, 'that, if there was not a law, it was time there should be a law to prevent it: That the law of God was against the Duke, and broke by him. That he had taken an oath as a Privy-counsellor, That justice is not to be sold by the common law. That there were Parliaments to punish such crimes.' It was again suggested, that it seemed doubtful, whether there was matter in this report for an impeachment; and therefore, before the House went to an impeachment, they ought

1695. time, during three or four days after the proclamation, all persons in every country, who had money, should bring it in to be told and weighed; and the difference was to be registered, and the money sealed up, to the end of

the time given, and then to be restored to the owners; and an assurance was to be given, that this deficiency in weight should be laid before the Parliament, to be supplied another way, and to be allowed them in the following taxes. But, though

to put the question upon the report, and see whether it be a crime? Thereupon some of the Duke's friends objected, *That there was no law, and so no transgression*; and moved for excusing him. But the question being put, 'that there did appear that there was in the report made from the Committee of both Houses sufficient matter to impeach *Thomas Duke of Leeds*, Lord President of his Majesty's Council, of high crimes and misdemeanors,' it was resolved in the affirmative; and Mr Comptroller *Harton* was ordered to go up to the Lords, and at their bar, in the name of the House, and of all the Commons of *England*, to lodge the said impeachment, which in due time they would make good.

About the same time, that Mr Comptroller made the report to the Commons from the Committee of both Houses, the Lord Privy-Seal made the report to the Lords; after hearing of which the Duke of *Leeds* said, 'That, as he had formerly protested himself to be clear in this matter, so he still denied upon his faith and honour, that he was guilty of any such corruptions, as were suggested against him; and that, if the whole truth were laid open, it would tend to his honour and advantage. That he would be very free in telling their Lordships, now beforehand, all that passed, in which he was any ways concerned. That Mr *Bates* introduced Sir *Basil Firebrass* to him, and that he had conferences with Sir *Basil* upon the subject of the *East-India* Company, which Sir *Basil* was concerned for. That some time after Mr *Bates* informed him, that he was to have a sum of money of Sir *Basil Firebrass*, and desired his Lordship to lend him one of his servants (Mr *Bates* keeping but a footman) to receive the money, and so he lent him Monsieur *Robert*. That he knew nothing of the sum, but afterwards Mr *Bates* came to him, and told him, he had received five thousand guineas; and that in acknowledgment of the many favours he had received from his Lordship's hands, he humbly desired him to accept the same; which he refusing, Mr *Bates* pressed him earnestly to take one half or a quarter; which he still refused, declaring he would not touch a penny of them. That however he told him, since he had taken them, he thought there was no need of returning them, that they were his own, and wished him good luck with them. And thus, concluded his Grace, I was but a shadow to Mr *Bates*.'

The Duke had scarce ended his speech, when private notice came to the House of Lords, that the Commons were proceeding to an impeachment against him. Whereupon he left the House in great haste, and, going to the door of the House of Commons, desired to be admitted to be heard. This being granted, and a chair placed for him within the bar, his Grace sat down, put on his hat, then rose, uncovered himself, and made a speech to the House, wherein in the first place, 'he thanked them heartily for this favour of hearing him; and then proceeded, declaring his innocence, and that he had attended sooner, if he had had the least intimation, what the House was upon. That the occasion of his coming was from the two votes upon the report from the Committee of both Houses. That he had done all he could to be informed of the particulars, but could not. That, hearing of a report, a monstrous long report, and finding himself concerned, he was earnest to be heard, to the end he might not lie under the displeasure of either or both Houses. He said, 'it is a bold word, but it is a truth, *This house had not now been sitting but for me*. That he had been formerly pursued by the House in two points, for being for the French interest and for Popery: That he had, then, if he might have been heard, justified himself

and hoped he had since, and would by all the actions of his. That one *Firebrass*, by the means of Mr *Bates*, was introduced to him. That he had long known Mr *Bates*; and, if he was not much deceived in him, he could not believe that Gentleman would have transacted such a matter, if put upon it. That the evidence is but an hearsay, and he hoped they would not condemn on hearsay. That he would not take up their time by entering into particulars. That there was a money part as well as a treaty part. That, as to the money part, much of it was false, and what was true he made no secret. That he could and did say upon his faith and honour, that neither directly nor indirectly he never touched one penny of the money. That he observed a great deal of pains had been taken to hook him in this matter by a side-wind. That this *Firebrass* thought his merit would deserve 10000 *l.* and 30000 *l.* That these five thousand five hundred guineas were no part of the 40000 *l.* That the witnesses were called in by the Committee; but that *Firebrass*, after his first hearing, desired to be called in again himself, contrary to all rules; which shewed him at least a very willing witness. That he had a thread, which he hoped to spin finer, and make it appear, that this was a design laid against him long before the naming this Committee. That warning had been given him some time since, that *this matter would be improved against him*; and that *Firebrass* had been told, *he should be excused, if he should charge the Duke*. His Grace, in the conclusion, said, 'he asked no favour, but their favourable justice; and that no severe sense might be put on what would bear a candid one. That, if it might be, the House would reconsider what was done, or at least preserve him from cruelty, and not let him lie on the rack, and be blasted, until a Parliament should sit again; and that, if they would proceed, it might be speedily, for he had rather want Counsel, want time, want any thing, than lie under their or the nation's displeasure; and that, if they would not reconsider, the matter might be brought to a determination, and that he might at least have their speedy justice.'

This speech being ended, and the Duke withdrawn, Mr Comptroller, attended by many Members, went up to the Lords with the impeachment; and at the same time it was proposed in the House of Commons, that the articles should be forthwith drawn up; and thereupon the Committee, which were joined with the Lords, were ordered to withdraw to prepare the same.

Afterwards the House of Commons took the Duke's speech into consideration, and one of the Members stood up, and said, 'That by this noble Duke's speech the point was, whether the House would arraign the Committee of both Houses, or go on with the impeachment? That the Duke, when he came to the matter, would not enter into particulars, but passed it over with excuse of wanting time. That he made no excuse as to the facts. That his argument of a contrivance was, that the five thousand guineas charged on him was no part of the 40000 *l.* which *Firebrass* was to account for. That this was rather an aggravation of the crime; for Sir *Thomas Cooke* had a double account, one with, and another without the 5000 guineas; which was an indication, that, if there was a contrivance, it was not by the Committee, but with Sir *Thomas Cooke*, to stifle the inquiry, and conceal the corruption. That the speedy justice of the house was to be wished and desired; and that, if there was such a contrivance, such a thread, as was mentioned by the noble Lord, it was not to be doubted, but that House, where he was impeached, would clear him.'

1695. though the King liked this proposition, yet all the rest of the Council were against it. They said, this would stop the circulation of money, and might occasion tumults in the markets. Those, whose money was thus to be weighed, would not believe, that the difference between the tale and the weight would be allowed them, and so might grow mutinous. Therefore they

were for leaving the matter to the consideration of the next Parliament. So this proposition was laid aside, which would have saved the nation above a million of money. For now, as all people believed, that the Parliament would receive clipped money by tale, clipping went on and became more visibly scandalous, than ever it had been. For which reason an effectual stop

was

‘him.’ Another Member moved, ‘That a Committee might be appointed to withdraw, and consider what was to be done in order to gratify the noble Duke by speedy justice; and observed that his friend Mr Bates’s contradicting himself was more than the evidence of *Firebrass*. That Monsieur *Robart* was a servant of my Lord President’s, and was fled: That Mr Bates said he kept the money in his house: That sometimes he had spent it, sometimes it was in his closet. That he did own the money was not in his house on Sunday, but on Tuesday morning Monsieur *Robart* brought it to him, but he would never declare from whom he brought it.’

In the midst of these debates a message was sent from the Lords, to acquaint the House of Commons, that it was the opinion of their Lordships, that the discovery made by Sir Thomas Cooke was not satisfactory, nor so full as to intitle him to the benefit of the act to indemnify him; and that their Lordships desired the concurrence of the Commons. They thereupon passed a vote, as the Lords had done, and sent it up by the Lord Comingsby.

On Monday the 29th of April, the Lords acquainted the Commons, that they had passed a bill, intitled, *An act for imprisoning Sir Thomas Cooke, Sir Basil Firebrass, Charles Bates, Esq; and James Craggs, and restraining them from alienating their estates*; to which they desired the concurrence of the Commons. After the reading of this bill, Mr Comptroller reported the articles of impeachment against the Duke of Leeds, ‘for contracting and agreeing with the Merchants trading to the *East-Indies*, or their agents, for five thousand five hundred guineas, to procure them a Charter of confirmation, and a Charter of regulations; which sum was actually received by the said Duke of Leeds, or by his agents and servants, with his privity and consent.’ These articles being agreed to by the Commons, and by their order sent to the Upper-House, and read, the Duke of Leeds repeated several things to the same purpose as formerly, adding, ‘That this storm, which was now fallen upon him, was some time in gathering, and promoted by a faction and a party, who had only a pique against him; and that the King’s business had been delayed on purpose. That he had an original letter, which gave him an account of this some time before it broke out, and it appeared only levelled against him, because none else were prosecuted. That there appeared a joy, that they could catch at this, for then they stopped; and that Sir Basil Firebrass was treated with to discover only this part, and so he should be excused from any farther discovery.’ His Grace concluded, with praying for a copy of the articles of impeachment, and of the report of the Committee of both Houses; which was readily granted.

The next day, April 30, the Commons were acquainted by a message from the Lords, that the Duke of Leeds had put in his answer to the articles exhibited against him, of which their Lordships sent a copy to them. Whereupon the House of Commons ordered, that the Committee, who were appointed to prepare the articles against the Duke, should consider of and prepare a replication to his answer.

Upon the 1st of May, the Commons read a third time, and passed the ingrossed bill from the Lords, for imprisoning Sir Thomas Cooke, &c. and sent it up to the Lords by Sir Herbert Craggs, who was ordered to acquaint their Lordships, that they had agreed thereto with some amendments. On the other hand, the

Lords acquainted the Commons, that they themselves were obliged, in justice, to put the House in mind of the impeachment against the Duke of Leeds; to which the Duke’s answer having been transmitted to them, the Lords desired to know, when the Commons could be ready with their articles, to the end a certain day might be appointed by the Lords for that purpose. Thereupon the Commons ordered, that the Duke’s answer might be referred to the consideration of the Committee, and that they likewise consider what was to be done in that matter, according to the course of Parliaments.

The Duke, upon the 2d of May, complained to the Lords of the delay of the House of Commons, in not replying to his answer, alledging, ‘That the impeachment was only to load him with disgrace; and that they never intended to try him. And added, that the party used great partiality towards him, and did not intend to inquire after others; and that they shewed their partiality and spleen in their amendment to the bill for imprisoning Sir Thomas Cooke, Sir Basil Firebrass, and others, wherein Sir Basil Firebrass was to be bailed, because he was the witness against his Grace.’ The same day the Commons resolved, ‘That the offer of any money, or other advantage, to any Member of Parliament, for the promoting of any matter whatsoever, depending, or to be transacted in Parliament, was a high crime and misdemeanor, and tended to the subversion of the *English Constitution*.’ Afterwards Mr Comptroller reported from the Committee of the House of Commons, ‘That it was their opinion, that the proper method to compel witnesses to come in, and give their evidence upon impeachments, is, in the first place, to issue out summons from the House to such witnesses for their attendance; and that it appeared to them, that Monsieur *Robart*, who is a material witness for making good the articles against the Duke of Leeds, had been summoned to attend the Committee, but could not be found: And, it not being yet known where he is, they are of opinion, not to make any farther progress in the matter referred to them, until they have the farther direction of the House.’ This resolution was agreed to by the House, and an order made, that Monsieur *Robart* should attend the House forthwith, and that he be summoned by the Serjeant at Arms.

Upon Friday the 3d of May, a motion being made in the House of Lords, to read the bill for granting to the King a *duty upon glass*, &c. the Duke of Leeds rose up, and told the Lords, ‘That it grieved him, that he, who was as much as any man for the dispatch of the money-bills, and never opposed any, should now do it. But he hoped the Lords would consider his case, not only as his, but as the case of any of their Lordships; for it was in the power of a winker to accuse at the end of a Session, and one might lie under it without any remedy. And since the Commons, by mismanagement, had delayed this money-bill for six weeks, it would not be of mighty ill consequence, if it should lie a day or two longer. His Grace likewise pressed very earnestly, that, if the House of Commons did not reply, the impeachment might be discharged; for, if it were not, he might lie under the reproach thereof all his life; adding, that he believed the Commons would do nothing in it; for, though they had appointed a Committee to meet, yet they met but once, and that for form.’

The same Day the Speaker of the House of Commons acquainted them, that the Serjeant at Arms had informed

1695.

1695. was put to this mischief in the next Parliament, by recoining all the current cash of the Kingdom (1).

The same day, that the Parliament was prorogued, the King declared in Council, that he had appointed,

Government in the King's absence.
Kennet.
Burnet.

The Archbishop of Canterbury,
Sir John Sommers, Lord-Keeper of the Great-Seal,
Thomas Earl of Pembroke, Lord Privy-Seal,
William Duke of Devonshire, Lord Steward of his Majesty's Household,
Charles Duke of Shrewsbury, one of his Majesty's Principal Secretaries of State,
Charles Earl of Dorset, Lord Chamberlain of his Majesty's Household,
Sidney Lord Godolphin, First Commissioner of the Treasury,

to be Lords Justices of England, for the administration of the Government, during his absence.

In this a great error was committed, which had some ill effects, and was like to have worse. Though the breach was, in appearance at least, made up between the King and the Princess of Denmark, she was not now, when the King was going beyond sea, set at the head of the Councils, nor was there any care taken to oblige those who were about her. This looked either like jealousy and distrust, or a coldness towards her, which gave all the secret enemies of the Government a colour of complaint. They pretended zeal for the Princess, though they came little to her; and they made it very visible on many occasions, that this was only a disguise for worse designs.

At the same time that the Lords Justices were appointed, Sir William Trumbal was made Secretary of State in the room of Sir John Trenchard, deceased. Trumbal was a very eminent Civilian, and had been by much the best pleader in those courts, and was a learned, diligent, and virtuous man. He was sent Envoy to Paris upon the Lord Preston's being recalled. He was

informed him, that his messenger had been at the Duke of Leeds's, and inquired for Monsieur Robart, who was not to be found, and had not been seen in his Grace's House for three days past. Whereupon the Commons desired a conference with the Lords; which being agreed to, their managers delivered a paper to the Lords, importing, 'That the Commons would make good the charge against the Duke of Leeds, and were desirous, that justice be done without any manner of delay; but that, in the preparation of the evidence against the Duke, their Committee met with an obstruction. That Monsieur Robart, who appeared, by the depositions before the Committee of both Houses, to be a material witness, was withdrawn since the impeachment was carried up; which had been the reason the Commons had not yet acquainted their Lordships, when they could be ready to make good the said impeachment.'

This paper being read in the House of Lords, it was moved and agreed to without any debate, or any opposition made by the Duke of Leeds, that an address should be made to the King to issue out a proclamation for stopping the ports, and seizing Monsieur Robart; which was accordingly done, though the proclamation was not published till about nine days afterwards.

The Duke then rose up, and blamed the Commons for doing an unheard of and unprecedented thing, to charge a man with crimes, before they had all the evidence to make it good. That it was strange they should say they wanted a material witness, and lay it upon him to produce this witness; as if a person were obliged more to produce evidence to accuse himself, than to answer such questions, by which he accuses himself. He then acquainted their Lordships, that in truth he had sent Monsieur Robart to see his daughter Leinster, who went into the country big with child; and ordered him to call at Minns to see his daughter Plymouth, it being in his way to his daughter Leinster's, whither the messenger of the House might have known he was gone, if he had asked. That he had sent a messenger on purpose for Robart; that his footman waked him about two of the clock on Sunday morning, to let him know, that Robart was come, and was in the house, which was as soon as he could possibly return. That his Lordship told the footman he would go to sleep, and would speak with Robart in the morning, when he usually called him. But, when he asked for him in the morning, the footman said he was gone; and upon inquiry he found Robart did not lie or pull off his boots in his chamber. That the footman said, he asked whether the news was true, that his Lord was impeached, and Mr Bates in prison; which the footman owned to be true; and that his Grace

believes, that had frightened Robart. That his Chaplain had shewn him a letter from Robart, with a desire to acquaint his Grace, that he designed for his own country, Switzerland, through Holland; from whence he would write to his Grace a true account of all the matter of the five thousand five hundred guineas to Mr Bates. That he knew by the manner of his writing, by the temper of the man, and by a particular knowledge he had of him and of the thing, that he would not be seen here again in haste. So that, my Lords, said his Grace, if this man be insisted upon as a material evidence, and that my trial is to be delayed till this person is forthcoming, when am I likely to be tried? I humbly move your Lordships, that you will come to some resolution, if this matter be not immediately proceeded upon, so that I may be tried before the ending of this Session, that this impeachment shall fall. To which some few Lords cried, *Will you?*

[The collector of these proceedings inquires here, whether Monsieur Robart might not have been delivered from the fright he was put into, by hearing the Duke was impeached, and Mr Bates imprisoned, and been wrought upon to come in, and, for his Grace's honour and advantage, lay open the whole truth. If the Duke had been pleased, to put an advertisement into the Gazette, that he would interpose with his Majesty, to obtain a pardon for him (if any was criminal) and give him five thousand guineas to beseech him, (or something to that effect) and whether such a course would not have been of more avail, for securing Robart's forthcoming, and the manifestation of the truth and his Lordship's vindication, than the proclamation, for apprehending him, has hitherto been.]

However, the Lords read and passed the bill upon glass, &c. and the King came to the House, and gave the Royal assent to several bills, and amongst the rest to the bill for imprisoning Cooke, Firebrass, Bates, and Craggs, and also to an act for the King's most gracious free and general pardon, but with the exception of all persons, who have been or shall be impeached in Parliament, during this Session. On the same day, the Commons, having read the report from the Committee of both Houses, were proceeding to impeach other persons therein mentioned, particularly Sir John Trevor, when they were interrupted by the Black Rod, and commanded to attend the King, in the Lords House, where after a short speech, the King put an end to these affairs, by a prorogation to the 18th of June.

(1) There were few remarkable acts passed this Session, besides what have been mentioned, an act to exempt Apothecaries from serving offices, or upon Juries.





In the Possession of Mr George de la Bar

Engraved by J. P. Knappin London 1740

1695. was there when the Edict of Nantz was repealed in 1685, and saw the violence of the persecution, and acted a great and worthy part in harbouring many, in covering their effects, and in conveying over their jewels and plate to *England*; which disgusted the Court of *France*, though it was not then thought fit to disown or recal him for it. He had orders to put in memorials, complaining of the invasion of the principality of *Orange*, which he did in so high a strain, that the last of them was like a denunciation of war. From *Paris* he was sent to *Turkey*, where the *French* Ambassador informed him of the secret alliance between King *James* and *Lewis XIV.* He returned to *England* in 1692, and was now made Secretary of State. A few days after *William de Nassau, Seigneur de Zulfstein*, son to the King's natural uncle, was created Baron of *Enfield*, Viscount *Tunbridge*, the Earl of *Rochford*; and *Ford*, Lord *Grey of Werke*, was created Viscount *Glendale*, and Earl of *Tankerville*. The next day, *May* the 9th, Duke *Sebmberg*, the Earl of *Tankerville*, and *Peregrine Bertie*, Vice-Chamberlain to his Majesty, were sworn and admitted of the Privy-Council.

Marquis
of Halifax
dies
Burnet.

The Marquis of *Halifax* died in *April* this year; he had gone into all the measures of the Tories; only he took care to preserve himself from criminal engagements; he studied to oppose every thing, and to embroil matters all he could; his spirit was restless, and he could not bear to be out of business; his vivacity and judgment sunk much in his last years, as well as his reputation; he died of a gangrene, occasioned by a rupture that he had long neglected; When he saw death so near him, and was warned, that there was no hope, he shewed a great firmness of mind, and a calm that had much of true Philosophy at least; he professed himself a sincere Christian, and lamented the former parts of his life, with solemn resolutions of becoming in all respects another man, if God should raise him up.

The King
goes a-
broad
May 12.

On the 12th of *May* the King went in the morning from *Kensington* to *Gravensend*, and went aboard the *William and Mary* Yacht about six in the evening, attended by the Duke of *Ormond*, the Earls of *Essex* and *Portland*, and other persons of Quality; but, there being little wind, the Yacht got no further that night than the *Buoy in the Nore*. The next morning they joined their convoy under the command of Sir *George Rooke*, and on the 14th the King safely landed at *Orange Polder*, and arrived in the

evening at the *Hague*, where he was received with great acclamations of joy.

The seven Lords Justices had no character nor rank, except when four of them were together; and they avoided assembling to that number, except at the Council-board, where it was necessary; and, when they were together, they had the Royal authority vested in them. They were chosen by the posts, which they were in; so that no person could think he was neglected by the preference. They were not envied for this titular greatness, since it was indeed only titular; for they had no real authority trusted with them. They took care to keep within bounds, and to do nothing but in matters of course, till they had the King's orders, to which they adhered exactly; so that no complaints could be made of them, because they took nothing on them, and did only keep the peace of the Kingdom, and transmit and execute the King's orders. The summer went over quietly at home; for, though the Jacobites shewed their disposition on some occasions, but most signally on the Prince of *Wales*'s birthday, yet they were wiser than to break out into any disorder, when they had no hopes of assistance from *France*.

The King having thought fit to call a Parliament in *Scotland*, they met according to their summons on the 9th of *May*. The Marquis of *Tweeddale* was his Majesty's Commissioner. For not only Duke *Hamilton*, but his brother-in-law, the Duke of *Queenberry*, died the last winter. They had been long great friends; but they became irreconcilable enemies. Duke *Hamilton* had more application, but the other had the greater genius. They were incompatible with each other, and indeed with all other persons; for both loved to be absolute, and to direct every thing. The Marquis of *Tweeddale* was early engaged in business, and continued in it to a great age. He understood well all the interests and concerns of *Scotland*; had a great stock of knowledge, with an obliging temper, and was of a blameless, or rather exemplary life. He had loose thoughts both of civil and ecclesiastical Government; and seemed to think, that what form soever was uppermost was to be complied with. He had been in *Cromwell's* Parliament, and had abjured the Royal family, which lay heavy upon him. He was, in all other respects, the ablest and worthiest of the Nobility, only he was too cautious and fearful. He was made a Privy-Counsellor in *England* in 1667, and in 1692, Chancellor and Marquis of *Scotland*,

A Parlia-
ment in
Scotland.
Kennet.
Burnet.
Dukes Ha-
milton
and
Queen-
berry died.

The Mar-
quis of
Tweed-
dale's cha-
racter.
Burnet.

Juries. Several bills were set on foot, but not finished; namely, *A bill touching free and impartial proceedings in Parliament*; which was begun in the House of Commons, and there rejected after the third reading: *A bill for regulating trials in cases of high-treason*; which, having passed the Lower-House, was amended by the Lords, and occasioned several further conferences and debates between both Houses: Another bill for registering memorials of deeds, conveyances, and wills, which was obstructed by the Lawyers in the House of Commons: A fourth, for the encouragement of privateers: A fifth, for the encouragement of seamen: A sixth, to disable persons from voting in elections of Members to serve in Parliament, who should refuse to take the oaths to the Government, which never came to the second reading: A seventh, for the better discovery of bankrupt estates, No. 18. Vol. III.

which was only read twice: An eighth, to vest the forfeited estates in Ireland in his Majesty, wherein as little progress was made: A ninth, to regulate printing presses: A tenth, requiring certain persons to take the oaths to his Majesty, which, having passed the Upper-House, and been sent down to the Commons, was by them rejected after the second reading: An eleventh, sent down also by the Lords, for naturalizing foreign seamen, which the Commons refused to pass: A twelfth, to ascertain the assize of bread: A thirteenth, to oblige James Craggs and Richard Harnage to discover how some of the monies for clothing the army had been disposed of: And, lastly, a bill for punishing Tracy Pauncefort and his brother Edward Pauncefort, for corrupt practices, which, having been read three times by the Commons, was ordered to lie upon the table.

C c c c

1695. *lord, and now the King's High-Commissioner.* He came to the Parliament attended in the usual manner; and, his Commission being read, the King's letter to the Lords Temporal and Commissioners of the shires and burghs was read also, setting forth, 'That the continuation of the war still hindered him from pursuing his resolution of being amongst them in person, and so obliged him to call them together once more in his absence. That therefore he had appointed the Marquis of Tweeddale to be his Commissioner, and to represent his person and authority among them. That the Marquis had given proofs of his capacity and experience in business, as well as of his fidelity and zeal, by his many and long services to the Crown and Nation, particularly since his being Lord Chancellor; which would render him very acceptable to them. That his Majesty had fully entrusted him with his mind, and given him powers to pass all such laws for the good of that his Majesty's ancient Kingdom, as had been proposed to his Majesty at this time. That the Marquis was to ask nothing of them in his Majesty's name but that, which the interest of the country made necessary to be done. That therefore his Majesty need not to mention to them, that the subsidies for paying the forces were now expired, and that their peace and safety required the renewing of them during the war. That his Majesty was glad of any appearances of a disposition to moderation and union about Church-matters; and hoped they would encourage and promote it, by removing the subjects of differences as much as they could. That he was not unmindful of the letter to him, in the close of the last Session. That the known interruptions, which he had had in business this winter, had been a great hinderance to him; but he was resolved to do whatever he might for the security of the Government, and the satisfaction of his good subjects. In the conclusion, his Majesty recommended to them calmness and unanimity in their proceedings, not doubting but they would act suitably to the confidence he had put in them, in calling them again in his absence.' This letter was seconded by the High Commissioner's speech, who told them, 'That his Majesty's tender care and concern for their safety and welfare did evidently appear, in minding every thing, that might contribute thereto; particularly as to the Church, that all differences might be composed, it being his Majesty's purpose to maintain the Presbyterian Government in the Church of Scotland, and that the peace and security of the Kingdom against foreign invasion and intestine commotion be provided for. That if they found it would tend to the advancement of trade, that an act should be passed for the encouragement of such, as should acquire and establish a plantation in *Africa or America*, or any other part of the world, where plantations might be lawfully acquired, his Majesty was willing to declare, That he would grant to the subjects of this Kingdom, in favour of these plantations, such rights and privileges, as he granted in like cases to the subjects of his other dominions. And that the Judicatories, higher and subaltern, be so regulated in

The King's letter to the Parliament.

The Commissioner's speech.

their proceedings, as that justice might be administered with the greatest dispatch and least charge to the people. That these things had taken up some part of his Majesty's time and thoughts these months past, and had been frequently discoursed by him, and then put in the method of instructions and directions for his Grace's behaviour. That therefore it only remained for them to take these weighty affairs into consideration, and to consult of the best ways and means to enable his Majesty to perfect so good designs, by granting him supplies for maintaining the present land-forces, and for providing and entertaining a competent naval force, for the defence of the coast, and securing of trade. In order to which his Majesty had granted a Commission of Admiralty for managing the affairs thereof; not omitting to take care for the other unavoidable contingencies of the Government, wherein the Civil List came short. Concluding, that the dispatch of these great affairs with cheerfulness and alacrity would perfect a good understanding, and perpetuate a confidence between the King, and them.' The Earl of Annandale, Lord President of the Parliament, made likewise a speech to them on this occasion. He acknowledged his Majesty's gracious letter, wherein he asked nothing for himself, but only prevented their necessary cares for the peace, welfare, and advantage of this Kingdom. He took notice of the fresh assurances they had of his Majesty's firm resolution, to maintain the Presbyterian Government of this Church; and said, he hoped the moderation and calmness, that should at this time appear in all their proceedings in Church-matters, would satisfy the world, *that this is the Government most agreeable to the temper and inclination of this people, and most suitable for the interest and support of their King, the civil Government, and peace of this Kingdom.* And in the conclusion he enforced all that had been said, by one thing, which did justly challenge a more than ordinary zeal and vigour in their duty at this time, which was the sad and irreparable loss they had sustained of the best of Queens; wishing they might all of them make this use of it, that as now the whole sovereignty was lodged in his Majesty, it might appear by their actions, that they had doubled their forwardness and endeavours to serve him; which was the only way now left them to shew their just sense of their inexpressible loss, and to make it, in some measure, more supportable to his Majesty.

These speeches had the desired effect. The Parliament ordered an answer to his Majesty's letter, and an address of condolence for the death of the Queen, to be drawn up, and sent to his Majesty; and they appointed a Committee for the security of the Kingdom, and another for trade. The first of these Committees having made their report concerning the supplies to be given to the King, it was unanimously resolved, that the sum of 1,440,000 pounds Scots be granted for the maintenance of the land forces, and for providing and maintaining cruisers and convoys for defence of the coasts and trade; towards the raising of which sum they made an act for a general poll, another for

1695. for a supply of six months cess out of the land rents, a third for an additional excise, and a fourth for three months cess more.

An act for a new Company. Barret. The Committee of trade, after several sittings, prepared an act, which produced the *West-India* and *African* Companies, and the *Darien* enterprise. This act was passed, but proved (as will hereafter be seen) very fatal to *Scotland*. It was occasioned in this manner: The interlopers in the *East-India* trade, finding that the Company was like to be favoured by the Parliament, as well as by the Court, were resolved to try other methods to break in upon that trade: They entered into a treaty with some merchants in *Scotland*; and they had, in the former Session, procured an act, that promised Letters Patents to all such, as should offer to set up new manufactures, or drive any new trade, not yet practised by that Kingdom, with an exemption for twenty-one years from all taxes and customs, and with all such other privileges, as should be found necessary for establishing or encouraging such projects. But here was a necessity of procuring Letters Patents, which they knew the credit, that the *East India* Company had at Court, would certainly render ineffectual. So they were now in treaty for a new act, which should free them from that difficulty. There was one *Patterjon*, a man of no education, but of great notions; which, as was generally said, he had learned from the *Buccaneers*, with whom he had consoled for some time. He had considered a place in *Darien*, where he thought a good settlement might be made, with another over-against it, in the *South Sea*; and, by two settlements there, he fancied a great trade might be opened both for the *East* and *West Indies*; and that the *Spaniards* in the neighbourhood might be kept in great subjection to them; so he made the Merchants believe, that he had a great secret, which he did not think fit yet to discover, and reserved to a fitter opportunity; only he desired, that the *West-Indies* might be named in any new act, that should be offered to the Parliament: He made them in general understand, that he knew of a country, not possessed by *Spaniards*, where there were rich mines, and gold in abundance. While these matters were in treaty, the time of the King's giving the instructions to his Commissioner for the Parliament came on; and it had been a thing of course to give a general instruction, to pass all bills for the encouragement of trade. *Johnston* told the King, that he heard there was a secret management among the Merchants for an act in *Scotland*, under which the *East-India* trade might be set up; so he proposed, and drew an instruction, empowering the Commissioner to pass any bill, promising Letters Patents for encouraging of trade, yet limited, so that it should not interfere with the trade of *England*: When they went down to *Scotland*, the King's Commissioner either did not consider this, or had no regard to it; for he gave the Royal assent to an act, that gave the undertakers, either of the *East-India* or *West-India* trade, all possible privileges, with exemption of twenty-one years from all impositions: And the act directed Letters Patents to be passed under the Great-Seal, without any further warrant for them: When this was printed, it gave a great alarm in *England*,

more particularly to the *East-India* Company; for many of the Merchants of *London* resolved to join stock with the *Scotch* Company; and the exemption from all duties gave a great prospect of gain.

But this Session of the *Scots* Parliament was chiefly remarkable for it's strict enquiry into a passage, that made a great noise in the world. The Earl of *Broadalbin* formed a scheme of quieting all the *Highlanders*, if the King would give twelve or fifteen thousand pounds for doing it, which sum was remitted down from *England*; and this was to be divided among the heads of the tribes or clans of the *Highlanders*. He employed his emissaries among them, and told them, that the best service they could do King *James* was to lie quiet, and reserve themselves to a better time; and, if they would take the oaths, the King would be contented with that, and they were to have a share of this sum, that was sent down to buy their quiet. But this came to nothing; their demands rose high; they knew, that the Earl had money to distribute among them; they believed, that he intended to keep the best part of it to himself. They asked therefore more than he could give. Amongst the most clamorous and obstinate of these were the *Macdonalds* of *Glencoe*, who were believed guilty of much robbery and many murders, and so had gained too much by their pilfering war, to be easily induced to give it over. The head of that valley had so particularly provoked the Earl of *Broadalbin* (whose cows were said to have been stolen by *Macdonald's* men) that, as his scheme was quite defeated by the opposition, that *Macdonald* raised, so he designed a severe revenge. The King had by a proclamation offered an indemnity to all the *Highlanders*, who had been in arms against him, upon their coming in, by a prefixed day, to take the oaths. The day had been twice or thrice prolonged; and it was, at last, carried to the end of the year 1691, with a positive threatening of proceeding to military execution against such as should not submit by the last day of *December*. All of them were so terrified, that they came in; and even *Macdonald* himself went to Colonel *Hill*, Governor of fort *William* at *Inverlochie*, on the last of *December*, and offered to take the oaths. But the Colonel, being only a military man, could not or would not tender them; and *Macdonald* was forced to seek for some of the legal Magistrates to tender them to him. The snows were then fallen, so that five or six days passed, before he could come to a Magistrate; but on the sixth of *January* 1691-2 he took the oaths before Sir *Colin Campbell* of *Ardkinlar*, Sheriff-deputy of *Argyle*, at which time, in the strictness of law, he could claim no benefit by it. The matter was signified to the Council at *Edinburgh*; and Sir *Colin* had a reprimand for giving him the oaths, when the day was passed. This was concealed from the King, and the Earl of *Broadalbin* came to Court, to give an account of his diligence, and to bring back his money, since he could not do the service, for which it was received. He informed against *Macdonald*, as the chief person who had defeated that good design; and, that he might gratify his own revenge, and render the King odious to all the *Highlanders*, he proposed, that orders should be sent for a military execution

1695.

Cafe of
Glencoe.
Barret.
Report of
the Com-
mittee for
the Glen-
coe of
fair.
St Tr. III.
602.

1693. execution on the men of *Glencoe*. An instruction was drawn by Secretary *Stair* (dated the 11th of *January* 1692, and directed to Sir *Thomas Livingstone*) to be both signed and countersigned by the King, that such, as had not taken the oaths by the time limited, should be excluded the benefit of the indemnity, and be destroyed by fire and sword; but with this express mitigation in the fourth article, 'That the rebels may not think themselves desperate, we allow you to give terms and quarter, but in this manner only, that chieftains and heritors, or loaders, be prisoners of war, their lives only safe, and all other things in mercy, they taking the oath of allegiance; and the community, taking the oath of allegiance, and rendering their arms, and submitting to the Government, are to have quarter and indemnity for their lives and fortunes, and to be protected from the soldiers.' After these instructions there were additional ones given by the King to Sir *Thomas Livingstone* upon the 18th of the same month, supersigned and countersigned by his Majesty, and the date marked by Secretary *Stair's* hand, which bear orders for giving passes, for receiving the submission of certain of the rebels; wherein his Majesty judged it much better, that those, who took not the benefit of the indemnity in due time, should be obliged to render upon mercy, they still taking the oath of allegiance; and then added, 'if *Macklean* of *Glencoe* and that tribe can be well separated from the rest, it will be a proper vindication of the public justice to extirpate that sect of thieves.' The King signed this without any enquiry about it; for he was apt to sign papers in a hurry, without examining the importance of them. This was one effect of his slowness in dispatching business; for, as he was apt to suffer things to run on till there was a great heap of papers laid before him, so then he signed them a little too precipitately. But all this while he knew nothing of *Macdonald's* offering to take the oaths within the time, nor of his having taken them soon after it was passed, when he came to a proper Magistrate. As these orders were sent down, Secretary *Stair* wrote many private letters to *Livingstone*, giving him a strict charge and particular directions for the execution of them. In a previous letter of the date 7th of *January*, he wrote thus: 'You know in general, that these troops posted at *Inverness* and *Inverlochie* will be ordered to take in the House of *Invergairie*, and to destroy entirely the Country of *Lochaber*, *Locheal's* lands, *Kippoch*, *Glengarie's*, and *Glencoe*;' and then added, *I assure you, your power shall be full enough, and I hope the soldiers will not trouble the Government with prisoners*. And, by another letter of the 9th of that month, which was written before the instructions, he had this expression, 'That those, who remain of the rebels, are not able to oppose; and, their chieftains being all Papists, it is well the vengeance falls there. For my part I could have wished the *Macdonalds* had not divided; and I am sorry, that *Kippoch* and *Macklean* of *Glencoe* are safe.' In another letter of the 11th of *January* sent with the first instructions to Sir *Thomas Livingstone*, he hath this expression: 'I have no great kindness to *Kippoch* nor *Glencoe*; and it is well that the people are in mercy.

1695. Just now my Lord *Argyle* tells me, that *Glencoe* hath not taken the oath, at which I rejoice. It is a great work of charity to be exact in rooting out that damnable sect, the work of the *Highlanders*. In his letter of the 16th of *January* of the same date with the additional instructions, though he writes in the first part of it, that the King does not at all incline to receive any after the day but on mercy, yet he afterwards adds, *But, for a just example of vengeance, I intreat the thieving tribe of Glencoe may be rooted out to purpose*. And to confirm this, by his letter of the same date, sent with the duplicate of the first, and additional instructions to Colonel *Hill*, after having written, 'that such as render on mercy might be saved;' he adds, 'I shall intreat you, that, for a just vengeance and public example, the Tribe of *Glencoe* may be rooted out to purpose. The Earls of *Argyle* and *Broadalbin* have promised, that they shall have no retreat in their bounds; the paper to *Ronach* would be secured, and the hazard certified to the Laird of *Weems* to retake them. In that case *Argyle's* detachment, with a party, that may be posted in *Island Stalker*, must cut them off; and the people of *Appin* are none of the best.' But, as the execution of the *Glencoe* men did not immediately take effect, Secretary *Stair*, on the 30th of *January*, wrote two more letters; one to *Livingstone*, wherein he said, *I am glad, that Glencoe did not come in within the time prefixed. I hope what is done there, may be in earnest, since the rest are not in a condition to draw together to help. I think to hurry [that is, to drive] their cattle, and burn their houses, is but to render them desperate lawless men to rob their neighbours; but I believe you will be satisfied it were a great advantage to the nation, that thieving tribe were rooted out and cut off. It must be quietly done, otherwise they will make shift for both their men and cattle. Argyle's detachment lies in Lotrickeel to assist the garrison to do all of a sudden*. The other letter was to Colonel *Hill*, in which he wrote: 'Pray when the thing concerning *Glencoe* is resolved, let it be secret and sudden; otherwise the men will shift you, and better not meddle with them than not to purpose, to cut off that nest of robbers, who have fallen in the mercy of the law, now when there is force and opportunity, whereby the King's justice will be as conspicuous and useful as his clemency to others. I apprehend the storm is so great that for some time you can do but little; but so soon as possible I know you will be at work; for these false people will do nothing, but as they see you in a condition to do with them.'

In *February* 1691-2, a Company was sent to *Glencoe*, who were kindly received there, and quartered over the valley, the inhabitants thinking themselves safe, and looking for no hostilities. After they had staid a week among them, they took their time in the night, and killed about six and thirty of them, the rest taking the alarm, and escaping. This raised a great clamour, and was published by the *French* in their *Gazettes*, and by the *Jacobites* in their libels, to cast a reproach on the King's Government as cruel and barbarous, tho' in all other instances it had appeared, that his own inclinations were gentle and mild, rather to an excess. The King

1695. King sent orders to enquire into the matter; but when the letters, writ upon this business, were all examined, it appeared, that so many persons were involved in the matter, that his gentleness prevailed on him to a fault, and he contented himself with dismissing only Secretary *Stair* from his service. The *Highlanders* were so inflamed with this, that they were put in as forward a disposition, as the *Jacobites* wished for, to have rebelled upon the first favourable opportunity. And indeed the not punishing this with a due rigour was the greatest blot in this whole reign, and had a very ill effect in alienating that nation from the King and his Government.

The Glencoe affair inquired into.

As this affair still made a great noise, and it was repented to the King, that a Session of Parliament could not be managed without high motions and complaints, in so crying a matter; and that his ministers could not oppose these, without seeming to bring the guilt of the blood, that was so perfidiously shed, both on the King and on themselves: To prevent which, the King ordered a Commission to be passed under the Great Seal, for a precognition in that matter, which is a practice in *Scotland* of examining crimes, before the persons are brought upon their trial. This was looked upon as an artifice, to cover that transaction, by a private inquiry. However, when it was complained of in Parliament, not without reflections, on the slackness in examining into it, and the Committee for the security of the Kingdom made a motion about it, the King's Commissioner assured them, that by the King's order, the matter was then under examination, and that it should be reported to the Parliament. Accordingly, the King's Commission for that purpose being produced, read, and agreed to, it was unanimously voted, that the High Commissioner should be desired to transmit their humble thanks to his Majesty for his care to vindicate the honour of the Government, and the justice of the nation, by granting such a Commission.

The Commissioners appointed by the King to inquire into the slaughter of the *Glencoe* men, having spent some weeks in that affair, on the 10th of *June* presented to the Parliament private articles agreed in *July* 1691, between the Earl of *Broadalbin* and Major-General *Buchan* with several of the *Highland* clans; as also the depositions of the Laird of *Glengarie* and Colonel *Hill*, containing informations of *High-treason* against the Earl of *Broadalbin*; which being read, after some debate, an order was made for his prosecution before the Parliament, and for his commitment to the castle of *Edinburgh*. In the progress of the inquiry, it seems, a new practice of the Earl of *Broadalbin*'s was discovered; for the *Highlanders* deposed that, while he was treating with them, in order to their submitting to the King, he had assured them, that he still adhered to King *James*'s interest, and that he pressed them to come into that pacification, only to preserve them for his service, till a more favourable opportunity. This, with several other treasonable discourses of his, being reported to the Parliament, he covered himself with his pardon; but these discourses happened to be subsequent to it; so he was sent a prisoner to the castle of *Edinburgh*: He pretended, he had secret orders from the King, to say any thing that would give him credit with them; which

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the King owned so far, that he ordered a new pardon to be past for him.

On the 24th of *June*, the Commissioners gave into the House their report of the case of the *Glencoe* men, with their opinion upon it, which was as follows:

'First, that it was a great wrong, that *Glencoe*'s case and diligence, as to his taking the oath of allegiance on the 6th of *January* 1692, and Colonel *Hill*'s letter to *Ardrinlas*, and *Ardrinlas*'s letter to *Colin Campbell*, Sheriff Clerk, for clearing *Glencoe*'s diligence and innocence, were not presented to the Lords of his Majesty's Privy-council, when they were sent into *Edinburgh* in the said month of *January*; and that those, who advised the not presenting thereof were in the wrong, and seemed to have had a malicious design against *Glencoe*. And that it was a further wrong, that the certificate, as to *Glencoe*'s taking the oath of allegiance, was delate and obliterate after it came to *Edinburgh*; and that, being so obliterate, it should neither have been presented to, or taken in by the Clerk of the Council without an express warrant from the Council. Secondly, That it appears to have been known at *London*, and particularly to the master of *Stair*, in the month of *January* 1692, that *Glencoe* had taken the oath of allegiance, though after the day prefixed; for he saith in his letter of the 30th of *January* to Sir *Thomas Livingston*, *I am glad that Glencoe came not in within the time prescribed*. Thirdly, that there was nothing in the King's instructions to warrant the committing of the aforesaid slaughter, even as to the thing itself, and far less as to the manner of it, seeing all his instructions do plainly import, that the most obstinate of the rebels might be received into mercy upon taking the oath of allegiance, though the day was long before elapsed, and that he ordered nothing concerning *Glencoe* and his tribe, but that, if they could be well separated from the rest, it would be a proper vindication of the public justice to extirpate that sect of thieves; which plainly intimates, that it was his Majesty's mind, that they could not be separated from the rest of these rebels, unless they still refused his mercy by continuing in arms, and refusing the allegiance; and that even in that case they were only to be proceeded against in the way of public justice, and no other way. Fourthly, that Secretary *Stair*'s letters, especially that of the 11th of *January* 1692, in which he rejoices to hear, that *Glencoe* had not taken the oath, and that of the 16th of *January* of the same date with the King's additional instructions, and that of the 30th of the same month, were no ways warranted by, but quite exceeded the King's instructions, since the said latters, without any innovation of any method to be taken, that might well separate the *Glencoe* men from the rest, did, in place of prescribing a vindication of public justice, order them to be cut off and rooted out in earnest and to purpose, and that suddenly, and secretly, and quietly, and all on a sudden; which are the express terms of the said letters, and, comparing them and the other letters with what ensued, appear to have been the only warrant and cause of their slaughter, which in effect was a barbarous

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1695. 'murder perpetrated by the persons deposed against. And this is yet farther confirmed by two more of his letters, written to Colonel Hill after the laughter committed, viz. on the 5th of March 1692, wherein, after having said, that there was much talk at London, that the Glencoe men were murdered in their beds after they had taken the oath of allegiance, he continues, *For the last, I know nothing of it; I am sure neither you, nor any body empowered to treat or give indemnity, did give Glencoe the oath; and to take it from any body else, after the day was past, did import nothing at all. All that I regret is, that any of the sort got away, and there is a necessity to prosecute them to the utmost.* And another from the Hague, the last of April 1692, wherein he says, *For the people of Glencoe, when you do your duty in a thing so necessary to rid the country of thieving, you need not trouble yourself to take the pains to vindicate yourself by shewing all your orders, which are now put in the Paris Gazette. When you do right, you need fear no body. All that can be said, is, that, in the execution, it was neither so full nor so fair, as might have been.*

The King is vindicated.

This report being read, on the 24th of June, together with the depositions of the witnesses, the King's instructions, and the Master of Stair's letters, it was voted, *namine contradicente*, that his Majesty's instructions to Sir Thomas Levingston and Colonel Hill contained no warrant for the execution of the Glencoe men: That the said execution was a murder: That the Master of Stair's letter did exceed the King's instructions; and that Sir Thomas Levingston had reason to give the orders he had given. On the 2d of July they proceeded upon the same affair, and Colonel Hill and Lieutenant-Colonel Hamilton were called. The former appeared, was examined, and cleared; but the latter not appearing was ordered to be apprehended, and on the 8th of that month voted guilty of the murder of the Glencoe men. Then the House proceeded against the other persons, who were actors therein; and agreed upon an address to his Majesty, that he would send them home to be prosecuted, or not, as his Majesty should think fit; and that he would take into his princely consideration the case of the Glencoe men. This address was, on the 10th of July, recommended to the King's Commissioner, to be transmitted to his Majesty, with duplicates of his Majesty's instructions, and the Master of Stair's letters. At the same time the King's Commissioners received the unanimous thanks of the Parliament, for laying the discovery of the matter of Glencoe before them, and for their careful procedure in their Commission of inquiry; and a new protection was granted to the Glencoe men.

On the 1st of July, the Earl of Broadalbin, being brought to the bar of the Parliament, in order to his trial, delivered in a petition, praying, that he might be allowed some competent time for bringing of witnesses from remote places, and for recovery of such documents, as he was to make use of for his vindication, both from the Secretary's office at London, and his house in the country. The Advocates on both sides having been heard upon this petition, it was put to the vote, whether the day for his Lordship to give in his defence should be the 8th or 15th of the current month, and it was

carried for the 15th; and that in the mean time he might raise letters of exculpation. Then the indictment against him was read, and he remanded to prison. The same day the process of treason, at the instance of the King's Advocate, against the Earl of Melfort, and others in France, being called, the King's Advocate, produced his warrant from the Privy-Council for raising this process against them, and desired, that it might be recorded. Afterwards the indictment was read, and the King's Advocate declared he insisted at that time only against the Earls of Middleton and Melfort, and Sir Adam Blair, and on that part of the indictment, which recited, that, by the act of Parliament in 1693, it was declared treason to be in France after the 1st of August 1693, and therefore craved the indictment might be found to be good in law; which being put to the vote, it was carried in the affirmative. The next day the House passed sentence against the Earls of Middleton and Melfort and Sir Adam Blair, to forfeit life and fortune, and ordered the rest, who adhered to his Majesty's enemies, and were then in France, to be prosecuted before the Lords of the Judiciary. On the 15th of July, the Earl of Broadalbin, being again brought to the bar, begged more time to make his defence, which was granted him till the 25th of the same month; but, all the public affairs being happily concluded by the 17th, it was moved and agreed to, that the process of treason against him should be continued till the next Session of Parliament. After which his Majesty's Commissioner gave the Parliament thanks for their real and hearty compliance with his Majesty's demands, recommended to them the preservation of the public peace in their several countries, and adjourned them till the 7th of November following.

It was observable, that a great party came to be formed in this Session of a very odd mixture. The High Presbyterians and the Jacobites joined together to oppose every thing; however, it was not so strong as to carry the majority; but great heats arose among them.

In this Session, an act passed, in favour of such of the Episcopal Clergy, as should enter into those engagements to the King, that were by law required; that they should continue in their benefices under the King's protection, without being subject to the power of Presbytery. This was carried with some address, before the Presbyterians were aware of the consequences of it; for it was plainly that which they call *Ereftianifm*. A day was limited to the Clergy for taking the oaths; and, by a very zealous and dextrous management, about seventy of the best of them were brought to take the oaths to the King; and so they came within the protection promised by the act.

In Ireland the three Lords Justices did not agree long together. The Lord Capel studied to render himself popular, and espoused the interests of the *Englifh* against the *Irifh*, without any nice regard to justice or equity. He was too easily set on by those, who had their own end in it, to do every thing, that gained him applause. The other two were men of severe tempers, and studied to protect the *Irifh*, when they were oppressed; nor did they try to make themselves otherwise popular, than by a wife and just administration. For which reason Lord Capel

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Affairs in Ireland. Burect. Boyer.

1695. was highly magnified, and they were as much complained of by all the *English* in *Ireland*. Lord *Capel* undertook to manage a Parliament so, as to carry all things, if he was made Lord Deputy, and had power given him to place and displace such as he should name. This being agreed to, a Parliament was held there, after he had made several removes. It was opened at *Dublin* on the 27th of *August*, when his Lordship made a speech to both Houses, wherein he told them, 'That many and great were the obligations they owed to his Majesty. That his Majesty had appeared himself in their cause, fought their battles, and, at his own personal hazard, had restored them to their religion and estates. And, that every thing might concur to make them happy, his Majesty had now called them together in Parliament, that by reasonable and necessary laws they might prevent the like dangers for the time to come, and secure themselves and their posterity upon the best and surest foundations. That he doubted not, but they would make suitable returns of loyalty and affection to his Majesty, by shewing a perfect and forward zeal in such things as tended to his honour and their own advantage.' His Excellency then acquainted them, 'That his Majesty's revenue had fallen short of the establishment, which had occasioned great debts to the civil and military lists. That it was with difficulty, and stopping of all manner of payments, but what were absolutely necessary, that the army had hitherto been subsisted. That there were also several other debts due from the Crown, a state whereof he had ordered to be laid before the Commons, by which they would see, what supplies were necessary for discharge of those debts, and for the support of the Government. That, for raising some part of this money, his Majesty had sent them a bill for an *additional duty of excise*, and he expected from the Gentlemen of the House of Commons, that they would consider of ways and means for raising such other sums, as were requisite for his service; assuring them, that what money they gave, should be applied to the uses, for which it was given.

'He recommended to them, that they would take some care for the rebuilding and repairing of churches in several parts of their country, that the people, having decent public places of worship, might be better instructed in their duty to their God, and obedience to their King; urging, that it was a tribute due to Almighty God, for their late preservation and deliverance; and that it would be one of the best means they could think of to preserve the true established religion, and to provide against future rebellions.' He likewise informed them, 'that the Lords Justices of *England* had, with great application and dispatch, considered and re-transmitted all the bills sent to them. That some of these bills had more effectually provided for their future security, than had ever heretofore been done.

'That, in his Excellency's opinion, the want of such laws had been one of the great causes of their past miseries; and it would be their fault, as well as misfortune, if they neglected to lay hold on the opportunity now put into their hands by their great and gracious King, of making such a lasting settlement, that it might never more be in the power of their enemies to bring the like calamities again upon them, or to put *England* to that vast expence of blood and treasure, which it had so often been at, for securing this Kingdom to the Crown of *England*. Concluding with the usual acknowledgment of his unfitness for his great station, and of the great difficulties, which attend it; and assurance, that he would discharge his trust with steadfast loyalty to his Majesty's interest and service, and with a perfect sincerity to theirs.'

The Lords and Commons returned their thanks in their addresses to his Excellency for his speech, and passed this vote, 'That they would, to the utmost of their power, stand by and assist his Majesty and his Government against all his enemies foreign and domestic.' After this both Houses proceeded with great unanimity and dispatch to the consideration of the matters before them; so that the supply of 163,325 *l.* that was asked for the support of the Government, was granted; all the proceedings and attainders in King *James's* Parliament were annulled; and the great act of settlement was confirmed and explained as they desired (1). But, tho' things went on thus smoothly in the beginning of the Session, this good temper in the Parliament was quickly lost by the heat of some, who had great credit with the Lord Deputy. Complaints were made of Sir *Charles Porter*, the Lord Chancellor, who was beginning to set on foot a Tory humour in *Ireland*; whereas it was certainly the interest of that Government to have no other division among them but that of *English* and *Irish*, and of Protestant and Papist. The Lord Deputy's party moved in the House of Commons, that the Lord Chancellor should be impeached; but the grounds, upon which this motion was made, appeared to be so frivolous, after the Chancellor was heard by the House of Commons in his own justification, that he was voted clear from all imputation by a majority of two to one. This set the Lord Deputy and the Lord Chancellor, with all the friends of both, at so great a distance from each other, that it put a full stop, for some time, to all business.

Thus factions were formed in all the King's dominions; and he, being for so much of the year at a great distance from the scene, there was no pains taken to quiet these, and to check the animosities which arose out of them. The King studied only to ballance them, and to keep up among the parties, a jealousy of one another, that so he might oblige them all to depend more entirely on himself.

Such was the state of affairs in the *British* dominions. It is time now to turn to the military proceedings abroad, and consider how matters

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(1) An act was also passed to take away the writ *de Hæretico Comburendo*. Another to restrain foreign education, in order to prevent the growth of Popery.

Another for settling intestate estates. And lastly, an act for disarming Papists.

1695. flood on both sides before the campaign was opened. When the King of France law in 1691 King William disengaged from the war in Ireland, and the following year the Elector of Bavaria possessed of the government of the Spanish Netherlands, he turned the strefs of his arms that way, in order to break their measures, and in two successive campaigns made himself master of the important places of Mons and Namur, before those two Princes could collect a sufficient force to prevent it. But the two next campaigns the French met with more difficulties and a stronger opposition than they expected from the Allies. King William, early possessing himself of the camp of Park in 1693, dissipated the sanguine hopes of their Court, defeated their designs upon Brabant, and forced their King to a speedy return to Versailles; and the victory they obtained the same year at Landen cost them so dear, that by it they lost in 1694 the superiority, which they had the preceding years over the Allies. And, though this last campaign was wholly spent in observing one another, like enemies, whose forces, being almost equal, endeavour to overmatch the opposite party by the advantage of the ground, yet it was concluded to the honour of the Confederates by the retaking of Huy, a place, which in time proved of more importance than was at first apprehended.

King William being sensible, that the power of France was in it's decline, and that the Allies on the other hand increased daily in strength, resolved to form some considerable enterprize the following year, either in Flanders, or on the Maese, according as the enemy would give him opportunity to put it in execution on either side. In order to this, before his Majesty left Holland, he gave directions for the setting up and storing of great magazines in several places, and for the making all other necessary preparations; and ordered two armies to be early in the field, to keep the French in awe on both sides, and draw their whole strength on that, for which their jealousy should be greatest, and afterwards fall on the other with more probability of success. A siege in Flanders seemed to be attended with less difficulty than on the Maese, where the only place, that could be attempted, was Namur, the strongest of all the Low-Countries; and therefore, as most people looked upon such an undertaking as altogether impossible, so the French themselves turned their greatest precautions towards Flanders, where they drew a new line from the Lys to the Schelde, before the Allies could form a body of troops to oppose them. By these motions of the enemy, and their not increasing their forces, it was easy to judge, that they would content themselves to act defensively this summer; not to mention the loss of their best General, the Duke of Luxembourg, who died towards the beginning of this year, and whose place was but ill supplied by the Marshal de Villeroi.

While the French were perfecting their lines, the Confederates, who were superior to them by near twenty thousand men, formed two great armies in Flanders and Brabant. The first, which consisted of seventy battalions of foot, and eighty-two squadrons of horse and dragoons, most English and Scots, and the rest Dutch, incamped at Aerssele, Comeghem, and Woucreghem, between Thibault and Deynse, and

was to be commanded by the King in person, 1695. and under him by the old Prince of Vaudemont, to whom the King had given last winter the command in chief of his infantry, he being the best General he had, after the death of Prince Waldeck. The Lieutenant-Generals of the foot were the Count of Nassau, Sir Henry Bellesjse, and Count de Noyelles; and the Major-Generals were Colonel Churchill, Ramsay, La Motiere, and the Marquis de Miremont; Monsieur Overkirk was General of the horse, having the Marquis de la Forest Lieutenant-General, and Major-General Eppinger under him. Colonel Gore commanded the English artillery; Quarter-Master General Doffy was to attend the King's person; and the general officers, who had accompanied his Majesty from England, were likewise to serve in this army; which, upon occasion, was to be reinforced by twenty battalions and ten squadrons, that lay near Dixmude, under the command of Major-General Ellemberg. The other army consisting of sixteen battalions of foot, and a hundred and thirty squadrons of horse, incamped at Zellich and Ham, on the road from Brussels to Dendermond, and was to be headed by the Elector of Bavaria, and under him by the Duke of Holstein-Ploen, the Spanish and Bavarian Generals, the Earl of Aiblone, General of the Dutch horse, and Monsieur Tetteau, General of the ordnance. There was also another little army, which was called the body of the Maese, which lay incamped towards Brest and Talais on the Meuse. This body consisted of eighteen battalions of Brandenburgers, and seven Dutch; and of seventeen squadrons of Brandenburg, and fifteen of Liege; the whole commanded by the Baron de Heyden, Lieutenant-General of Brandenburg, and Count de Berlo General of the Liege cavalry, who were to be joined by the rest of the Brandenburg horse, which came down along the Rhine. On the other hand, the Marshal de Villeroi, who, after Luxemburg's death, commanded the French forces in chief, had drawn his army together at Leuze between Condé, Tournay, and Aeth; Marshal de Boufflers and Count Guiscard, with a body of about twelve thousand horse and foot lay incamped about the Sambre; and Monsieur Montal, with another small body, lay between Ypres and the fort La Kneque, to observe Major-General Ellemberg.

This was the posture of both parties, when The King the King left Loo, and came to Breda in his comes to Ghent. way to Ghent; where he was received both by the Governor and Burghers with the like respects, that are usually paid to a King of Spain. The Elector of Bavaria and the Duke of Holstein-Ploen waited upon him at his arrival, being come to Ghent some hours before from their army, which by this time had marched to Ninove; and the same evening the King went to his army at Aerssele. Two days after, upon intelligence, that Boufflers had passed the Sambre, and that Villeroi was come to Escauffe on the Schelde, to destroy the forage on this side; the King sent orders to the Earl of Aiblone to march with forty squadrons from the Duke of Bavaria's camp at Ninove, to observe Boufflers, who was now advanced to Flerus; and, having bestowed the three following days upon the review of his forces, which he found in very good condition, he detached three brigades of horse commanded by the Marquis de la Forest to reinforce the E-lector

June 11.

1695. leſtor of *Bavaria*; and the next day marched his army from *Merſele*, and having ſent all the heavy baggage to *Bruges*, came and incamped at *Beelaer*, from whence a party was ſent out, that routed two of the enemies parties, and purſued them to the very walls of *Ypres*. *Villeroi* marched at the ſame time from *Elcanaffe*, and retired behind the lines between *Menin* and *Ypres*, having detached ten thouſand men to reinforce *Boufflers*, who was advanced to *Pont Elpierre*. The ſame day in the evening the King went to view the enemies lines, and found the main body of their army incamped within them, ſtanding to their arms, as expecting to be attacked. But, though there was little probability of ſucceſs in attempting to force the lines, yet it was highly convenient for the King's project to give the *French* ſuch umbrage, as to oblige them to bring all their forces to defend them. Therefore the body of the *Maefe* advanced towards *Namur*, and the Eleſtor of *Bavaria* marched from *Ninove*, paſſed the *Schelde*, poſted himſelf at *Kerkboven* near *Hauterive* facing the new lines, and forced *Boufflers* to retreat within them.

The King, being informed of the Eleſtor of *Bavaria's* arrival at *Kerkboven*, detached General *Courcill* with eight battalions to join General *Ellemberg*; and the Duke of *Wurtemberg* marched in the night with Colonel *Gore*, Colonel *Brown*, ten pontoons and eight hundred pioneers, to take upon him the command of that army, and to make an attempt upon fort *Knoque*, to increaſe the enemies jealouſy for *Flanders*, and draw their forces more on that ſide. The ſame day the Eleſtor of *Bavaria* made a feint of attacking the new line, and the King went to an eminence to view the enemy; and it being confirmed on all hands, that all their forces were within their lines, he ſent orders to the Baron *de Heyden*, to advance towards *Flanders*, with the troops under his command. Upon theſe motions *Villeroi* detached two brigades from his army, one towards *Courtray*, the other towards fort *Knoque*, in attacking which Prince *Wurtemberg* met with great difficulties; and at the ſame time the King ſent freſh orders to the Earl of *Atblone* and the Baron *de Heyden* to confer together, and concert meaſures towards the ſiege, which he had in his thoughts; which ſtopped the march of the latter towards *Flanders*.

Hitherto the King had not declared his deſign, but had artfully purſued his ſtratagem of drawing all the enemies forces on one ſide, that he might attack the other with leſs oppoſition. This having ſucceeded according to his wiſhes, he directed the Earl of *Atblone* and the Baron *de Heyden* to inveſt *Namur*; and by an expreſs communicated the whole ſcheme of the ſiege to the Duke of *Bavaria*, who highly applauded the ſame. According to the King's orders, the Earl of *Atblone*, being joined by the *Brandenburg* troops, left a good body of horſe at *Faliſe*, and marched with the reſt towards *Charleroy*. At the ſame time the King, having marched back his army to *Rouſſelaer*, left them there under the command of Prince *Vaudemont*, and attended by a ſtrong guard advanced himſelf towards the *Maefe*. Theſe motions, together with the great preparations, which were making at *Maeftricht*, *Liege*, and *Huy*, put the *French* in ſuſpence, whether the Confederates deſigned to attack *Namur* or *Charleroy*; and the Marquis

d'Harcourt, who had paſſed the *Maefe* near *Dinant*, and who feared moſt for *Charleroy*, marched again down that river towards *Namur*; ſo that the Earl, being by this time reinforced by a body of horſe and dragoons from the Eleſtor of *Bavaria's* army, commanded by Count *Tilly*, took all the poſts from the *Sambre* to the *Maefe*; whiſt the Baron *de Heyden* with the *Brandenburg* and *Dutch* forces inveſted the place between the *Maefe* and the *Sambre*. Another detachment was ordered to ſurround *Namur* on the *Condroz* ſide; but their not coming in time, by reaſon of the difficulty of the ground, and the vaſt extent of the circumvallation, gave Marſhal *Boufflers* an opportunity to throw himſelf into the place with ſeveral regiments of dragoons, inſomuch that with this reinforcement the gariſon conſiſted of near fifteen-thouſand men, and moſt of them the beſt troops of *France*. The King came to the caſtle of *Faliſe* on the 2d of *July*, and the next day the Eleſtor of *Bavaria* having brought up the reſt of his army with prodigious expedition, the town and caſtle of *Namur* were intirely inveſted, and the King diſpoſed the troops into their reſpective quarters, and assigned each General his poſt. The *Sambre* and the *Maefe* did naturally divide the army into three general quarters, which were ſubdivided into ſeveral others. The King's quarters reached from the *Sambre* to the *Maefe* towards *Brabant*; and here encamped twenty-three battalions and a hundred and twenty ſquadrons, under the command of the Duke of *Holſtein-Ploen*, the Earl of *Atblone*, Baron *Opdam*, *Monſieur Telleau*, Count *de Tilly*, the Marquis *de la Foreſt*, and *Meſſieurs Warfuzey*, *Hubert*, *Interſum*, *Salijch*, and *Fogel*. The Duke of *Bavaria* was poſted between the *Sambre* and the *Maefe*, with twenty-four battalions, twenty ſquadrons, the *Spaniſh* and *Bavarian* Generals, General *Coeborn*, and a Major-General of *Brandenburg*. And in the *Condroz* along the *Maefe*, both above and below the town, were incamped the Baron *de Heyden*, with the other *Brandenburg* Generals, and Count *de Berlo*, General of the cavalry of *Liege*, having ten battalions and ſixty ſquadrons under them. For the communication of theſe quarters three bridges were immediately laid, one on the *Sambre*, and two on the *Maefe*; and of theſe one was above, the other below *Namur*. The ſame day the King received intelligence, that *Villeroi* had ſent ſome detachments towards the *Maefe*: That Prince *Wurtemberg*, having amused the *French* for ſome time, and finding at length it was impoſſible to hinder the communication of fort *Knoque*, with the body under *Monſieur Montal*, was retired from before that fort with eleven battalions of foot, and one regiment of horſe, and had joined Prince *Vaudemont*: That the latter, being thus reinforced, had detached Major-General *Ramſey* with fourteen battalions to attend his Majeſty: That Count *de Naſſau* was gone the ſame way with eight battalions more; and that he would be followed by the Lord *Cutts* with ten others. The next day the King viewed the avenues to the town, and ordered trees to be cut down in the foreſt of *Marlagne*, to ſtop the paſſages on that ſide, and cover the retrenchment made on the road. The 5th and 6th of *July*, both horſe and foot being encamped, the beſiegers worked on the circumvallation under the direction of General *Coeborn*; and the Earl of *Atblone*, having repaſſed the *Maefe* with a hundred

1695 hundred squadrons of horse, marched towards *Pieton*, in order to consume the forage there, and observe the motions of the enemy. The Count de Berlo followed him with the horse of *Liege*, so that there remained but little cavalry before the place.

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ties of the
place.

On the other hand the *French* prepared themselves for a vigorous resistance, and having lately been so considerably reinforced, expected no less than to defeat all the attempts of the besiegers. And indeed it must be confessed, that their presumption was not altogether groundless, if it be observed, that *Namur* has ever been accounted one of the strongest towns in the *Low-Countries*, both by the advantage of its situation, and the addition of its fortifications, which give it the command over two great rivers, and make it the best bulwark of *Brabant*. Besides this, the place had very much changed its condition, since it fell into the hands of the *French* King, who never spared expence to put his frontiers and conquered cities into the best defence they were capable of receiving from art and nature.

French
of the
place.

The town then was quite overlooked by a steep hill from the *Porte de Fer* or *Iron Gate*, to that of *St Nicholas*; so that, the *French* having the liberty to bring down their batteries at first, to the descent of that hill, and to open their trenches at the foot of it near the *Masse*, they made themselves masters of it in five or six days. But now, to add a very considerable strength to this weak part of the town, the *French* had made a detached bastion on the ascent of the hill before *St Nicholas's Gate*, all of stone-work, with a casemot upon it bomb-proof; the counterscarp of free-stone, as also the covered way, which pointed just upon the top of the hill, so that no cannon from the plain could bear upon this work; and the Allies were necessitated to batter it in *reverse* from the other side of the *Masse*. This was not all; for, upon the right towards the *Iron Gate*, the besieged had made three detached bastions of the same work, just upon the brow of the hill, and at the foot of the same, before the gate; and between the hill and the brook of *Werderen* they had a fourth, which hindered the avenues between the hills to this gate; The plain upon these hills was fortified with a double covered way, both palissadoed to defend these detached bastions towards the village of *Bouge*. And, when the Allies began to invest the place, the *French* were working at a third, nearer to the brow of the hill, just before these works; so that the town, which before was but weak, was now by the new fortifications rendered so strong, that it held out longer than the castle.

French
of the
place.

This castle, the principal strength of *Namur*, was built upon an hill, in an angle formed by the confluence of the *Sambre* and the *Masse*, and consisted of an irregular fortification, such as the ground could admit of, divided into the old and new castle of *Terra Nova*, and *Coeborn*, or *William's Fort*; and this likewise received such additions from the *French*, as to leave it almost impossible to be attacked the same way they took it before. *Coeborn Fort* fell into their hands, by carrying their trenches round it along the bottom, between it and *Terra Nova*; which work, being thus embraced, and all manner of communication cut off, was soon forced to surrender. To prevent the like for the future, the *French* built a strong stone redoubt, just upon

the top of the hill, between the *Coeborn* and *Terra Nova*, with a casemot upon it bomb-proof; and, as this redoubt commanded all the bottom to the *Sambre*, so it had likewise a good covered way, palissadoed from the angle of the gorge of the *Coeborn*, to the brink of the hill upon the *Masse*. Add to this, that they had raised a very good half-moon before the curtain of the horn-work of the *Terra Nova*; besides their fortifying the *Devil's House*, that flanked the sides of the *Coeborn* towards the *Masse*, with a strong stone redoubt; which place, when the *Spaniards* had it, had but a simple retrenchment about it; and yet it held out four or five days. From the upper part of the *Coeborn* on the side of the *Masse* they had made a good covered way, which embraced the abovementioned redoubt, to the edge of the hill upon the *Masse*; and had undertaken a prodigious line cut into the rock all along the top of the hill, near an *English* mile in length, terminating upon the edge of the hill towards the *Sambre*, with two redoubts at each end. The line was finished, and the redoubt towards the *Masse* very forward; but, that towards the *Sambre* being but just begun, they made it up with fascines, upon the arrival of the Allies before the place. In short, the castle was so well fortified on the top of the hill, that it would have been a very tedious piece of work to attack it that way; but the weak side of the castle and *Coeborn* fort was towards the *Sambre* and the town, which the *French* had not so much regarded; being so confident that the place was impregnable, that they had set up this inscription on one of the gates, *Reddi quidem, sed vinci non potest*, intimating, that this town might indeed be *rescued*, but not *retaken*.

Namur being thus fortified, and provided besides with all necessaries for many months, with good store of ammunition, one hundred pieces of cannon, twelve mortars, ten thousand muskets to spare, and a garrison of twelve thousand men, commanded by a Governor, equally esteemed by his King and beloved by his soldiers, seemed to defy the attempts of the best appointed and most numerous army. But, when *Boufflers* had thrown himself into it with seven chosen regiments of dragoons, a great number of volunteers, Major-General *Megrigny* another *Vauban*, followed by the most skilful engineers, gunners, miners, and bombardiers of *France*, and had composed an army to defend these ramparts, which were thought impenetrable, it was then, that the *French* and their favourers looked upon the King's enterprise as an unparalleled temerity, and doubted not but *Namur* would be the rock, on which the Grand Confederacy should split. But all these great, and, in appearance, invincible obstacles were not able to shake the King's resolution; they served only to make him concert effectual measures to surmount all difficulties, which he did to his immortal glory, the astonishment of his enemies, and the admiration of all *Europe*.

The lines of circumvallation being finished, the King, attended by the Elector of *Bavaria*, went, on the 10th of July, early in the morning to the Baron de *Hoyden's* quarters. Here he was met by all the general officers, with whom having viewed the place, all were of the King's opinion, that the attack upon the town ought to be made against *St Nicholas's* gate; and therefore it was resolved, that the trenches

Book I

1695. should be opened on the hill *de Bouge*, and below a long the *Hermitage*, as also that in the *Condroz* side between the hill *St Barbe* and the river; and that, to favour the opening of the trenches, the Baron *de Heyden* should raise a battery of ten pieces of cannon, to batter in reverse the covered way and detached bastion before *St Nicholas's* gate, which faced the attack. Accordingly, the heavy cannon being come up, the trenches were opened the next day without any great disturbance from the enemy; and the same day the Lord *Cutts* arrived in the camp with six battalions of foot. The 12th the batteries began to play, and the trenches were successfully carried on. On the 13th, Prince *Vaudemont* informed the King, that the *French* seemed to have some design in *Flanders*, and that *Aeth* was most in danger. The next day, upon advice, that the Marquis *D'Harcourt* and Lieutenant-General *Ximenes* were in motion, and might easily fall upon our convoys on the side of the *Condroz* and *Liege*, which was unguarded, his Majesty detached twenty squadrons of horse and dragoons towards the plain of *St Severin* between *Huy* and *Liege*, to observe the enemy; and in the afternoon a battery of four pieces of cannon was raised from the eminence of *Bouge* against the old tower of *Coquelet*, which very much incommoded the besiegers.

The same day the King received two letters from Prince *Vaudemont*. By the first he was informed that *Villeroy* had passed the *Lys* at *Courtray* and *Harlebeck*; and that, according to common report, he marched against the Prince; and by the second, that the *French* General was advanced as far as the river *Mandel*, and that, the head of his army having been discovered towards the mill of *Dentreghem*, *Vaudemont* had drawn his forces in battalia, posted his left near *Grammen*, the right towards *Aersfele* and *Caneghem*, and began to fortify his camp. The imminent danger, that the Prince found himself in on this occasion, and the admirable conduct, with which he extricated himself out of it, are passages too remarkable to be passed over in silence, and will therefore justify the following digression.

Vaudemont was informed on the 12th of July at night, by a signal from the Governor of *Oudenard*, that the head of the enemies army bent their march towards *Cordes*; which was confirmed to him by an express from the Governor of *Aeth*; and almost at the same time he received advice from *Courtray*, that the day before the *French* had laid bridges over the *Lys* both above and below that town. On the 13th early in the morning, he had positive intelligence, that they were actually passing that river; and on the other hand the Commanders of the castles, which he had garrisoned on the river *Mandel*, gave him notice, that the enemy was marching directly against him. These advices, though different, were yet both true; for twelve thousand of the enemies horse made towards *Cordes*, while the rest of their army passed the *Lys*, and advanced towards *Mandel*.

Upon these informations *Vaudemont* gave orders to his army to be in readiness, by a signal of two guns. But, before he made any motion, he resolved to have a confirmation of the designs of the enemy. For as their marching towards *Cordes* with the greatest part of the forces might be in order to relieve *Namur*, whilst another

body advanced towards the river *Mandel*, only to amuse him; so, if their whole army marched in one body, there were two inconveniences to be feared; either that they should fall on the Maritime towns of *Flanders*, in case he marched to the left to prevent the relief of *Namur*; or that they should gain two days march before him in their way to *Namur*, if he made too quick a motion to the right to cover the places of *Flanders*. These reflections obliged him to spend the whole day, being the 13th of July, in observing the enemy. He suffered them to attack the castles of *Ingelmunster* and *Mulenbeck*, which were, each of them, defended by an hundred and forty men, who obliged the enemy to bring down cannon, before they would surrender; which made them lose time, and gave the Prince reason to judge, that their whole army was marching to attack him. Their vanguard, appearing in the evening at *Dentreghem*, where his right was posted, confirmed him in that opinion. He thought fit immediately to change the disposition of his camp, placing his right at *Aersfele*, and his left at *Grammen* next the *Lys*; and at the same time ordered the retrenchments to be made on both sides. The Count *de Noyelles*, who had the command of these works for the center, and the whole left wings, caused the General's orders to be executed with such extraordinary diligence, that on the 14th by break of day he had made a very defensible line. The rising grounds upon the right of *Aersfele* were also fortified by ten of the clock in the morning; which done, the artillery was placed in the right flank and in the whole front of the line.

In this posture, with fifty battalions of foot, and fifty one squadrons of horse and dragoons, *Vaudemont* resolved to expect *Villeroy*, though the Marshal had double the number, with which he was marching on the 14th of July towards him, and came up early enough to have attacked him. But, whether it was that he found the Prince's camp so strongly fortified, or that he would not hazard a battle, till *Mental* had taken his post in the rear of the Prince's right, to fall upon him there, at the same time that the *French* army should break up against the front, he remained in sight of the Allies that evening, expecting to have attacked them early in the morning, and in a manner to have caught them in a net, by environing them on all sides. *Vau-Prince Vaudemont's fatal retreat.* *Vaudemont*, being informed of *Mental's* motion, and finding he had already passed the *Tbielt*, wisely changed his resolution of fighting, and thought it high time to provide for a retreat. Thereupon with great preference of judgment he ordered the intrenchments to be perfected every where; some advanced houses to be set on fire, lest the *French* should possess themselves of them in their march against him; and the cannon of the left continually to play upon the enemy, to give them occasion to think, that his design was rather to fight than retreat. At the same time he ordered the cannon of the right and the front to be drawn off, and to march towards *Deynse*, which was done with that secrecy, that the enemy did not perceive it; for he had artfully ordered the artillery to be moving from the batteries all the afternoon, so that, when it went clear off, the enemy thought it had been but the ordinary motion. Then marched the two lines of foot upon the left along the retrench-

1695. retrenchments, to cover which the Prince ordered a body of horse to go and post themselves in the retrenchments, as they were quitted by the foot; the latter marching out at the same time with their pikes, and colours trailing, to conceal their going off. Neither did the enemy perceive this motion, till the cavalry mounted again, and abandoned the retrenchments; by which time the infantry was got into the bottom between *Aerssele* and *Wouterghem*, marching towards *Deynse*. While the foot was thus filing off from the retrenchments, the Prince ordered Monsieur *Overkirk*, with the right wing of the horse, interlined with *Collier's* brigade of foot, to make a line falling towards *Caughem*, and extend himself from the windmill of *Aerssele*, towards *Wink*, in order to make *Montal* believe, that this line was designed to oppose his attempt upon the rear of the Prince's right; but his secret orders were to march off by *Wink* to *Nicelle*, and so to *Ghent*. At the same time the foot marched by *Wouterghem* to *Deynse*; the Earl of *Rockford*, who was posted with the left wing of horse and two battalions of foot towards the *Lys*, made the rear-guard towards the line, with a line of foot on the one side, and three squadrons of *Eppinger's* horse upon the other. All this was so contrived by the Prince from the right to the left, that his army disappeared all at once; and, still to impose the better upon the *French*, *Vaudemont*, himself, and the Duke of *Wurtemberg*, with some other Generals, kept in the camp, forming with their own domestics and attendants a small body of horse, with which they followed the army, as soon as it was all got off. The *French*, finding themselves thus strangely baffled, did what they could to fall upon the rear of the Allies; and particularly *Montal* endeavoured to attack that body, which was commanded by Monsieur *Overkirk*, whom he overtook with some squadrons of horse and dragoons. But, the defiles being advantageous, and *Brigadier Collier* having ordered all the grenadiers of his brigade to the rear of all, to face the enemy from time to time, as they approached, the grenadiers with their fire kept the *French* at a distance, and made good the retreat. Nor had the enemy a much better success in their attempt upon the rear of the body of foot, commanded by the Count de *Noyelles*. However, two squadrons of their dragoons, putting green boughs in their hats, which was the Confederates distinguishing mark in a day of battle, and speaking some *French*, some *English*, as if they had been some of their own rear-guard, did by that stratagem, towards the evening, come up close to their rear, and marched along with them a little way, till they came to a convenient place, when they fired upon them first, and then fell in amongst them with their swords, which

put the first battalion, that was set upon, in some disorder; but the other facing about immediately constrained them to retire, after they had killed a few men: A loss, altogether inconsiderable for a retreat, which is scarce to be paralleled in history, and for which King *William*, in his letter to Prince *Vaudemont*, owned himself obliged to him; adding, that he had given greater marks of a General consummate in the art of war, than if he had won a battle (1).^{1695.}

Vaudemont, having reached *Deynse* towards the close of the evening, left in it a garrison under *Brigadier O'Farrel*, and then marched as far as the plain of *Oyendonck* in his way to *Ghent*, resolving at first to have refted his army there all night; but having halted a while, and then, as he himself afterwards said, calling to mind a maxim of that great General *Charles IV.* Duke of *Lorraine*, his father, 'That, when an army is upon the retreat, it must be sure to retreat out of the enemies reach,' he decamped again, and, by nine of the clock the next morning, the whole army was advanced to *Mary-Kirk*, under the walls of *Ghent*, from whence Lieutenant-General *Bellafaye* and the Marquis of *Miremont* were detached with twelve battalions, and twelve pieces of cannon, to secure *Neuport*, and the canal of *Pasquendal*. Their diligence, and the Prince of *Wurtemberg's* coming up to sustain them, with twelve other battalions, and thirty-eight squadrons of horse and dragoons, quite broke the measures of *Villeroy* and *Conti*, who had already taken quarters in sight of that place, in order to invest it. *Villeroy*, finding the attack of *Neuport* too difficult, bent his march towards *Dixmyde*, which was garrisoned by eight battalions of foot, and a regiment of dragoons under Major-General *Ellemborg*.

Thus was performed a retreat scarce to be paralleled in history. The military men that served under *Vaudemont* magnified his conduct very highly, and compared it to any thing that *Turenne*, or the greatest Generals of the age, had done. In the course of the retreat it was once thought he could not get off, and *Villeroy's* conduct was blamed for not improving the advantage, but it was without cause; for *Villeroy* had not overseen this advantage, but had ordered the Duke of *Mayne*, the *French* King's beloved son, to make a motion with the horse which he commanded; and probably, if that had been speedily executed, it might have had ill effects on Prince *Vaudemont*. But the Duke of *Mayne* despised *Villeroy*, and made no haste to obey his orders; so the advantage was lost, and the King of *France* put him under a slight disgrace for it.

In the mean time, the attacks against the town of *Namur* were carried on with great application; and two or three small sallies of the besieged

(1) The King's letter was as follows:

Cousin,

'You cannot believe how much your letter of yesterday noon, which I received this morning by break of day, disturbed me: On the other side, how joyful I was upon receipt of the other letter, dated from *Mary-Kirk* near *Ghent*, this day at three in the morning. I am much obliged to you, for in

'this retreat you have given greater marks of a General, consummate in the art of war, than if you had gained a victory; I absolutely approve of your conduct upon this occasion, and I hope it will hinder the enemy from undertaking any more of the same nature. Nevertheless I shall be impatient 'till I know which way they bend their march, since this blow has failed them.'

'I remain always, &c.'

(1) He

1695. sieged having had no success, they resolved to make another on the 18th of July, about three in the afternoon, with twelve hundred horse, and four squadrons of dragoons. After they had crossed the *Maese*, they attempted the trenches on the right-hand of the bridge, belonging to that river, took a redoubt, that was unfinished, and only stuffed with sacks of wool, fell upon the besiegers both in front and flank, and forced them at first to give way; but, the latter taking fresh courage, and being timely supported by some *Brandenburg* horse, the *French* were beaten back with the loss of two hundred of their men; nor was this encounter less bloody to the besiegers. However, the King finding that very day, that the trenches were advanced within fuzee-shot of the counterescarp, he resolved to storm the advanced works and traverses that evening an hour before sun-set, to hinder the enemy from fortifying themselves any more; and for that purpose he ordered, that the battalions that relieved the trenches should support them. Accordingly, Major-General *Ramsley* and the Lord *Cutts*, at the head of five battalions of the foot-guards, *English*, *Scots*, and *Dutch*, began the onset on the right, being sustained by six *English* battalions, commanded by Brigadier-General *Fitz-Patrick*; and at the same time Major-General *Salisburgh*, with eight *Dutch* and other regiments, and nine thousand pioneers, insulted the enemy on the left from the redoubt to the ruined tower of *Coquelet*; and was to be seconded by Major-General *Heukelom*, with some *Dutch* battalions. The horse-guard was doubled, and all the troops on that side had orders to be in readiness to support the whole attack in case of necessity; which precaution proved altogether needless, by reason of the extraordinary valour and intrepidity, which the assailants shewed on this occasion. However, the besieged having brought out eight battalions, a great detachment of dragoons, and all the grenadiers, to defend their retrenchments, the dispute was obstinate for two hours, but at last the *French* were beaten back, and pursued to the very gates of the town. The King, who, according to his custom, remained upon the place, during the whole action, was so well pleased with the bravery and excellent order of his men, that, laying his hand over the Duke of *Bavaria's* shoulder, he said to him several times with transport, *See my brave English! See my brave English!* And indeed, it must be remembered to their immortal honour, that without any shelter they advanced boldly and undisturbed, amidst showers of great and small shot, bombs and hand-granadoes, which by the effect of mines and fougades opened graves for them in several places, towards an enemy secured by retrenchments well palisadoed. The Confederates loss in this action mounted to twelve hundred men, either killed or wounded, and that of the *French* to about as many.

After this success the besiegers carried on their trenches to the village of *Bouge*, towards *St Nicholas's* gate; the same being done also on that side near the *Maese*, as well above as below, with a design to draw two parallels along the river on the side next the suburbs of *Jambe*, and opposite to the castle-bridge. But, the *French* being apprehensive of the design, they set fire to the suburbs, which somewhat retard-

ed the approaches that General *Corbourn* had begun. On the 21st of July, a battery was finished on that side next *St Nicholas's* gate, and the trenches advanced an hundred paces towards the rivulet, that runs into the bottom, which the *French* had swelled with water, and which was secured by a kind of half-moon. Next day they began to play upon a bastion, and the works before *St Nicholas's* gate from a battery of eighteen pieces of cannon; and on the 23d the *Brandenburgers* battered the water-stop, in order to drain the moat; yet with little effect, because it was lined with large freestone. The great rains, which fell about this time, very much incommoded the besiegers, and interrupted their approaches. However, on the 25th they plied their batteries with success, raised new ones, set on miners to the redoubt of *Balart* near *St Nicholas's* gate, and the next day forced the Captain, who commanded in it, to surrender at discretion. On the 27th the King went into the trenches, and perceiving, that the batteries had made great breaches in *St Nicholas's* bastion, the demi-bastion of *St Roche*, and at the end of the counterescarp of the town, he disposed all things for the general attack of the first counterescarp, which was performed towards five o'clock that afternoon, in this manner: The *English* and *Scots* commanded by Major-General *Ramsley* and Brigadier *Hamilton* came out of the trenches to the right, and attacked the point of the foremost counterescarp, which inclosed the sluice or water-stop. The enemy received them with a furious discharge, which however did not hinder them from going on briskly; and, notwithstanding the dreadful eruption of three or four fougades of bombs, that lay buried in the glacis, which put them at first into some disorder, they returned more animated to the charge, and drove the enemy from that counterescarp. But unluckily, whilst the workmen were making a lodgment, some sacks of wool took fire, whereby part of the lodgment was consumed, and the *English* exposed to the shot of the counter-guard and demi-bastion of *St Roche*, which they sustained and answered with incredible resolution, till the fire was extinguished and some traverses cast up. On the other hand, the *Hollanders*, seeing the *English* in so hot a place, immediately went up along the *Maese* towards the breach of the counter-guard, and so vigorously attacked the enemy with their hand-granadoes, that the latter thought it safer to retreat than to defend themselves; which very much eased the *English*. The *Dutch* lodged themselves upon the counter-guard; and thus both they and the *English* preserved the foremost covered way before *St Nicholas's* gate from the *Maese* to the water-stop, with part of the counter-guard. The valour and firmness of the Confederates infantry in this action is scarce to be paralleled; and it must be also acknowledged that the *French* officers behaved themselves like men of true courage, exposing themselves on the glacis of the counterescarp and on the breach of the counter-guard, with their swords in their hands, in order to encourage their soldiers. The enemy did not throw many bombs, but they fired incessantly into the trenches with five or six pieces of cannon, which killed several persons about the King, particularly Mr *Godfrey*.

1695. *frey* (1), Deputy Governor of the Bank of *England*, who, being come into the camp to wait on the King about remittances of money for the payment of the army, had the curiosity to see this attack.

While this was doing on the town-side, the Elector of *Bavaria* was not idle between the *Sambre* and the *Maese*, but commanded an attack to be made towards the abbey of *Salzines*, where he designed to post himself. This was performed with so much vigour, that he not only forced the intrenchments near the *Sambre*, but made himself master of the fort of *la Balance* near the head of those intrenchments; repulsed four squadrons of horse, that came out of the castle; laid a bridge over the *Sambre*; passed that river amidst the enemy's continual fire, and possessed himself of the abbey of *Salzines*, a post of great importance, and which favoured the attack of *Vauban's* line, that surrounded the works of the castle.

The Elector, resolving to form this line, ordered General *Coeborn* to dispose all things for that purpose towards *Salzines*, and General *Fleming* to do the same on the other side of the *Maese*. On the 30th of July, by break of day, the Elector, with the *Spanish* and *Bavarian* Generals, and General *Coeborn*, began the attack towards *Salzines*, and assaulted the intrenchments in flank with about three thousand foot, sustained by some battalions, and one thousand *Spanish* and *Bavarian* horse. Major-General *Swerin* attacked the line in front with five hundred grenadiers, as many musketeers, and one thousand pioneers. And the *Brandenburg* Generals, with five hundred grenadiers supported by two thousand foot, and their grand musketeers, *Gens d'armes*, and horse grenadiers, insulted the enemies flank on the *Maese* side. The besieged at first made some resistance by the favour of a line of communication of one redoubt and two trenches; but being assailed on all sides, and that too with extraordinary bravery, they were driven to the counterescarp of *Coeborn* fort. Animated with this success, the besiegers pursued those, who fled, as far as the *Devil's House*, where the *French* had several cannon laden with cartouches, and about nine hundred men laid flat upon their bellies, who, suddenly standing up, poured in volleys of shot upon the assailants. These received the fire with incredible courage, forced the *French* to quit the counterescarp of the fort, and made themselves masters of it. However, it being impossible for them to lodge themselves there, they retired in good order. By this brave action, at the expence of about two hundred men killed or wounded, the besiegers gained a lined redoubt, some advanced batteries, and *Vauban's* retrenchment from the *Sambre* to the *Maese*, which with immense labour the *French* had cut through the rock, and which they boasted would cost the Allies five thousand men before they could take it. This attack on the castle-side, where the King was present, being over, he went to view the trenches on the town-side; and finding, that a mine had been sprung, which had overturned good part of the

water-stop into the ditch, whereby the water was lower by two feet, he ordered the miners to work on, in order to drain the moat; and all things to be ready to make a lodgment on the demi-bastion. The two following days the besiegers battered the works before *St Nicholas's* gate with great fury, and threw many bombs, which did considerable execution; and particularly one fired by Lieutenant-Colonel *Brown*, which set on fire the enemies magazine in the demi-bastion. On the 2d of August towards evening the Lord *Cutts* with two hundred *English* grenadiers, and Brigadier *Dedam* with a like number of *Dutch*, both which were to be sustained by the battalions in the trenches, were ordered, to attack the *Saillant Angle*, and the the demi-bastion, which they performed with great bravery, and, after some resistance, a lodgment was made on the second counterescarp. The cannon having by this time widened the breaches, and all things being ready for a general assault, Count *Gustard*, the Governor, demanded to capitulate for the town; which being readily granted, the articles were agreed upon, and signed on the 4th of August by the Elector of *Bavaria* for the Allies, and by Count *Gustard* for the besieged. The same day the iron gate was delivered to the besiegers; and on the 6th the *French* evacuated the Town, and retired into the castle.

In the mean while *Villeroy*, having failed in his design upon Prince *Vaudemont*, as also against *Newport*, marched towards *Dixmuyde*, and ordered *Montal* to besiege it. The town was weak; but, considering the strength of the garrison, it might have held out a fortnight, or at least have surrendered with less ignominy. But Major-General *Ellemberg*, being a soldier of fortune, who had merited his preferment merely by his blunt courage in the open field, was presently dispirited, and at a loss what to do, when he saw himself cooped up in a place surrounded by a Royal army; so that after a slight resistance of thirty-six hours, he yielded himself and his whole garrison prisoners of war. *Deynse* followed the example of *Dixmuyde*, and was surrendered to the *French* at discretion by Colonel *O'Farrel*, without firing a gun. After the surrender of these two places, Prince *Vaudemont* did not doubt but the *French* would advance towards *Namur*; and therefore desired to be reinforced, that he might be able to observe them. The King sent him *Montigny's* *English* brigade of horse, and the two *Dutch* brigades of *Dompere* and *Rhoe*, marched towards *Brussels*, whither the brigade of *St Paul* was gone before, with orders to join *Vaudemont*, who designed to form an army on that side.

Villeroy, having ordered the fortifications of *Dixmuyde* and *Deynse* to be razed, passed the river *Lys* at *Wacker*, and marched up the lines to the *Schelde*; which he also crossed at *Escaenaffe*, in order to continue his march to *Ninove*, giving out, that he was going to the relief of *Namur*. Upon advice of this motion, *Vaudemont* decamped on the 4th of August from *Ghent*, and, passing the canal at *Vilvoerd* and the *Burnt-bridge*, pitched his camp at *Digbembaving* his

(1) He was brother of Sir *Edmundbury Godfrey*, that was murdered in the reign of King *Charles II.* about the Popish Plot.

1695. his own quarters at the castle of *Beaulieu*. The Prince sent to the *French* to demand the garrisons of *Dixmuyde* and *Deynse*, consisting of six thousand men. For, by a cartel settled between the two armies, all prisoners were to be redeemed at a set price, and within a limited time. But the *French*, having now so many men in their hands, did, without either colour or shame, give a new proof of their perfidiousness, and broke the cartel on this occasion, as they had often done at sea; and indeed, as often as any advantages on their side tempted them to it. They not only refused to send back the garrisons according to the agreement, but most of the soldiers were forced to enlist themselves in the *French* service, or were sent to *Catalonia*, and other remote parts. These garrisons might have been saved, for, if their officers had been masters of a true judgment or presence of mind, they might at least have got a favourable composition, though the places were not tenable. The Governors were at first believed to have betrayed their trust, and fold the garrisons, as well as the places to the *French*; but they were tried afterwards, and it appeared, that it flowed from cowardice and want of sense, for which *Ellemberg* suffered death, and *O-Farrel* was broke with disgrace.

Brussels
bombard-
ed.

The *French* King, under pretence of revenging the insults of the *English* fleet, which, under the command of the Lord *Berkley*, had bombarded *St Malo*, and some other towns on the *French* coast, sent orders to *Villeroi* to bombard *Brussels*. Upon the *French* marching to *Engbien* with a great number of waggons laden with bombs and fire-works, *Prince Vaudemont* immediately guessed their design, and would have prevented it, if the town could have been persuaded, to give him the assistance that he desired. Burghers, upon all such occasions, are more apt to consider a present, though a small expence, than a great, though imminent danger: So *Vaudemont* could not pretend to cover them, unless the Confederate army, which might be reinforced by the detachment under the Earl of *Aiblon* and Count *Nassau*, should advance and incamp in the plain of *Gigot* and *St Anne Pee*. But, because this could not be done neither, without giving *Villeroi* an opportunity to post himself between him and the King's camp at *Namur*, the Prince prudently left the Earl of *Aiblon* and Count *Nassau*, with the forces under their command, between *Waterloo* and *Genap*, where the King had sent them, to oppose the enemies passage at *Brain le Chateau*. In the mean time *Vaudemont* posted his infantry on the eminences about *Brussels*, between fort *Monterey* and the counter-carp of *Ixel*, whereby he maintained the communication with the forces at *Waterloo*; ordered several battalions to the outworks before the gates of *Flanders* and *Anderleck*, to secure the city; and extended the horse and dragoons along the canal, to hinder the enemy from passing it.

After several marches and counter-marches, the *French* appeared before *Brussels* on the 13th of *August*; and *Villeroi*, having taken his quarters at *Anderleck*, wrote a letter to the Prince of *Berghem* the Governor, to acquaint him, ' That the King his Master, seeing the Prince of *Orange* had sent his fleet upon the coast of *France*, to bombard his sea-port towns, and endeavour to ruin them, without getting any

other advantage by it, had thought, that he could not put a stop to such disorders, but by using reprisals; which was the reason, that his Master had sent him an order to bombard *Brussels*; and at the same time to declare, that it was with reluctance his Majesty had put himself upon it; and that as soon as he should be assured, that the sea-ports of *France* should be no more bombarded, the King his Master likewise would not bombard any places belonging to the Prince, against whom he was at war; reserving nevertheless the liberty on both sides to do it in such places, as should be besieged. That his Majesty had resolved upon the bombarding of *Brussels* with so much the more pain, as the Electress of *Bavaria* was there. That, if the Governor would let him know in what part of the town she was, the King his Master had commanded him not to fire there. Concluding, that he should stay for his answer till five in the evening; after which time he should obey his orders without delay.' The Prince of *Berghem*, after having communicated this letter to the Elector of *Bavaria*, who was come in great haste to *Brussels* upon this occasion, sent an answer to *Villeroi*, ' That the reason, which the King of *France* assigned for his orders to the Marshal to bombard *Brussels*, solely regarded the King of *Great-Britain*, who was before the castle of *Namur*: That his Electoral Highness would acquaint the King with it, and send him an answer in twenty-four hours. And as for the consideration, which his most Christian Majesty had for the Electress, that she was at the Royal palace.'

It soon after appeared, that *Villeroi*'s message was but an empty compliment; for, instead of allowing the Governor time to get his *Britannic* Majesty's answer to the *French* King's proposal, he began that very evening to fire upon the city with twenty-five mortar-pieces, and eighteen pieces of cannon, that shot red hot bullets. It was not long before the fire broke out in several places, especially about the Town-house. The enemy continued firing without intermission all that night, the day following, and the night after that; during which arose a high wind, which would have spread the flame through the whole city, if the inhabitants had not prudently blown up several houses on the 15th of *August*. The same day, about noon, the *French* discontinued their firing, and soon after drew off towards *Engbien*. The lower town suffered the most by the enemy's bombs, and several houses near the market-place were quite laid in rubbish. The damage was valued at some millions; and the Electress, though she was removed to the suburbs beyond the reach of the cannon, was so frightened with its continual noise that she miscarried of a boy.

The King, having received advice of the motions of the *French* army, marched the 10th of *August* early in the morning with two troops of horse guards, the troop of horse grenadiers, and several squadrons of *Brandenburgers*, leaving the Duke of *Bavaria* to command the siege. The same evening he reached *Waterloo*, and joined the troops commanded by the Earl of *Aiblon*, Count de *Nassau*, and the Marquis de *la Forest*; and, having had an interview with *Prince Vaudemont*, returned on the 12th to his camp before the castle of *Namur*, where immediately

1695.

1695. diately after his arrival the besiegers broke ground and carried on their trenches about one hundred and fifty paces before *Coeborn* fort, towards the *Sambre*, and made a good lodgment.

Besides the batteries already erected between the *Sambre* and the *Masse*, some others were ordered to be raised, both of cannon and mortars, as well in the ramparts, as in the gardens of the city, in order to batter *Terra Nova* and fort *Coeborn* all at once. On the 13th, the besiegers began to play from no less than twelve batteries, when one of their bombs, falling upon the magazine of the *Devil's House*, blew up above a thousand granadoes charged, ruined a great quantity of arms, and killed and wounded several persons. The trenches were carried on with great success, though the enemy endeavoured in the night time, both with their great and small shot, to disturb the workmen. But their batteries were soon silenced by those of the *English*, which, it is confessed on all hands, made such firing, as was never seen since gunpowder was first invented. The cannon and mortars answered one another in time, and formed a dreadful harmony; and showers of red-hot bullets and bombs, that poured continually on the castle, so terrified the enemy, that none of them durst look out of their shelters underground, but such as were obliged to be upon duty. *Boufflers* himself, being unused to this way of fighting, began to wish himself in the open field, and formed a design to break through the Confederates camp with his cavalry; but the King, having notice of it, ordered strong guards to be placed at all places, where the *Sambre* could be passed; and, the same being done all along the *Masse* by General *Fleming*, the Marshal must now share the fate of his garrison. However, on the 18th, towards midnight, they made a sally with two hundred dragoons mounted, and five hundred grenadiers. Of the latter one hundred and fifty made the attack on the right-hand, but were repulsed by the Count de *Rivera*, and the rest on the left, where Lord *Cutts* had just posted the advanced guard to secure the workmen. The dragoons fell upon Lieutenant-colonel *Sutton*, who, being posted in the plain of *Salsines*, with about forty fusiliers, let them come on till they were near him; then gave them a round volley, and retreated to his body; but, the dragoons pressing on him, he commanded his men to give them another volley. The *French* received it undauntedly, pressed on, and, if their grenadiers had charged at the same time, would doubtless have caused a great confusion in the trenches; but the *Spanish* and *Bavarian* horse, who were near, fell upon the enemy with so much vigour, that they drove them to the very palisadoes of the castle, killing some, and taking others prisoners.

After the bombardment of *Brussels*, *Villeroy*, being considerably reinforced with all the troops, that could be spared out of the garrisons, and the forces from the sea-coasts, marched directly towards *Namur*, with an army, as the *French* themselves gave out, of no less than ninety thousand men, and with which they confidently boasted to raise the siege of the castle. Upon the enemies advancing from *Engbien* to *Soignes*, Prince *Vaudemont*, in conjunction with the Earl of *Athlone*, and a reinforcement of ten battalions and eighteen squadrons, which the

Prince of *Hesse-Cassel* had brought up from the *Rhine*, possessed himself on the 8th of *August* of the strong camp of *Mazy*, within five *English* miles of *Namur*. The *French* army being in the mean time come as far as *Flerus*, they gave the besieged a signal of their approach, by the discharge of ninety pieces of cannon, which was answered by a great light set on the highest part of the castle. This obliged the King to leave the care of the siege to the Elector of *Bavaria* and the Duke of *Holstein Ploen*, and to repair to the army on the 26th of *August*, with a resolution to oppose the *French*, who seemed now fully bent to attack him, being lately reinforced by a detachment from *Germany*, and other troops, under the command of the Marquis d'*Harcourt*. On the 29th of *August*, *Villeroy* advanced towards the Confederates, then still incamped near *Mazy*, but found them so well posted, that he thought fit to retire in the night without noise. The next day he moved along the *Mebaigne*, extending his right to *Peruys* and his left to the abbey of *Bouffesse*. Whereupon the King caused his army to move towards *Osfin* and *Long Champ* to observe them; and sent orders to the Marquis de la *Forest*, who commanded a body of reserve in the plain of *Bouffesse*, to return to the main army. The enemy perceiving, that the Confederates had made a halt on the hill behind *Long Champ*, sent several squadrons of the *French* King's household over the *Mebaigne*, in order to charge the Marquis de la *Forest*, between whom and the *French* there happened a small skirmish, a far as a defile, which being secured by the dragoons of *Dopst*, the enemy went no further, but repassed the *Mebaigne* in great haste. All these marches and countermarches of *Villeroy*, did not hinder the King from detaching the day before three thousand grenadiers from his army, to be employed in the general assault of the castle, which he had concerted with Prince *Vaudemont*, the Elector of *Bavaria*, and other general officers.

On the 30th of *August*, the day appointed for this memorable action, the besiegers began early to batter the breaches of *Coeborn* fort and *Terra Nova*, and continued till eleven of the clock, when the Elector sent Count *Horn*, accompanied by the Earl of *Portland*, to summon the besieged. The batteries having ceased firing, Count *Horn* called to the enemy, and told Count de *Lamont*, Commander of the *French* foot (who appeared on the next bastion, attended by the Marquis of *Grammont* and *St Hermine*), that the Marshal de *Villeroy*, after having been three days in sight of the Confederate army, had thought fit to retire towards the *Mebaigne* without fighting: That the garrison could not expect now to be relieved: And that his Electoral Highness, being willing to spare the lives of so many brave men on both sides, had charged him to offer honourable terms to Count *Guiscard*, if he would surrender; but that he gave him but a quarter of an hour to deliberate upon the proposals. Count *Lamont* took upon him to acquaint Count *Guiscard* and Marshal de *Boufflers* with Count *Horn's* message, and promised to bring back a speedy answer; but, not returning in half an hour, Count *Horn* grew impatient, and told the Marquis of *Grammont*, that he had already outstaid his time, and therefore desired him to send some person to the Governor for an immediate answer.

1695. fwer. A second messenger, upon this, was sent away; but he tarrying also above a quarter of an hour, and several officers of the garrisons being come to view the breach of *Terra Nova*, the Earl of *Portland* did not think it convenient to wait any longer. Thus the parley was broke, and the batteries plaid incessantly against the breaches till between one and two, when the general assault began in the following manner.

The signal being given, Lord *Cutts* (1), at the head of three hundred grenadiers, rushed out of the trenches of the second line, which were seven or eight hundred paces distant from the breach of *Terra Nova*, where he was commanded to lodge himself; and Colonel *Marsilly* marched on his right to possess himself of the line of communication next *Coeborn* fort. Count *de Rivera*, Major-general of the *Bavarians*, with three thousand men, marched out of the trenches of the first line in order to attack the breaches of *Coeborn* fort. Major-general *la Cave* advanced to attempt the same fort at the point; and Major-general *Swerin* marched against the *Cafotte* with two thousand *Brandenburghers*. The *English* grenadiers under Lord *Cutts*, hurried on by their native ardour, and animated by the example of their leader, and of Colonel *Windsor*, Colonel *Stanhope*, Mr *Thompson*, and several other *English* gentlemen, who exposed themselves as volunteers, ran faster towards the enemy, than they could be followed by the battalions of *Coulthorp*, *Buchan*, *Hamilton*, and *Mackay*, who moved from *Salfines* to support them. The grenadiers mounted the breach without opposition, the enemy not expecting to be attacked on that side by reason of the great distance of the trenches. But as soon as the *French* saw, that those bold adventurers were not sustained, they brought down two thousand of their best foot and dragoons into the space between the *Coeborn* and the *Terra Nova*, to fall on the *English* in flank and in rear; which obliged them to make a speedy retreat. The besieged made a shew of pursuing them, but by this time, three of the forementioned regiments being come up to their assistance, the *French* retired through the breach of *Terra Nova*, after having surpris'd and defeated the five hundred men under Colonel *Marsilly*. The Colonel himself being wounded was made prisoner, and soon after killed by a cannon-ball from the besiegers batteries, with the *French* officer, who had carried him into the castle. The *English*, having borne six several discharges, had several men killed and wounded; and among the latter was the Lord *Cutts* himself, who received a shot in his head, which disabled him for some time.

Whilst this passed on the side of *Terra Nova*, Count *de Rivera* with the *Bavarians*, instead of marching to the left of the platform, went a little too much to the right, towards the covered-way, which was well palissadoed, and thick set with musketeers, who made a terrible fire. Through this mistake, instead of storming the two small breaches of the angle of the platform, according to the scheme made for this attack, the *Bavarians* attempted to force the covered-way before the great breach; whereby they remain-

ed exposed for two hours to the enemies double fire, which killed them abundance of men, and amongst them Count *Rivera* himself, with most of the officers of the *Bavarian* guards.

The Lord *Cutts*, impatient to return to the engagement, could scarce stay to have his wounds dressed. He put himself again at the head of his brave countrymen; but finding the assault of the *Terra Nova* not possible to be retrieved, and observing that the *Bavarians*, notwithstanding the loss of their leader, had fixed themselves upon the outermost retrenchment of the point of the *Coeborn* next to the *Sambre*, and maintained that post with great obstinacy, but could not gain any more ground, he resolved to make good their attack. To effect this, he ordered, that a detachment of two hundred men should be made out of such, as were most forward to signalize themselves, whom he still encouraged by promises of rewards; that those should be sustained by the regiment of *Mackay*, and that the other *English* forces should rally and follow as soon as possible. Being come to the place of action, he detached a party of those two hundred chosen men, headed by Lieutenant *Cockle* of *Mackay's* regiment, whom he ordered to attack the face of the *Saillant Angle*, next to the breach, sword in hand, without firing a gun; to pass the palissadoes, and enter the covered-way; and there to make a lodgment, if they found any place capable of it. And at the same time he commanded the ensigns of *Mackay's* regiment to march strait to the palissadoes, and place their colours upon them. All this was so well executed, that Lieutenant *Cockle*, breaking through the palissadoes, beat the enemy from the covered-way, lodged himself in one of the batteries, and then turned their own cannon against them. On the other hand, whilst *Mackay's* ensigns advanced to the palissadoes, the *Bavarians* renewed their attack with undaunted vigour; and so this post was made good. The troops were already so fatigued by an assault, that had lasted several hours, that the besiegers contented themselves to have gained the covered-way, before the breach of the *Coeborn*, and the *Saillant Angle* towards the *Sambre*, and to make a lodgment there, without any further attempt upon the breach. However, this seasonable reinforcement, which the Lord *Cutts* brought to the *Bavarians*, had this further good effect, that it kept the enemy employed in the defence of this most important post; which very much facilitated Major-General *La Cave's* enterprize upon the covered-way before the ravelin, and upper part of the *Coeborn*, and so up towards the *Cafotte*, where he lodged himself without any considerable loss. On the other hand, Major-General *Swerin*, who commanded the right attack of all before the *Cafotte*, made up boldly towards the covered-way and retrenchment between the *Cafotte* and the *Masse*; drove the enemy from their posts; secured all the avenues; and made a very good lodgment all along this covered-way and retrenchment of about three hundred paces; which he extended to the left, turning in towards the *Coeborn* about a hundred and forty paces more, to join it to that of Major-General *La Cave*, that reached to the

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(1) He is said to have desired that command, which was not then his post to turn,
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1695. the ravelin of the *Coeborn*. Thus, although, for want of a due correspondence among the several attacks, either by the failure or mistake of the signals, the besiegers miscarried in their design of this general storm, which was to have taken the castle, with all its prodigious outworks, all at once; yet they were now masters of one of the greatest lodgments, that ever was made in one assault, being near an *English* mile in extent. Such a vast lodgment could not be done in a moment; neither could the assault, which lasted till evening, be maintained without considerable loss on both sides. The besiegers, by their own confession, had two thousand men killed or wounded, and among them many persons of note. Count *de Rivera*; the Colonels *Coulbors*, *Marfily*, and *Lindroet*; the Baron *de Heckeren*; Lieutenant-Colonel *Fabricius*, of *du Theil's* regiment; and Captain *Mitchel* of the *English* guards, were counted among the slain; and among the wounded were reckoned the Prince of *Holstein Norburgh*, and the Lord *Cutts*; the Prince of *Hesse-Homburg*; and nine Colonels, *Eppinger*, *Zinzenburg*, *Cawuits*, Count *Horne*, Count *Dona*, *Luzelburg*, *Melun*, Count *de Denhoff*, and *Hamilton*; several officers of the *English* guards, particularly the Colonels *Windsor*, *Stanhope*, *Evans*, Mr *Thompson* (to whom the King gave a company of guards for his bravery); besides a great many Lieutenant-Colonels, Majors, Captains, and Subaltern Officers of other regiments. The loss of the besieged in this action did not exceed six hundred men either killed or wounded. The Elector of *Bavaria* exposed himself to a degree not to be imagined, riding from place to place, and giving his orders, where the dispute was most obstinate, so that several persons were killed and wounded about him. Neither was his Electoral Highness contented to encourage the officers and soldiers by his own example, but he animated the first by extolling their valour, and the latter by the more powerful incentives of immediate rewards, distributing handfuls of gold amongst them. All the troops of the several nations behaved themselves with equal intrepidity; however, it is remarked, that the *English* were the most bold and pressing, the *Bavarians* the most firm, and the *Brandenburghers* the most successful. In acknowledgment of which service the King wrote to his own hand the following letter to the Elector of *Brandenburgh*, afterwards King of *Prussia*:

‘ You interest yourself so far in the public good, that you must needs receive a particular satisfaction in hearing of the surrender of the castle of *Namur*, especially considering, what share you had in that enterprize, which could not possibly have succeeded without the assistance of your troops, whom I cannot enough commend, nor can be less pleased with the admirable conduct of your Generals. They have gained to themselves the greatest glory and reputation by this action. And I assure you, it is impossible for any one to be more sensible of an obligation, than I am of that you have laid on me by assisting me in an undertaking of such consequence, which God has vouchsafed to bless, and which, I hope, will be a considerable advantage to all the Allies. And you may assure yourself I shall omit no occasion of giving you effectual proofs of my gratitude.’

The 31st of *August* was wholly spent by the besiegers in perfecting the lodgment, which they had made the day before, and in preparing all things for a second general assault; but the next day, the besieged having demanded a cessation of arms to bury their dead, which was readily granted, the Count *de Guiscard* came upon the breach a little before the truce was over, and desired to speak with the Elector of *Bavaria*. The Elector having mounted the breach, the Count offered to surrender the *Coeborn* fort; but the Elector answering, that, if he would capitulate, it must be for the whole, Count *Guiscard* replied, that the Marshal *de Boufflers* commanded in the castle, and that he would let him know; and desired, that in the mean while the cessation of arms might be continued; to which the Elector having agreed, *Boufflers* consented to treat for the whole, and an adjutant was immediately dispatched, to give the King an account of it at *Osfin*. The Adjutant met the King with Prince *Vaudemont*, coming to the siege in his coach, to give directions concerning a further attack. Upon his arrival hostages were exchanged, and propositions brought from the castle, the chief of which was, that they might have ten days to expect succours. This being denied, the *French*, after some debates among themselves, were contented to receive such terms, as the Elector, with the King's consent, would grant them, being such as are usual upon the surrender of a strong fortress, whose garrison had made a gallant defence. The capitulation was agreed on that very night, and signed the next morning; and part of the outworks were given up presently after to the Allies, the besieged having three days more allowed them to evacuate the castle. It is remarkable, that *Guiscard* obliged *Boufflers* to sign the articles, because he had commanded in the castle during the siege: Whereas the Count had only commanded in the *Coeborn* and the outworks; and that this perhaps was the first capitulation, that was ever signed by a Marshal of *France*; which was so much more to the honour of the Confederate arms, that they took this almost impregnable place in sight of another Marshal of *France*, who was advanced to relieve it with an hundred thousand men, but was only a spectator of the bravery of the former, and of the consummate prudence of the King of *Great-Britain*, under whose conduct and direction all was happily achieved; it being universally acknowledged, that no siege was ever carried on with more regularity.

The 1st of *September*, the two armies observed one another; but the next day *Villeroy* being informed of the surrender of the castle of *Namur*, by a triple discharge of all the artillery, and three salvo's in a running fire along the lines of the Confederate army, he retired from his camp at *Gembours*, and passed the *Sambre* near *Charleroy* with great precipitation. Upon advice of this motion the King ordered several brigades towards *Salsines*, and a bridge to be laid over the *Sambre*, to oppose the enemy, in case they should make any attempt between the *Sambre* and the *Maese*, whilst the *French* garrison was still in possession of the *Terra Nova*. But it appeared that *Villeroy* had quite laid aside all thoughts of fighting; for, having sent two thousand men to reinforce the garrison of *Dinant*, he marched with the rest of his army towards the lines near *Mons*. On

1695. On the 5th of September, the day prefixed for the French to evacuate the castle, the horse and foot, that were incamped between the *Sambre* and the *Maeſe*, were commanded to make a lane on both sides from the breach of *Terra Nova*, thro' which the garrison was to march out up the hill, and so down again to the *Maeſe*, to the way that leads to *Givet*, whither it was agreed they should be safely conducted. About ten of the clock in the morning the garrison, which from fourteen thousand was reduced to five thousand five hundred and thirty-eight men, began their march. Marshal *Boufflers's* Guard de corps went out first; then his domestics, and next himself, with Count de *Guisard*, the Governor, at the head of the King's and *Alsied's* dragoons, as many as were mounted, between eighty and ninety in all. The King was incognito in a coach, and the Elector of *Bavaria*, the Landgrave of *Hesse*, and the chief officers of the army on horseback to see them pass within two hundred paces of the breach, and were saluted by the French Marshal and Count with their swords. This civility was scarce over, when Monsieur *Dyckvelt*, accosted *Boufflers* with a message, which somewhat discomposed his countenance; and, as they were riding up to the top of the hill, Monsieur de *L'Etoing*, Brigadier of the life-guards, made up to the Marshal, with about twelve of the Gentleman of that corps, and arrested him in his *Britannic* Majesty's name, by way of reprisal for the garrisons of *Dixmuyde* and *Deynſe*, which, as has been said, were detained and ill treated by the French, contrary to the cartel. The Marshal seemed at first very much incensed, alledging, in a broken speech, 'That the laws and customs of war were violated, and particularly the capitulation lately signed by the Duke of *Bavaria*, wherein he was expressly mentioned: That the King of *France*, his Master, would resent this treatment of a man of his character, and revenge it to the utmost of his power: And that, for his own part, he had defended the place like a man of honour, and did not deserve it.' To this Monsieur *Dyckvelt* replied, 'That the French King, his Master, by detaining the garrisons of *Dixmuyde* and *Deynſe*, contrary to their capitulation (by which they were made prisoners of war, and consequently should have been discharged within the limited time, paying their ransom, which was offered) had forced his *Britannic* Majesty to that way of demanding satisfaction for that infraction: That the Marshal's being arrested was not out of any disrespect to his person, but rather the contrary; for, when it was proposed to the King of *Great-Britain* to detain the whole garrison by way of reprisal, his Majesty had expressed so much value of his person, that he looked upon him as a sufficient caution to answer for six thousand men, the number of the two garrisons of *Dixmuyde* and *Deynſe*; but at the same time he had his Majesty's order to offer him his liberty, if he would pass his word for sending back the said garrisons, or to return himself a prisoner within a fortnight.' To which *Boufflers* answered, 'That he could not pass his word of honour in a matter, which he could not execute himself: That, if he were at the head of fifty thousand men, he would not suffer himself

to be arrested; but now he must submit.' Having said this, he put up his sword, and went back with his domestics to *Namur*, where the Earl of *Portland* gave him a visit, and told him as from himself, 'That he made no doubt of his release upon his parole of honour.' But the Marshal answered, 'That, in regard he knew not the reasons why his Master detained those garrisons, he could not engage for any thing.' From *Namur* he was conducted to *Masfricht*, and treated in both places with all the civility and respect due to his quality. His confinement was not long; for upon the return of the Captain of his guard, whom he sent to give the French King an account of what had happened, and the Marshal's engaging his word, that the garrisons of *Dixmuyde* and *Deynſe* should be sent back, as soon as he himself should be set at liberty, the King ordered the Governor of *Masfricht* to release him, and give him a guard to conduct him safe to *Dinant*. 1695.

The taking of *Namur* was reckoned one of the greatest actions of the King's life, and indeed, one of the greatest that is in the whole History of war. It raised his character much, both at home and abroad, and gave a great reputation to his troops; The King had the intire credit of the matter; his general officers having a very small share in it, being most of them men of low genius, and little practised in things of that nature. *Coeborn*, the chief engineer, signalized himself so eminently on this occasion, that he was looked on as the greatest man of the age; and out-did even *Vauban*, who had gone far beyond all those, that went before him, in the conduct of sieges: But it was confessed by all, that *Coeborn* had carried that art to a much farther perfection during this siege. The subaltern officers and soldiers gave hopes of a better race, that was growing up, and supplied the errors and defects of their superior officers.

The officers were tried and proceeded against by councils of war, according to martial law; they were raised in the army by ill methods, and maintained themselves by worse; corruption had broke into the army, and oppression and injustice were much complained of; the King did not approve of those practices; but he did not inquire after them, nor punish them, with a due severity; nor did he make difference enough between those who served well, sold nothing, and used their subalterns kindly, and those who set every thing to sale, and oppressed all that were under them; and, when things of that kind go unpunished, they will soon make a great progress.

The news of the surrender of the castle of *Namur* no sooner reached *England*, but it filled the hearts of all the well-affected to the government with great joy; and the King's expressing his just resentment for the affront put upon him, by the detaining the garrisons of *Dixmuyde* and *Deynſe*, was highly applauded. The Lords Justices having appointed a day of public thanksgiving for the success of his Majesty's arms, the same was religiously observed in *London*, and throughout all *England*. But, amidst these rejoicings, the disaffected remained, as it were, thunderstruck; and indeed their disappointment was very great; for not only their hopes of seeing the Confederates attempt upon *Namur* baffled were defeated, but many of them were

and re-
leased
again.
Sept. 13.

1695. were ruined by the loss of considerable wagers, which they had laid upon it. Among these wagers was the famous Dr Davenant.

The King, having left the command of the army to the Elector of Bavaria, went to Dieren, and from thence to Loo, his usual recess for diversion and business; whilst both armies continued in the field till the 25th of September, and then began to separate. The French King's Household returned into their quarters, and most of the rest of his troops retired within the lines. As for the Allies, their forces were distributed into several neighbouring garrisons, except some detachments, which marched towards Newport, under the command of the Prince of Wirtemberg, for the security of that place. And thus ended the campaign in Flanders.

Nothing was done on the Rhine. Nor was there any action upon the Rhine, where both armies were so equal in strength, that they could only lie on the defensive; neither side being strong enough to undertake any thing. M. de l'Orge commanded the French, and the Prince of Baden the Imperialists. L'Orge was sinking as much in his health as in his credit; so a great body, as has been said, was ordered to march from him to Villeroy, whilst another equal to that, commanded by the Landgrave of Hesse, came and joined the King's army before Namur.

In Italy, there was nothing done in the field by force of arms: But an affair of great consequence was transacted, in a very mysterious manner; the Duke of Savoy, after a very long blockade, undertook the siege of Casal; but he was so ill provided for it, that no good account of it could be expected; the King had so little hopes of success, that he was not easily prevailed on to consent to the besieging it, but either the French intended to gain the Pope and the Venetians, and, in conclusion, that Duke himself, with this extraordinary concession; or, since our fleet was then before Thoulon, they judged it more necessary to keep their troops, for the defence of their coast and fleet, than to send them to relieve Casal; so orders were sent to the Governor to capitulate, in such a number of days, after the trenches were opened: So that the place was surrendered, tho' it was not at all straitened: It was agreed, that it should be restored to the Duke of Mantua, but so dismantled, that it might give jealousy to no side; and the slighting the fortifications went on so slowly, that the whole season was spent in it, a truce being granted all that while. Thus did the French give up Casal, after they had been at a vast expence in fortifying it, and had made it one of the strongest places in Europe.

Affairs at sea and in Catalonia. The English fleet was all the summer master of the Mediterranean. The French were put under great disorder, and seemed to fear a descent; for Ruffel came before Marseilles and Thoulon oftner than once, and contrary winds forced him out again, but with no loss. Tho' it was his opinion, that nothing could be done there, yet the honour of commanding the sea, and of shutting the French within their ports, gave a great reputation to our affairs.

In Catalonia, the French made no progress, they abandoned Palamos, and made Gironne their frontier. The Spaniards once pretended to besiege Palamos, but they only pretended to do it; they desired some men from Ruffel, for he had regiments of marines on board: They

1695. said they had begun the siege, and were provided with every thing that was necessary to carry it on, only they wanted men; so he sent them some battalions; but, when they came thither, they found not any one thing, that was necessary to carry on a siege, not so much as spades, not to mention guns and ammunition: So Ruffel sent for his men again. But the French of themselves quitted the place; for as they found the charge of the war in Catalonia was great, and though they met with a feeble opposition from the Spaniards, yet since they saw, they could not carry Barcelona, so long as our fleet lay in those seas, they resolved to lay by, in expectation of a better occasion. We had another fleet in our own channel, that was ordered to bombard the French coast; They did some execution upon St Malo's, and destroyed Grandville, that lay not far from it: They also attempted Dunkirk, but failed in the execution; some bombs were thrown into Calais, but without any great effect; so that the French did not suffer so much by the bombardment, as was expected: The country indeed was much alarmed by it; they had many troops dispersed all along their coast; so that it put their affairs in great disorder, and we were every where masters at sea. Another Squadron, commanded by the Marquis of Caermarthen (whose father was created Duke of Leeds, to colour the dismissing him from business, with an increase of title) lay off from the isles of Scilly, to secure our trade, and convoy our merchants: He was an extravagant man, both in his pleasures and humours; he was slow in going to sea; and, when he was out, he fancied the French fleet was coming up to him, which proved to be only a fleet of merchant-ships: So he left his station, and retired into Milford Haven: By which means, that squadron became useless.

This proved fatal to our trade, many of our Barbadoes ships were taken by French cruizers and Privateers: Two rich ships, coming from the East-Indies, were also taken, an hundred and fifty leagues to the Westward, by a very fatal accident, or by some treacherous advertisement; for cruizers seldom go so far into the ocean: And, to compleat the misfortunes of the East-India Company, three other ships, that were come near Galway, on the West of Ireland, fell into the hands of some French privateers: Those five ships were valued at a million, so here was great occasion of discontent in the City of London. They complained, that neither the Admiralty, nor the Government, took the care that was necessary for preserving the wealth of the nation. A French man of war, at the same time, fell upon our factory on the coast of Guinea; he took the small fort we had there, and destroyed it; these misfortunes were very sensible to the nation, and did much abate the joy, which so glorious a campaign would otherwise have raised; and much matter was laid in for ill humour to work upon.

The King, having settled with the States-General the state of the war for the next year, embarked in the *Masé*, aboard the *William* and *Mary* yacht, and the next day safely landed at Margate, being attended in his passage by a Squadron of English and Dutch men of war, commanded by Sir Cloudesly Shovel. That night the King lay at Canterbury, and next day came through London and Westminster to Kensington; the

The King returns to England. Octob. 10.

1695. the people expressing their great joy for his safe return, by loud acclamations, illuminations, and bonfires.

A new
Parliament
called.
Burnet.

The King was no sooner arrived at *Kensington*, but he called a Council, wherein it was debated, whether a new Parliament should be summoned, or the old one be brought together again, which by the law, that was lately passed, might sit till *Lady-Day*. It was urged, that the happy state, which the nation was in, had put all men, except the Merchants, in a good temper. None could be sure, that affairs should be in so good a state the next year; so that now probably elections would fall on men, who were well-affected to the Government. A Parliament, which saw itself in its last Session, might affect to be froward, since the Members, by such a behaviour, might hope to recommend themselves to the next election. Besides, if the same Parliament should be continued, probably the enquiries into corruption would be carried on, which might divert them from more pressing affairs, and kindle greater heats; all which might be more decently dropped by a new Parliament, than suffered to lie asleep by the old one. These considerations prevailed, though it was still believed, that the King's own inclinations led him to have continued the Parliament one Session longer; for he reckoned, that he was sure of the majority. Thus this Parliament was brought to a conclusion, and a new one was summoned by Proclamation to meet at *Westminster*, the 22d of *November*.

The late success of the King's arms inclined many persons to chuse Members well affected to him. The Jacobites were so decried, that few of them were elected; but many of the former sort of Whigs, who were much alienated from the King, were chosen. These were generally men of estates, but many of them young, hot, and without experience.

The King's
progress to
the North.
Burnet.
Kennet.

Octob. 17

During the elections for the new Parliament, the King made a progress to the North, in the course of which he studied to constrain himself to a little more openness and affability, than was natural to him: But his cold and dry way had too deep a root, not to return too frequently upon him. He began his progress with the diversions at *Newmarket*, and where he received the compliments of the University of *Cambridge*; and, having staid there three days, on the 21st of *October* went to *Aliborp*, in *Norhamptonshire*, a seat of the Earl of *Sunderland*, which was the first public mark of the high favour, that Earl was in. Whilst there, he made a visit to the

Earl of *Norhampton* at *Castle-Aliboy*, and to the Earl of *Montague* at *Boughton*, and was splendidly entertained at both places. From *Aliborp* he went to *Stamford*, and in his way took a view of *Burgbley-house* without seeing the owner; and proceeded to *Lincoln*, attended by several of the nobility and a great train of gentlemen, who resorted from all the neighbouring parts to see him; and having heard prayers at the Cathedral, he pursued his journey to *Welbeck*, the Duke of *Newcastle's* seat in *Nottinghamshire*. Here *Dr Sharp*, Archbishop of *York*, with his Clergy waited upon him the 2d of *November*, and congratulated his happy success and safe return; expressed their gratitude for his care of the Church, who had shewn himself truly the Defender of the Faith; assured him of their fidelity and loyalty; prayed for all blessings to attend him; and recommended themselves to his protection, which his Majesty assured them of, and of all other demonstrations of grace and favour. The next day the King left *Welbeck*, and came that evening to the Earl of *Stamford's* at *Broadgate*. On the 4th of *November*, he went to the Lord *Brooke's*, at *Warwick Castle*; from whence he departed the next day, and dined, with the Duke of *Shrewsbury* at *Evesfort*, arrived in the evening at *Burford*, and three days after came to *Woodstock* (1). From this place he went on the 9th of *November* to *Oxford*, and was met at some distance from thence by the Duke of *Ormond*, Chancellor of that University, the Vice-chancellor, and the Doctors in their habits, as also by the Magistrates of the City in their formalities; and, the compliments of both being made to him, they proceeded to the East gate of the schools, the conduit of the City running all the while with wine. The King alighting passed directly to the theatre, where *Mr Charles Codrington*, Fellow of *All-Souls College*, and afterwards Governor of the *Leeward Islands*, supplied the place of the University orator, who happened to be indisposed, and expressed the public thanks of the University in an elegant speech (2). The Chancellor on his knees made the usual presents, of a large *English Bible* and *Common-Prayer-book*, the cuts of the University, and a pair of gold fringe gloves. And because it was expected, that the King would do the University the honour of dining amongst them, a magnificent banquet was prepared, with great variety of music. But, the Duke of *Ormond* having communicated to him, a letter addressed to his Grace by a nameless person, and dropped in the street the day

(1) The King lay at *Mr Cary's*, an old Gentleman of near a hundred years of age, who had been servant to *James I.*, *Charles I.*, *Oliver Cromwell*, *Charles II.*, *James II.*, and was then servant to King *William*, of whom the following story is told. 'The King being informed of a humour of his in shewing his pictures, desired to see them, and pretending not to know whom they were drawn for, asked, of the first in order, who that was? That, replied *Cary*, 'was my good old Master King *James I.*, I served him several years. Who is the next? says his Majesty. That, Sir, replied *Cary*, is my good Master King *Charles I.*, he was a good Master to me, let them say what they will of him. Pray who is the next? the King said. Why truly Sir, replied *Cary*, That is my Master *Oliver Cromwell*, he too was my very good

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Master; and so was the next there, King *Charles II.*; and the next, King *James II.*; and so now is your Majesty, whose picture there is still room for.' Whether the King gave him his picture does not appear, but he was pleased at the old Gentleman's simplicity in his way of setting out his pictures, which it seems had been all given him.

(2) He was son of Colonel *Codrington*, Governor of the *Leeward Islands*, of which himself was also afterwards Governor. He was also Captain of a Company of Guards, and behaved very gallantly at the siege of *Namur*. He was a man of learning and wit, as well as bravery; the fame to whom *Cresch* dedicated his Latin edition of *Lucretius* with notes, and who left a fine library, and ten thousand pounds in money to his college.

H h h h

(1) The

1695. day before, wherein information was given of a pretended design to poison him at this entertainment, the King resolved neither to eat nor drink, and immediately took coach for *Windsor*, declaring, as a reason of his short stay, and his not going to see the Colleges, 'That this was a visit of kindness, not of curiosity, he having seen the University before.' However this abrupt departure of the King might be resented by the University, they chose for one of their Representatives Sir *William Trumbal*, Secretary of State.

The Parliament being met the 22d of November, and the Commons having chosen Mr *Foley* again for their Speaker, the King made the following speech to both Houses:

My Lords and Gentlemen,

'IT is with great satisfaction, that I meet you here this day, being assured of a good disposition in my Parliament, when I have had such full proofs of the affection of my people, by their behaviour during my absence, and at my return. I was engaged in this present war by the advice of my first Parliament, who thought it necessary for the defence of our religion, and the preservation of the liberties of *Europe*. The last Parliament with great cheerfulness did assist me to carry it on; and I cannot doubt, but that your concern for the common safety will oblige you to be unanimously zealous in the prosecution of it. And I am glad, that the advantages, which we have had this year, give us a reasonable ground of hoping for further success hereafter.

'Upon this occasion I cannot but take notice of the courage and bravery, which the *English* troops have shewn this last summer, which, I may say, has answered their highest character in any age. And it will not be denied, that, without the concurrence of the valour and power of *England*, it were impossible to put a stop to the ambition and greatness of *France*.

Gentlemen of the House of Commons,

'I think it a great misfortune, that, from the beginning of my reign, I have been forced to ask so many and such large aids of my people; and yet I am confident you will agree with me in opinion, that there will be at least as great supplies requisite for carrying on the war by sea and land this year, as was granted in the last Session; the rather, because our enemies are augmenting their troops, and the necessity of increasing our shipping does plainly appear.

'The funds, which have been given, have proved very deficient.

'The condition of the Civil List is such, that it will not be possible for me to subsist, unless that matter be taken into your care.

'And compassion obliges me to mention the miserable circumstances of the *French* Protestants, who suffer for their religion.

'And therefore, Gentlemen, I most earnestly recommend to you to provide a supply suitable to these several occasions.

'I must likewise take notice of a great difficulty we lie under at this time, by reason of the ill state of the coin, the redress of which may perhaps prove a further charge to the nation. But this is a matter of such general concern, and of so very great importance, that I have thought fit to leave it entirely to the consideration of my Parliament. I did recommend to the last Parliament the forming some good bill for the encouragement and increase of seamen. I hope you will not let this Session pass without doing somewhat in it; and that you will consider of such laws, as may be proper for the advancement of trade, and will have a particular regard to that of the *East-Indies*, lest it should be lost to the nation. And, while the war makes it necessary to have an army abroad, I could wish some way might be thought of to raise the necessary recruits, without giving occasion of complaint.

'My desire to meet my people in a new Parliament has made the opening of this Session very late; which I hope you will have such regard to, as to make all possible dispatch of the great business before you, and will call to mind, that, by the long continuance of the last session, we did not only lose advantages, which we might have had at the beginning of the campaign, but gave the enemy such an opportunity, as might have proved very fatal to us. And I am the more concerned to press this, because of the great preparations, which the *French* make to be early in the field this year.

My Lords and Gentlemen,

'I have had such experience of your good affections, and I have such an entire satisfaction in the choice, which my people have made of you, Gentlemen of the House of Commons, that I promise myself a happy conclusion of this Session unless you suffer yourselves to be misled into heats and divisions, which being the only hope our enemies have now left, I make no doubt but you will entirely disappoint by your prudence and love to your country.'

Both Houses in their respective addresses, *Addresses of both Houses.* with great zeal and unanimity, congratulated the glorious success of his Majesty's arms abroad and his safe return home; and likewise returned thanks for the trust and confidence, which he reposed in their affections; assuring him, that they would support him against all his enemies foreign and domestic, and effectually assist him in the prosecution of the present war, in which he was engaged for the safety of *England* and liberty of *Europe* (1).

Before the proceedings of the Parliament are State of related, *State of affairs at the meet-*

(1) The Duchess of *Marborough*, in the account of her Conduct, (p. 113.) relates a particular, which shews that the reconciliation between the King and the Princess of *Denmark* was not real. The Princess, whilst the King was congratulated upon his taking *Namur*, sent him the following letter on that occasion.

'S I R,
'Though I have been unwilling to give you the trouble of a letter upon any other occasion, yet, upon one so glorious to your Majesty as the taking of *Namur*, I hope you will give me leave to congratulate your good success, which don't please me so much

1695. related, it will not be improper to take a view of the difficulties that lay in their way. In defence of the new settlement the nation was involved in a very burdensome war, with a formidable Monarch, who, having espoused the quarrel of the late abdicated King *James*, was using his utmost endeavours to re-inthronize him. But, besides this open enemy, there was a great deal to fear from the discontented at home. For, tho' the body of the nation was infinitely pleased with the late Revolution, yet a considerable number, partly out of principle, partly out of interest, were impatient of their deliverance, which, in their opinion, was accomplished by unjustifiable means. Not only the *Roman Catholics*, but a great number of Protestants, and such as were the creatures and dependents of the late Government, were become enemies of the present settlement; and, by open as well as clandestine ways, endeavoured to distress or subvert it. And all methods, which wit and malice could suggest, were employed to weaken the reputation of the Government, and to increase the fears of the people. The public Ministers were traduced and exposed to contempt. The losses, which befel the nation, were attributed to treachery or negligence, and highly aggravated; while, on the other hand, the advantages, which the King at any time obtained, were extenuated and slighted. The Parliament, resolving to carry on the war with vigour, were obliged to lay great taxes on the people; and, the war continuing so long, they could not be insensible of the burden. Of this the discontented took the advantage, and represented in all companies, that the Government must of necessity sink under its own weight; and these heavy taxes, by reducing the nation to extreme poverty, would inevitably prove its destruction. They never ceased declaiming on this popular subject, in hopes to make the people weary of a Government, which was represented so burdensome; and at last persuade them rather to let in the deluge, than to be at the expence of maintaining their banks.

Besides the professed adherents to King *James's* interest, there were others, who, though great assertors of the late Revolution, and averse enough to a second, yet, from some private disquiets, personal quarrels, and disappointments, grew sour and uneasy; and in order to gratify their resentments, endeavoured to bring the Administration into contempt. They were for breaking the Confederacy, and against raising such large sums of money for carrying on the war. They were for distressing the Government, but not for overturning it. In short, they were against all things, which the known enemies of the present settlement were against, and for all things, which they were for, except the restoration of the late King; that is, they were for all means, that could certainly bring about the end, but not for the end itself. However, under this plausible pretence of declaring against great taxes, and other popular oppositi-

ons, they thought to recommend themselves to their country as great patriots; supposing, that the character of a patriot was, without distinction of times or persons, to be ever against the Court; though they could not but be sensible, that the preservation of their religion, laws, and liberties, was inseparably interwoven with that of the present settlement; that the face of affairs was so far altered by the Revolution, that the interest of their Country was plainly the same with that of the Court; which appeared as well by the opposition, that was made to it by all those, whom these men themselves ever looked upon as the greatest promoters of popery and arbitrary power, as by the principles of liberty, by which the Government was first set up, and without which it could not stand.

The *French* after taking of *Namur* (a blow, which wounded them in so sensible a part) grew very dissident of the issue of the war. They expressed by their behaviour and language, how much their hopes of subduing *England* by open force were abated; and they could not but foresee, that, if King *William* could appear in the field the next summer in the same circumstances, as he did the last, it would be very hard, if not impossible, for them to oppose his arms. To prevent this they had two things to wish and promote; one was to embroil the nation's affairs by creating mutinies at home, the other to ruin its credit, and thereby disable the King from carrying on the war abroad. The first they hoped would be effected by the ill state of the coin; for to attempt its cure, they judged, would alike produce such intestine disorders, as would prove the ruin of the nation. For this reason they engaged their friends in *England* to exert themselves with the utmost diligence, to aggravate the inconveniences of not recoining the silver money, if that should be neglected; or to embarrass, as much as they were able, the methods of recoining it, in case that should be agreed on, and thereby make it grievous and insupportable. And in case this great business should, contrary to all probability, be accomplished without the confusion, that was expected to follow, they were instructed to leave no arts untried, whereby they might destroy the public credit, and particularly that of the Bank of *England*, which was then the great support of the nation, and was by experience found to be so the following summer, when it contributed so much to the support of the army. If either of these designs, and much more if both succeeded, they were well satisfied it would be impossible for the King to appear in *Flanders* the next spring in that formidable manner he did the year before. Add to all this, that at this time, though it was plain by the event, that the nation had treasure enough to support the war, yet the ways of coming at it were grown very difficult. The former Parliaments chose rather to establish funds for public supplies, than to use any methods of raising them within the year; divers branches of the King's

‘ much upon any other account, as for the satisfaction, that I am sensible your Majesty must needs feel
‘ in this great addition to the reputation of your arms.
‘ And I beg leave, Sir, to assure you, that, as no
‘ body is more nearly concerned in your interests,

‘ so no body wishes more heartily for your happiness
‘ and prosperity at home than

Your, &c.

ANNE.

To this handsome compliment the King returned no answer.

(1) It

1695. King's revenue were by his own consent subjected to great anticipations, and the most easy and obvious funds were already settled, and sufficiently loaded; so that by the continuance of the war it became much harder for this than for the preceding Parliaments, to find out ways to defray the charges of it. Such was the posture of affairs, when this Parliament met.

An act
concerning
trials for
treason.
Burnet.
Fr. H. C.
III. 3.

Four days after the meeting of the Parliament the bill for regulating trials in cases of High-treason, which had been so long pursued, was brought into the House of Commons, and at last carried by the Tories. The design of it seemed to be to make men as safe in all treasonable conspiracies and practices as was possible; it being enacted, 'that all persons, indicted for high-treason, or misprison of such treason, shall have a copy of the whole indictment, but not the names of the witnesses, five days at least before they shall be tried; and shall be admitted to make their defence by Counsel learned in the law, not exceeding two. That no person shall be indicted or attainted of treason, or misprison of treason, but by the oaths and testimony of two lawful witnesses, either both to the same overt-act, or one to one, and the other to another overt-act of the same treason, unless the party in open court confess the same, or stand mute, or refuse to plead, or peremptorily challenge above thirty-five of the Jury. That where two or more distinct treasons of divers kinds shall be alleged in one bill of indictment, one witness to one, and another witness to another, shall not be deemed two witnesses. That no person shall be prosecuted for any such crime, unless the indictment be found within three years after the offence committed; provided and excepted, that any person designing or attempting to assassinate or poison the King may be prosecuted at any time, notwithstanding the said limitation. That all persons, indicted of such treason, or misprison of treason, shall have copies of the panel of the Jurors, two days at least before their trial, and shall have like process to compel their witnesses to appear for them, as is usually granted to witnesses against them. That no evidence shall be admitted of any overt-act, that is not expressly laid in the indictment. And that this act shall not extend to any impeachment or other proceedings in Parliament; nor to any indictment for counterfeiting his Majesty's

coin, his Great Seal, Privy Seal, Sign Manual or Signet.'

All these things were in themselves just and reasonable; and, if they had been moved by other men, and at another time, they would have met with little opposition. This act happened to pass but a few days before the discovery of the assassination-plot, and the benefit of it was claimed and enjoyed by some of the conspirators. It was observed, that those Members of both Houses, who chiefly promoted it, had been concerned in the illegal prosecutions for treason in the late reigns. When the bill was sent up to the Lords, the clause so often insisted on was again added, that to the trial of a Peer all the Peers should be summoned, which was not easily carried; for those, who wished well to the bill, looked on this as a device to have it dropped by the Commons, as no doubt it was, and therefore they opposed the clause; but, contrary to the hopes of the Court, the Commons were so desirous of the bill, that, when it came down to them, they agreed to the clause, on account of which the same bill had been so often rejected, and the act received the Royal assent (1).

Jan. 11.

The many protections given to the servants of Parliament-men, and the taking men into custody upon complaints of the breach of those protections, was really become a grievance to the subject; and therefore it was ordered, That all protections and written certificates of the Members of this House be declared void in law, and be forthwith withdrawn and called in, and that none be granted for the future; and that if any should be granted by any Member, such Member shall be liable to the censure of this House; and that the privileges of their menial servants be observed according to law; and that, if any menial servant shall be arrested and detained contrary to privilege, he shall, upon complaint thereof, made to the Speaker, be discharged by order from him: And that no person shall be taken into custody upon complaint of any breach of privileges of this House, before the matter be first examined; which order was not to extend to any breach of privilege upon the person of any Member of this House.

The next thing to be considered was the supply for the year 1696. The demand was still very high, and there was a great arrear of deficiencies; however all was readily granted, amounting to five millions, twenty-four thousand eight hundred fifty-three pound (2), and lodged on funds that seemed to be very probable.

Pur-

(1) It is remarkable, that, while this bill was depending in the Lower-House, the Lord *Ashley*, afterwards Earl of *Shaftsbury*, and author of the *Characteristicks*, who was then a Member of that House, and very zealous for the bill, and particularly that part of it, which allows Counsel to a prisoner, had prepared a speech in its behalf, which those, to whom he shewed it, thought a very proper one on the occasion. But, when he stood up to speak it in the House of Commons, the great audience so intimidated him, that he lost all memory, and was unable to proceed. The House, after giving him a little time to recover his confusion, called loudly upon him to go on, when he proceeded to this effect: 'If I, Sir (addressing himself to the Speaker) who rise only to give my opinion on the bill now depending, am so confounded, that I am unable to express the least of what I proposed to

say; what must the condition of that man be, who without any assistance is pleading for his life, and under apprehensions of being deprived of it?' This sudden turn of wit (which by some was imagined to be premeditated, though it really was not) is said to be of service in promoting the bill. *Gen. Dict. Hist. and Crit. Vol. IX. p. 179.*

	£
(2) For the navy — — — —	2,500,000
For two marine regiments, — — —	16,972
For the army consisting of 87,440 men, horse, foot and dragoons; } —	2,007,881
For the ordnance, &c. — — — —	500,000
	5,024,853

(1) The

1695. Pursuant to that part of the King's speech relating to the civil list, and to the distressed condition of the *French* Protestants, the Commons also settled a fund for raising 500,000 *l.* for the civil list, and 15000 *l.* a year for the *French* Protestants (1).

The ill state of the coin was the greatest difficulty the nation now laboured under, a mischief which the last Parliament had attempted to cure, but which, through the application of too gentle remedies, was become almost desperate. The disaffected observed it with joy, and had their eyes and hopes long fixed on the effects this might produce. The Jacobites proposed to themselves great matters from the destruction of credit and trade, which they doubted not would soon be the consequence of this grievance; which though the friends to the Government were fully convinced ought to be redressed; yet how to effect it, in such a conjuncture, without bringing the nation into the utmost confusion, was a very difficult task.

Pursuant to the clause in the King's speech, the Commons took the affair of the coin into consideration, and there were great and long debates about the proper remedies. The first question was, Whether it was necessary or expedient to recoin the silver money? The recoin- ing was warmly opposed by the party, who hoped to embroil the matters. 'They alledged, 'this was no fit conjuncture for it, whilst the nation was engaged in a burdensome and doubtful war, by which the Kingdom had already greatly suffered, and of which it grew every day more sensible. That therefore the people, on whose good affection the Govern- ment so much depended, should not be provoked by fresh grievances greater than any they had yet felt, as those would certainly be, that must arise from the calling in the silver coin. That, if this was done, however things might be managed and accommodated at home, it were impossible to maintain either the com- merce or the war abroad; for neither the merchant could be paid his bills of exchange, nor the foldier receive his subsistence. That this was to lay the ax to the root, and to dig up the foundations of the Government. That, if this design was prosecuted, trade must

'stand still for want of mutual payments; whence such disorder and confusion would certainly follow, as would discourage and dis- hearten the people in the highest measure, if not drive them to a perfect despair, as despair would to the most terrible extremities. That therefore the recoining the money at this time was by no means to be attempted without hazarding all.'

It was alledged by those of the contrary opi- nion, at the head of whom appeared Mr *Charles* for it.

Montague, Chancellor of the *Exchequer*, 'That the mischief would be fatal, if a present re- medy was not found out and applied. That, by reason of the ill state of the coin, the change abroad was infinitely to the nation's prejudice. That the supplies, that were raised to maintain the army, would never at- tain their end, being so much diminished and devoured by the unequal change and exorbi- tant premium, before they reached the camp. That this was the unhappy cause, that the guineas advanced to thirty shillings, and so- reign gold in proportion. That therefore to the nation's great loss, not only the *Dutch*, but indeed all *Europe*, sent that commodity to this market, and would continue to do so, till the nation should be impoverished and un- done by plenty of gold. That we must ex- change for their gold our goods or silver, till at last we should have only guineas to trade withal, which no body could think our neigh- bours would be so kind to receive back at the value they were at here. That therefore this disease would every day take deeper root, infect the very vitals of the nation, and, if not remedied, would soon become incurable. That our enemies must be extremely intimidated by so great an action, and would sooner be induced to agree to honourable terms of peace, in case they saw us able surmount this diffi- culty by retrieving the ill state of the coin, on which their hopes of the nation's speedy ruin so much depended. And that it would just- ly create a mighty esteem abroad of the great- ness and wisdom of the Parliament of *Eng- land*, which was able to conquer such an ob- stinate and almost insuperable evil in such a juncture of affairs (2).'

This

(1) The funds for raising the supplies and civil list were,

1. A land-tax of 4 *s.* in the pound.
2. Duties continued upon wine and vinegar, tobacco, *East-India* goods, and other merchandizes, from 1698 to 1701.
3. Additional duty upon all *French* goods, wines 25 *l.* a tun, brandy 30 *l.* a tun, vinegar 15 *s.* a tun, all other *French* goods 25 *l.* per cent. *ad valorem*, for the term of twenty-one years.
4. Duties upon low-wines, or spirits of the first ex- traction.
5. Duties continued upon salt, glass-wares, tobacco-pipes, &c.

(2) The sad state of the money appears from the printed report concerning, *An essay for the amendment of the silver coins*, London 1695. The author first computes all the silver money coined in the reigns of *Elizabeth*, *James I.* and *Charles I.*

The silver sterling monies coin- ed in the reign of *Eliz.* exclu- five of some base *17th* monies, amounted to

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The silver monies coined in the reign of *James I.* are computed at

In King *Charles I.*'s reign was coined of silver mo- ney

In all — 15,109,476 13 5½

Then he considers, how far this sum is to be abated. First, all Queen *Elizabeth*'s crowns, half-crowns, groats, quarter-shillings, half-groats, three-half-penny pieces, three-farthing pieces, and half-pence are wholly sunk.

Secondly, great numbers of her shillings and six-pences are melted down or lost.

Thirdly, the crowns, groats, two-pences, pence, and half-pence of *James I.* and *Charles I.* are quite gone; with many of their half-crowns, shillings, and six-pences. So that he reckons, there was not left above

III

a third

1695.

This matter being fully debated, the Parliament resolved to call in and recoin the silver money, chusing to run the hazard of some great inconveniencies, by attempting the cure of the disease, than by their longer neglect of it to expose the Kingdom to apparent ruin.

The next step was to consider, 'Whether the several denominations of the new money should have the same weight and fineness with the old; or, Whether the established standard should be raised?' This question produced many debates. Those, who were for raising the standard, alledged, 'That the price of an ounce of silver bullion was advanced to six shillings and three-pence; and therefore the standard ought to be raised to an equality. That the raising of the standard would prevent the exportation of the coin, which of late had been much practised, to the great prejudice of this Kingdom. That it would prevent its being melted down; and that thereby people would be much encouraged to bring in their plate and bullion into the *Mint*.'

The other party, who were for preserving the old standard, urged, That the worth of money was relative, and to be rated by the measure of such goods, labour, advice, skill, or other assistances, as could be purchased from another by our parting with it. That the value of money among foreigners, who lived under different municipal laws, was intrinsic, and consisted in its weight and fineness. That common consent had given it this value, for the common convenience of supplying one another's wants. That the weight and fineness was the only worth, that other nations regarded in our coin, as we in theirs; all money being between subjects of different Governments of no greater value, excepting the workmanship, than so many pieces of uncoined bullion. That therefore, should our standard be altered, we should still be upon the same foot with our neighbours; for, if we were to pay them for their goods, or ex-

change our money with theirs, whatever denomination we gave our money, they would in their change ever reduce it to an equality with theirs, and proportion the quantity and goodness of their commodities to the weight and fineness of the money they were to receive for them; so that, in respect of our foreign commerce, there was no reason to alter our standard. That at home, if the standard were raised, great confusions would attend it; the landlord would be defrauded of a great part of his rents, and the creditor of his debts. That the seamen and the soldier would be wronged in their pay; and many the like injuries and inconveniences would happen. That it was no answer to say, that they might buy as much goods and conveniences of life with this coin raised above its standard, as they could before, because, by degrees, the seller would infallibly raise the price of his goods, in proportion to the new raised standard; and that of this there was an instance before them, all commodities being raised in their price, while guineas were paid for thirty shillings. That whereas it was alledged, that the price of bullion was risen to six shillings and three-pence, and therefore the standard of the silver coin ought to be raised likewise; it was replied, That it was a thing impossible, that the price of silver could rise and fall in respect of itself: That it was an unchangeable truth, than which no mathematical demonstration could be clearer, that an ounce of silver would ever be worth another ounce of the same fineness, and no more; allowing some inconsiderable disparity upon the account of the coin, if one ounce be in money, and the other in bullion. That it was true indeed, that the people commonly gave 6s. 3d. for an ounce of bullion; but that they gave only clipped pieces, that had no more than the found of shillings and pence, but were by no means the things themselves; that is, they were not the standard shillings of due weight and fineness, and were no more so in the just sense of the word, than an ell is an ell, when the

a third part of the whole, coined in those three reigns,

5,036,462

To this he adds the unmelting coins of Charles II, James II, and King William, which he supposed to amount to about

563,508

So the whole of the silver money clipped and unclipped, hoarded and current, then was

5,600,000

Of this sum he reckons four millions consisted of clipped money, and the remaining million six-hundred thousand pounds to be unclipped, and lying in hoards or current in the remote counties.

The author proceeds to compute, how far the clipped pieces may have been diminished in the weight. In order to this, he observes, that of 100*l*. sterling in silver, according to the standard of the *Mint*, ought to be thirty-two pounds, three ounces, one penny-weight, and twenty-two grains *Troy*. Now there had been brought in promiscuously, in the months of *May*, *June*, and *July* 1695, five hundred seventy-two bags, of one hundred pounds each,

Which 572 bags, according to the standard, should have weighed, *Troy* weight, - 18,451 6 16 8

But upon examination they weighed only

lb. oz. pw. gr.
9,480 11 05 0

Deficiency

8,970 7 11 8

The weight of a hundred pounds sterling, according to the standard

32 3 1 22

The medium of the weight of each hundred pounds of the clipped money,

16 8 18 00

The medium of the deficiency,

15 6 3 22

Hence it appears, that the current silver coins were diminished near one half, about the proportion of 10, to 22. Consequently, if there were four millions of clipped money to be re-coined, it would make but about two millions. So there would be a loss of about that sum. The real loss proved to be 2,200,000*l*. as will be seen hereafter.

The present standard for gold is twenty-two carats (or half ounces) of fine, and two carats of alloy. For the silver, eleven ounces two penny-weights fine, and eighteen penny-weights alloy. So that, in a pound *Troy* of silver, which is coined into sixty-two shillings, there are eighteen penny-weights of alloy; and, in a pound *Troy* of gold, which is coined into forty-four pounds ten shillings, there is one ounce of alloy.

1695. the third part of it is cut off. That the case was so plain, that when they demanded of those, who affirmed an ounce of bullion to be worth six shillings and three-pence, whether they meant six *milled* shillings and three-pence, they knew not what to reply; for this aleration of the value of bullion was merely in relation to diminished money. And, to make it yet more evident, they urged, that it was matter of fact, that, with five shillings and two-pence of new *milled* money, they could buy as much bullion as they pleased; while those, who bought it with clipped pieces, paid six shillings and three-pence. That whereas it was urged, that the raising the standard would prevent the exportation of our money, it was answered, that there was no other way possible to keep our money at home, than by out-trading our neighbours; that is, by sending them more commodities, or of greater value, than those, which we received from them. For if, upon the balance, we were found in their debt, there was no way left but to pay it in coin or bullion; and that therefore, whatever denomination we gave our coin, we must be necessitated to send it abroad, if the commodities we exported could not pay our debts. And that all the other arguments for raising the standard would sink to the ground, in case these two, on which the rest were built, had no reasonable foundation.

It is resolved to recoin the money according to the standard.
Dec. 10.

After the debates on this subject, the Commons resolved to recoin the clipped money, according to the established standard of the *Mint*, both as to weight and fineness; and, to make it more easy to the people, they voted a recompence for the deficiency of the clipped money; and that the loss of such clipped money should be borne by the public, and a fund of 1,200,000*l.* settled for that purpose. Accordingly, for raising that sum, a tax for seven years was laid upon all dwelling-houses, except cottages (now called the window-tax) namely, two shillings yearly upon each house; four shillings upon every house having ten windows; and eight shillings upon such houses as have twenty windows over and above the two shillings.

The Parliament was not insensible of the inconveniencies that would attend the calling in and recoining of the clipped money, the principal of which would be a cessation of payments, and thereupon an interruption of commerce. It was plain, that *England* could not subsist, unless some expedient was found out to support its trade, till the new money returned from the *Mint*; and, since gold alone was not sufficient for that purpose, to fix upon such an expedient was a very difficult thing. They therefore agreed to call in the money by degrees; that, while some denominations of coin were suppressed, others might be current; hoping, that, before the last old money should come in to be recoined, so much of the new might circulate from the *Mint*, as might sufficiently answer the necessities of the nation. They resolved therefore, first, 'That a day be appointed, after which no clipped crowns or half-crowns, as also no money clipped within the ring, be allowed in payment, or paid, except only to the Collectors of his Majesty's revenues or taxes, or upon loans or payments into the *Exchequer*. Secondly, That a day be appointed, after which no clipped money should pass in any payment whatsoever. Thirdly, That a day be appointed for all per-

sons to bring in their clipped money, to be recoined into milled money; after which no recompence should be made for the same.'

The next day, an address was ordered to be prepared, to desire his Majesty to regulate the currency of clipped money, according to the preceding resolution; which address being drawn up, and reported by Mr *Montague*, and afterwards presented by him to the King, his Majesty caused a proclamation to be issued out accordingly. It is to be remarked, that the Lords had already addressed the King to the same effect.

The days appointed by the King's proclamation for putting a stop to the currency of clipped money were so short, that an immediate stop was thereby put to trade. This was partly occasioned by the backwardness of the people to receive any old money, though allowed at present to pass, upon an apprehension, that at last it would be left upon their hands; partly from the slowness of recoining in respect of the people's wants, though otherwise dispatched with all the expedition imaginable in so great an affair; and partly by reason of the unequal intrinsic value between the new milled money, and those pieces or denominations of the old, which were allowed to be current. For while the hammered money, and pieces not clipped within the ring were permitted to pass for the present necessity of trade, no body was willing to make payments in new money, which so much exceeded the old in its intrinsic worth. And therefore the new silver money, as fast as it issued from the *Mints* and *Exchequer*, was in a great measure stopped in the hands of the first receivers; for none were disposed to make payments in the new silver coin at the old standard, when they could do it in clipped pieces so much below it. And those, who had no payments to make, kept their new money as medals and curiosities in their chests; and there is reason to believe, that, at first, a great quantity of new money, by the help of the melting-pot, went abroad in ingots to purchase gold, which at this juncture was a very profitable commodity in *England*. These inconveniencies being represented to the Commons, the House in a Grand Committee considered the state of the nation, and how to prevent the interruption of commerce, during the recoining of the clipped monies. After some debates on several days, the Commons resolved, 'first, that the recompence for supplying the deficiency of clipped money should extend to all clipped money, which was silver, though of a coarser alloy than the standard. Secondly, that the Collectors and Receivers of his Majesty's aids and revenues be enjoined to receive all such monies. Thirdly, that a reward of five pounds *per cent.* be given to all such persons, as should bring in either milled or broad unclipped money, to be applied in the exchange of the clipped money throughout the Kingdom. Fourthly, that a reward also of three-pence *per ounce* be given to all persons, who should bring in wrought plate to the *Mint* to be recoined. Fifthly, that, for the sooner bringing in the clipped money to be recoined, any persons might pay in their whole next year's tax of four shillings in the pound in clipped money, at one convenient time appointed for that purpose. Lastly, that Com-

1695.

Dec. 11.

Dec. 19.

noted on 18

105. 'missioners be appointed in every county to pay or distribute the milled and bread-unclipped money, and the new coined money, and to receive the clipped money.' These resolutions were formed into a bill, with a clause to prohibit the melting down and exportation of our coin or bullion, and to prohibit the use of plate in public houses; which last article proved the best expedient to supply the *Mints* with bullion, there being at this time scarce any public house in *England*, that had not silver tankards and other utensils of the same metal, which the owners chose rather to carry to the *Mint*, and turn into ready money, than to keep so much useless and dead silver at home (1).

The Lords having made several amendments to this bill, most of which, after some debates and conferences between both Houses, were disapproved to by the Commons, the Chancellor of the *Exchequer*, according to order, presented to the House another bill for remedying the ill state of the coin of this Kingdom, which passed both Houses and received the Royal assent.

Upon a petition to the Commons by divers merchants and traders, to desire that the difficulties and losses in their trade and payments, occasioned by the rise of guineas, might be taken into consideration; the House first ordered a bill to be brought in, for taking off the obligation and encouragement of coining guineas for a certain time; and then proceeded to the lowering their value, wherein they met with some opposition. The reasons against the sinking the price of guineas were, that the people were easy and pleased with it: That abundance of people would be losers, in whose hands the guineas should be at last found, which would raise great disturbance and clamour in the nation; that therefore it ought to be considered, how far it was fit to incense the common people in this juncture of affairs, who had already suffered so much by the war.

Those, who were for reducing the price of guineas, argued, that there was as great reason to bring down guineas, as there was to recoin the silver money at the old standard. And here they reckoned up the mischiefs mentioned before on that head. That however the Parliament might be obliged to manage by the necessity of affairs, and to suffer for a time the guineas to pass at that excessive rate, that in some measure there might be a currency of money, while the *Mints* were employed in new coining the silver; yet now they were obliged to sink the price nearer the old standard, that the silver money might not be stopped and hoarded up as fast as issued out from the *Mints*. And that, whatever losses and inconveniences the people might suffer by reducing of guineas, yet the mischiefs, that arose, and would daily increase from not doing it, infinitely overbalanced those on the other side. Upon this the Commons resolved to lower the price of guineas; and, that they might do it with less grievance and disquiet to the people, they at first reduced them from thirty to eight and twenty shillings; afterwards to twenty-six, till at last a clause was inserted in the bill for encouraging

the bringing plate to the Mint, whereby they were settled at two and twenty shillings, from which they naturally sunk to their former price of one and twenty shillings and six-pence. However, it is to be observed, that though the Parliament lowered the value of the guineas, hoping by that means to bring out the new money into circulation, yet by the artifice and management of some men the people were made to believe, that the price of gold would be raised at the next Session; upon which many persons, who had great sums of guineas, kept them close in their chests. By this means, though the circulation of the new money was a little promoted, yet that of guineas, by which the nation chiefly subsisted, was considerably obstructed; the new silver money too, which the people were likewise industriously persuaded to believe would be advanced in value, when the Parliament should come next together, was for that reason in a great measure hoarded up, to the great damage of commerce. Another evil arose during the recoinage of the money; a general loss of credit which indeed shook the state. But this was cured by a seasonable and wise remedy, which the Parliament applied the next Session; and on the other hand such diligence was used, not only in the *Mint* of the *Tower*, but likewise in those, which the King caused to be set up in *York*, *Bristol*, *Exeter*, and *Chester*, that at last this great undertaking of the highest difficulty, yet of absolute necessity, was happily accomplished, to the immortal honour of the Parliament in general, and in particular of Mr *Charles Montague*, who had the chief management of this weighty and arduous affair, which was executed with an order and justice, and quiet and exactness, beyond all men's expectation; so that the nation was freed from a great and threatening mischief, without any of those effects, which were generally apprehended from it, and, in less than a year's time, *England*, that had for so many years the worst money of any nation in *Europe*, had then the best, to the great disappointment of the Jacobites, who had conceived great hopes of throwing the nation into confusion.

The proceedings in Parliament upon another affair gave the King no small uneasiness. The 14th of December, the Lords, in a conference, communicated to the Commons an address to his Majesty, in relation to an act of Parliament made in Scotland for erecting a Company trading to *Africa* and the *East-Indies*; to which address the Commons gave their concurrence; and a Committee was appointed to examine, What methods were taken for obtaining that act? Who were the subscribers to that Company? And who were the promoters and advisers of it? Both Houses attended the King with their address, wherein they represented to him, 'That, having taken into their consideration the state of the trade of this Kingdom, they found, that, besides many other disadvantages and difficulties it now lay under, an act of Parliament, which had lately received his Majesty's Royal assent in his Kingdom of Scotland, for erecting a Company trading to *Africa* and the *Indies*,
' was

(1) This was grown to such an extravagance, that one ale-house, near the *Royal Exchange*, had, in

silver tankards, to the value of above five-hundred pounds.

The act
for the re-
coining
page
Jan. 21.

Debates
about
lowering
the gui-
neas.

Feb. 14.
Mar. 28.

Affair of
the Scotch
14th Decem-
ber, 1706.
Pr. H. C.
III. 7.
Barnet.

1695-6. ' was like to bring many great prejudices and mischiefs to all his Majesty's subjects, who were concerned in the wealth or trade of this nation. That the said act did provide, *That all ships, merchandize, and other effects whatsoever, belonging to that Company, should be free from all manner of restraints or prohibitions, and of all customs, taxes, cesses, supplies, or other duties imposed, or to be imposed by act of Parliament, or otherwise, for the space of twenty-one years. And farther, that the said Company, whose members, officers, servants, or others belonging thereto, should be free, both in their persons, estates, and goods employed in the said stock and trade, from all manner of taxes, cesses, supplies, excises, quartering of soldiers transient or local, or levying of soldiers, or other impositions whatsoever, during the space of twenty-one years.* That, by reason of the great advantages granted to the *Scots East-India Company*, and the duties and duties, that lay upon that trade in *England*, a great part of the stock and shipping of this nation would be carried thither; and by this means *Scotland* might be made a free port for all *East-India* commodities; and consequently those several places in *Europe*, which were supplied from *England*, would be furnished from *Scotland* much cheaper than could be done by the *English*; and therefore this nation would lose the benefit of supplying foreign parts with those commodities, which had always been a great article in the balance of their foreign trade. Moreover, that the said commodities would unavoidably be brought by the *Scots* into *England* by stealth, both by sea and land, to the great prejudice of the *English* trade and navigation, and to the great detriment of his Majesty in his customs. And that, when that nation should have settled themselves in plantations in *America*, the *English* commerce in tobacco, sugar, cotton, wool, skins, masts, &c. would be utterly lost, because the privileges of that nation, granted to them by this act, were such, that that Kingdom must be the magazine for all commodities, and the *English* plantations, and the traffic there, lost to this nation, and the exportation of their own manufactures yearly decreased. That besides these, and many other obstructions, that the act would unavoidably bring to the general trade of this nation, another clause in the said act, whereby his Majesty promised to interpose his authority to have restitution, reparation, and satisfaction made for any damage, that might be done to any one of the ships, goods, merchandize, persons, or other effects whatsoever belonging to the said Company, and that upon the public charge; did seem to engage his Majesty to employ the shipping and strength at sea of this nation, to support this new Company, to the great detriment even of this Kingdom.' To this address the King made answer, ' That he had been ill served in *Scotland*, but he hoped some remedies might be found to prevent the inconveniencies, which might arise from this act.'

Soon after this, the King turned out both the Secretaries of state in *Scotland*, and the Marquis of Tweeddale: And great changes were made in the whole Ministry of that Kingdom, both high and low; particularly the Lord Murray,

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son of the Marquis of Athol, was made Secretary of State.

However, this business did not stop here; for the Committee appointed by the Commons to examine by what methods this act was obtained, having made their report, and delivered a copy of an oath de fidelis, taken by the Directors of the *Scots East-India Company*, and of the Journal of the proceedings of the Directors; and the report, oath, and journal being examined; as also the petition presented to the House by the *English East-India Company*, it was resolved, That the Directors of the Company of *Scotland* trading to *Africa* and the *Indies*, administering and taking here in this Kingdom an oath de fidelis, and under colour of a *Scots* act of Parliament, styling themselves a Company, were guilty of a high crime and misdemeanour; and that the Lord Bellhaven, William Paterson, David Nairne, James Smith, James Cheifly, William Shepherd, Robert Blackwood, James Balfour, James Fowles, Thomas Coutts, Abraham Wilmer, Daniel Van Mildert, Robert Williamson, Anthony Merry, Paul Docminique, Robert Douglas, Thomas Skinner, Hugh Frazer, James Bateman, Walter Stewart, and Joseph Cohen d'Azevedo be impeached of the same. While the impeachments were drawing up, Roderick Mackenzie endeavoured to suppress the evidence, which he had given against these persons, for which he was ordered into custody, but he made his escape; nor could he be apprehended, though the King, at the request of the Commons, issued Feb. 13. out a proclamation for that purpose.

When it was understood in *Scotland*, that the *Scots* King had disowned the act for the *East-India* much set on Company, from which it was expected that great riches should flow into that Kingdom, it is not easy to conceive how great, and how general an indignation was spread over the whole Kingdom; the Jacobites saw what a game it was like to prove in their hands; they played it with great skill, and to the advantage of their cause, in a course of many years; and continue to manage it to this day: There was a great deal of noise made of the *Scotch* act in both Houses of Parliament in *England* by some, who seemed to have no other design in that, but to heighten our distractions, by the apprehensions that they expressed. The *Scotch* nation fancied nothing but mountains of gold; and the credit of the design rose so high, that subscriptions were made, and advances of money were offered, beyond what any believed the wealth of that Kingdom could have furnished. Paterson came to have such credit among them, that the design of the *East-India* trade, how promising soever, was wholly laid aside; and they resolved to employ all their wealth, in the settling a colony, with a port and fortifications in *Darien*, which was long kept a secret, and was only trusted to a select number, empowered by this new Company, who assumed to themselves the name of the *African Company*, though they never meddled with any concern in that part of the world: The unhappy progress of this affair will appear in it's proper time.

The losses of the Merchants gave great advantages to those, who complained of the Administration; their conduct, with relation to our trade, was represented as at best a neglect of the nation, and of it's prosperity: Some, with a more pitiful malice, said, it was designed, that

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1695 6. we should suffer in our trade, that the *Dutch* might carry it from us: And, how extravagant never this might seem, it was often repeated by some men of violent tempers. And in the end, when all the errors, with relation to the protection of our trade, were set out, and much aggravated, the Commons proceeded to consider the state of the nation in relation to trade, and resolved, 'First, That a Council of trade be established by act of Parliament, with powers for the more effectual preservation of the trade of this Kingdom. Secondly, That the Commissioners constituting the Council be nominated by Parliament. Thirdly, That the Commissioners should take an oath, acknowledging, that King *William* was *rightful* and *lawful* King of this realm; and that the late King *James* had no *right* or *title* thereunto; and that no other person had any right or title to the crown, otherwise than according to the act of settlement made in the first year of his Majesty's reign, &c.' Of these and ten more resolutions, the first and second, with some others, were indeed approved; but several, and especially the fourth, whereby King *William* was to be acknowledged *rightful* and *lawful* King, and which occasioned a warm debate, were rejected by the House. And a bill was ordered to be brought in, upon the resolutions agreed to; though it was opposed by those, who looked on the establishment of a Council of trade by an act of Parliament, as a change of our Constitution in a very essential point. They urged, that the executive part of the Government was in the King; so that the appointing any Council by act of Parliament began a precedent of their breaking in upon the execution of the law, in which it could not be easy to see how far they might be carried. It was indeed offered, that this Council should be much limited as to its powers; yet many apprehended, that, if the Parliament named the persons, how low soever their powers might be at first, they would be enlarged every Session; and, from being a Council to look into matters of trade, they would be next impowered to appoint convoys and cruisers. This, in time, might draw in the whole Admiralty, and that part of the revenue or supply, which was appropriated to the navy; so that a King would soon grow to be a Duke of *Venice*. And indeed those, who set this on most zealously, did not deny, that they designed to ingraft many things upon it.

The King was so sensible of the ill effects, which this would have, that he ordered his Ministers to oppose it, as much as possibly they could. The Earl of *Sunderland*, to the surprise of many, declared for it, as all that depended on him promoted it. He was afraid of the vio-

lence of the Republican party, and would not venture upon provoking them. The Ministers were much offended with him for taking this method to recommend himself at their cost. The King himself took it ill, and declared to Bishop *Burnet*, that, if the Earl went on, driving it as he did, he must break with him; and imputed it to his fear. For the unhappy steps, which he had made in King *James's* time, gave his enemies many pretences for attacking him, that he would venture on nothing, that might provoke them. Here was a debate plainly in a point of prerogative, how far the Government should continue on its antient bottom of Monarchy, as to the executive part; or how far it should turn to a Commonwealth; and yet, by an odd reverse, the Whigs, who were now most employed, argued for the prerogative, while the Tories seemed zealous for public liberty; so powerfully does interest bias men of all forms.

Another affair was, about this time, brought before the House of Commons, which touched the King in a very sensible part. The Earl of *Portland* had begged of the King the Lordships of *Denbigh*, *Bromfield*, and *Tale* in the County of *Denbigh*; which, before he went into *Holland*, he readily granted, not only to him, but to his heirs for ever. The warrant coming to the Lords of the Treasury, who were the Lord *Godolphin*, Sir *Stephen Fox*, Sir *William Trumbull*, and Mr *John Smith*, the Gentlemen of the County, upon one of two days notice, were heard before them in opposition. Sir *William Williams* alledged, 'That the Lordships were the antient demesnes of the Prince of *Wales*: That the *Welsh* were never subject to any but to God and the King; and that none shewed their allegiance more than the *Welsh*. That on the statute for granting of fee-farm rents, there was a particular exception of the *Welsh* rents, which imported, that the Parliament took the *Welsh* revenues not to be alienable; yet, upon creation of a Prince of *Wales*, there were *Mises* of 800 *l.* payable out of those Lordships to the Prince of *Wales* (1); and, though there were none now, yet he hoped and doubted not but to see one of the present King's own body.' Sir *Roger Pugh* alledged, 'That the revenues of these Lordships did support the Government of *Wales*, by paying the Judges and others their salaries; and, if given away, there would be a failure of Justice.' And Mr *Price*, afterwards Baron of the *Exchequer*, urged, 'That the grant was of a large extent, being five parts in six of one County, which was too great a power for any foreign *prince* to have, and the people of the country too great to be subject to any foreigner (2).' Let it be

(1) *Mises* were certain tollages or tributes, paid at the creation of a Prince of *Wales*. Thus, in the County Palatine of *Cheshire*, it was a certain tribute, paid by the inhabitants of that County, on the change of every owner of that Earldom, for the enjoyment of their liberties. And they have there a *Mise-book*, in which every town and village is rated so much towards the *Mise*.

(2) The other arguments, he made use of against the grant, were as follow: 'That there were fifty mean Lordships held under those manors, above

fifteen-hundred freeholders; waffles and commons of many thousand acres; mines of lead and copper of great value, and that the present rents amounted to 1500 *l. per ann.* besides other great advantages, which a mighty favourite and a great courtier might make out of this country. That courts were kept in all those Lordships in the King's name. That all or most of the Gentlemen of that country were tenants to the King, and suitors to this court, and thereby obliged to the King by a double allegiance, that is, as subjects and tenants; and, if the King gave

1695-6. be considered (added he) 'Can it be for his Majesty's honour or interest (when the people hear this and understand it) that he daily gives away the revenues, and more, the petuity of his Crown revenues to his foreign subjects? Good Kings, after a long and chargeable war, were accustomed to tell their people, that they sorrowed for the hardships the nation underwent by a long war and heavy taxes; and that now they would live on their own. But it is to be feared, if grants are made so large and so frequent, there will be nothing for the King or his successors to call his own to live upon.' The Lord Godolphin having asked by way of objection, *Whether the Earl of Leicester had not those Lordships in grant to him in Queen Elizabeth's time?* Sir Robert Cotton answered, 'he believed he could give the best account in that case. That the Earl of Leicester had but one of those Lordships, and that was *Denbigh*. That he was so oppressive to the Gentry of the country, that he occasioned them to take up arms, and to oppose him; for which three or four of his (Sir Robert Cotton's) relations were hanged; but that it ended not there, for the quarrel was kept still on foot, and the Earl glad to be in peace, and to grant it back to the Queen; since which time it had ever been in the Crown.' Then the Lord Godolphin said, *they had offered many weighty reasons, which should be represented to his Majesty.* From the Treasury the Gentlemen of *Wales* attended the grant to the Privy-Seal, where their reasons and complaints against it were heard and received with great candour. Yet, notwithstanding all this, the grant being only superseded, but not recalled, Sir *Thomas Grosvenor*, Sir *Richard Middleton*, Sir *John Conway*, Sir

Robert Cotton, Sir *William Williams*, Sir *Roger Puleston*, *Edward Vaughan*, *Edward Brereton*, and Mr *Robert Price*, addressed themselves by petition to the House of Commons. Upon this occasion Mr *Price*, a Member of that House, made a remarkable speech, wherein besides enlarging on the arguments he had before used, against the grant, (which doubtless was unadvisedly made, and the opposition to it very just in those, that had nothing in view but to save those lands from alienation) he took occasion not only to inveigh against the *Dutch* in general, but to reflect even on the King's Person, Title, and Government.

The result of this affair was, that the Commons unanimously presented the following address to the King.

Address to the King about the grant.
Jan. 22.

WE your Majesty's most dutiful and loyal subjects, the Knights, Citizens, and Burgesses in Parliament assembled, humbly lay before your Majesty, that whereas there is a grant passing to *William Earl of Portland* and his heirs of the Manors of *Denbigh*, *Bromfield*, and *Tale*, and divers other lands in the Principality of *Wales*, together with several estates of inheritance enjoyed by many of your Majesty's subjects, by virtue of ancient grants from the crown.

That the said Manors, with the large and extensive regalities, powers, and jurisdictions to the same belonging, are of great concern to your Majesty and the Crown of this realm; and that the same have been usually annexed to the Principality of *Wales*, and settled on the Princes of *Wales* for their support: And that a great number of your Majesty's subjects in those parts hold their estates by Royal tenure under great and valuable compositions

ONS

gave away one, it was to be feared, it would lessen the bounds of the other, since it is observable, that interest and property have an ascendant over duty. That those Manors were formerly Lordships-marches; that, when *William the Conqueror* had brought *England* under subjection, but could not subdue the *Welsh* country, he gave to the *Norman* Lords some neighbouring lands in *Wales*, and furnished them with men and arms; and what ground they could get from the *Welsh* by insurrection, or conquest, these *Norman* Lords were to hold as Lordships-marches, which were made Boroughs or Palatinates; and what they got or usurped by their power, they maintained by severity or oppression. That under these vassalages the Britons continued until the 27th of *Henry VIII's* reign, when the statute of *Timon* was made, and they esteemed it their happiness to be under the *English* Laws and Government, none having more eminently signalized their constant loyalty to their rightful King, than themselves. But, if his Majesty should think fit to disunite them by this grant, and put them under a foreign subject, it was putting them in a worse posture than their former estate, when under *William the Conqueror* and his *Norman* Lords. That the Britons were always men of courage and sincerity, and yet of resentment. That though *Henry IV.* and *Henry V.* were martial Princes, and had an hatred against the Britons, because they persevered in their duty to *Edward II.* who was their rightful though unfortunate King, and made most reproachful laws against them; yet it was worth remark, that those Kings had never peaceable or happy days, till they had reconciled themselves to those great people. That this is a revenue, that belongs to the Prince of

Wales; and, in case of want of such, it vests in the Crown rather a usufructure than a property, till a Prince be created, to whose creation the revenue is annexed by these, though unusual words in the law, to him and his heirs, who shall be Kings of *England*, by the statute of the 21 *Jacob*. chap. 29. That in the preamble of that statute it was doubted, whether *Charles Prince of Wales* and Duke of *Cornwall* could grant leases of the Duchy lands for three lives, or any longer than his own life; though the statute adds, he had the inheritance in a special form of limitation, differing from the ordinary rule of inheritance of the common law; and therefore it was necessary to have confirmed in Parliament, the use that was made of that statute in this case. That, if the Prince of *Wales* and Duke of *Cornwall*, who had an inheritance in their revenues, could not grant estates without Parliament, for any longer time than their own lives; how then could his present Majesty, who was our King by modern contract, and had but an estate for life in possession in the Crown by the act of settlement, grant away the inheritance and absolute fee of the Principality of *Wales*? That, if the aid of Parliament was necessary to help in one case, it was more necessary in the other. That it was well known in former reigns there had been frequent acts of resumption, which always passed, when the people groaned under the weight of heavy taxes, and the nation in war. That, if that was a reason for the legislative power to pass a bill of resumption, it was still as good reason for his Majesty not to grant, since the nation was both in a war, and under the heaviest pressure of taxes, history bears testimony of.

ons, rents, royal payments, and services to the Crown and Princes of *Wales*, and have by such tenure great dependence on your Majesty and the Crown of *England*, and have enjoyed great privileges and advantages with their estates under such tenure. We therefore most humbly beseech your Majesty to put a stop to the passing this grant to the Earl of *Portland* of the said manors and lands; and that the same may not be disposed from the Crown but by consent of Parliament; for that such grant is in diminution of the honour and interest of the Crown, by placing in a subject such large and extensive royalties, powers, and jurisdictions, which ought only to be in the Crown, and will sever the dependence, which so great a number of your Majesty's subjects in those parts have on your Majesty and the Crown, by reason of their tenure, and may be to their great oppression in those rights, which they have purchased and hitherto enjoyed with their estates; and also an occasion of great vexation to many of your Majesty's subjects, who have long had the absolute inheritance of several lands (comprehended in the said grant to the Earl of *Portland*) by ancient grants from the Crown.

The King, in answer to this address, expressed himself thus:

Charles II.

'I have a kindness for my Lord *Portland*, which he has derived of me by long and faithful services; but I should not have given him these lands, if I had imagined the House of Commons could have been concerned. I will therefore recall the grant, and find some other way of shewing my favour to him.'

The debates about creating a Council of trade by act of Parliament were going on, and it probably would have passed both Houses, when the discovery of a conspiracy turned mens thoughts another way: So that all angry motions were let fall, and the Session ended with greater advantages to the King, than could otherwise be expected.

On the death of the Queen, the Jacobites began to think that the Government and lost the half of its strength, and that things could not be kept quiet at home, when the King should be beyond sea. Some pretended, they were for putting the Princess of *Denmark* in her sister's place; but this was only a pretence, to which she gave no sort of encouragement: King *James* lay at the bottom. And therefore, shortly after the Queen's decease, they entered upon schemes to remove the King likewise. The same week wherein he had given them the fullest and most extensive pardon, that ever was known, they were contriving to seize his person. For about this time several meetings and consultations were held by Mr *Charnock*, Captain *Porter*, Captain *Haugh*, Major *Matthews*, Mr *Dennigh*, Mr *Goodman*, and Sir *William Perkins*, to settle the method of executing this design; and the places, where these Conspirators, or the greatest part of them, met, were Mr *Goodman's* house in *Bread-street*, the Chocolate-house in *St James's-Street*, and the

Fountain Tavern by the *Temple-Gate*. And that 1695-6. they might quiet their minds, which it seems were not perfectly delivered from all sense of guilt and horror at such a barbarous enterprize, they sent over to solicit the late King *James* to grant them a commission, which they flattered themselves would be sufficient to authorize their attempt, and make it look more like a military action, than a foul murder. But, it seems, it was not thought fit to grant any such commission at that juncture, in which things did not perhaps appear ripe enough for their purpose; at least, it was so delayed, that the Conspirators seemed uneasy to be held so long in suspense, and therefore resolved immediately to execute their designs, notwithstanding their expectations of a commission from *St Germain's* were disappointed. And now, however weak and impracticable it might seem, they projected a design to attack the Guards, seize the King, and forthwith hurry him to *Deal*, where a vessel was to be provided to receive, and thence carry him into *France*; and, in case of resistance, they proposed to destroy him, and then pretend it was done by a random shot. In order to this, they proceeded so far as to view the ground about *Turnham-Green*, and to fix on a place proper for their design; but they had not time enough to complete this affair before the King embarked for *Flanders*, and thereby obliged them to defer their intended villany, till his return in the winter.

But the Conspirators could by no means sit down satisfied with being idle in the mean time, and therefore many meetings and consultations were held in various places, where it was considered and debated, what were the most proper and expeditious means of restoring *James*. And it was agreed on at a meeting at the old King's head in *Leadenhall-Street*, where were then present the Earl of *Aylesbury*, the Lord *Montgomery*, son of the Marquis of *Powis*, Sir *John Fenwick*, Sir *John Friend*, Mr *Goodman*, Captain *Charnock*, and Captain *Porter*, that a trusty messenger should be sent to *St Germain's*, who should persuade King *James* to procure eight thousand foot, a thousand horse, and a thousand dragoons, in order to make a descent upon *England*; with which auxiliary forces the Conspirators, who were then ready to rise in arms and join them, undertook to set the Crown again upon King *James's* head. The person chosen for this errand to *St Germain's* was Captain *Charnock*, who expressed his willingness to undertake the affair, provided they would let him know what assurances he might give that King of their readiness to serve him, in case he came with such a power as they demanded. The Conspirators unanimously assured him, that, if the late King landed, they would serve him with two thousand horse, *Charnock* replied, that he would be the messenger, but desired they would give him another meeting, that he might be satisfied this was their settled resolution, and such as the late King might depend upon. This was granted, and a second meeting appointed a few days after at Mrs *Montjoy's* house in *St James's-Street*, where the Conspirators renewed their assurances, that they were ready to assist and join King *James* with the abovementioned body of horse, in case of an invasion. *Charnock*, shortly after went over to *France*, and communicated to King *James*

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1695-6. *James* their request. But whether his friends were diffident of the interest and strength of the Conspirators, or whether they were willing to see the issue of another campaign, supposing, if it proved successful, it would greatly facilitate their invasion of *England*; it is certain, the Conspirators were told by King *James*, that he was sensible of their fidelity and steadfastness in his interest, for which he thanked them; but as to the assistance, which they desired him to procure, his answer was, that the *French* King could not, at that time, spare so great a number of his troops as they demanded. This answer not being satisfactory, it was thought necessary to send over a man of quality, who should press the matter with more authority: So the Earl of *Aylesbury* was prevailed on to go. He was admitted to a secret conversation with the *French* King: and this gave rise to the invasion; which, though deferred for this time, was very near being executed the next winter, as will presently appear (1).

In the mean time the treasonable commerce went on with *St Germain's*; for which purpose they maintained boats of their own on the coasts of *Kent*; all care was taken to support the spirits of the party, and all artifices and methods of application were used to spread a malignant ferment among the people, which might make them uneasy under the Government, and dispose them to a change.

The success of King *William's* arms, at the siege of *Namur*, was so far from discouraging them from carrying on their conspiracy, that it seemed rather to push them on to accomplish it with greater expedition. For being jealous, that the next campaign might still increase the reputation of his Majesty's arms, and diminish that of his enemies, they resolved to hasten the execution of their designs; so that the fears, which they entertained of the King's still getting greater advantages in the field, seemed to have given birth to the intended invasion and assassination. In order to accomplish their ends, great stores of arms were bought up and concealed in convenient places; great numbers of horses were provided to mount their troops, which they had lifted. Officers were appointed, and commissions received from King *James*, by which pretended authority they were to act.

In such a posture were their affairs at home. In the mean time the negotiation was maintained between the Conspirators and King *James*. And at this time the *French* Court seemed inclined to comply with their desires, by lending that King a good body of their troops. Messengers went

to and fro with packets of letters to concert affairs, and to give intelligence of the forwardness of the invasion on the one side, and the insurrection on the other. The time fixed upon to put the design in execution was very favourable and encouraging; for now there were few regular troops in *England* or *Scotland*, his Majesty's forces being almost all employed in carrying on the war against the *French* King in *Flanders*. And, as for the militia of the country, the Conspirators had those undisciplined troops in contempt, not imagining, that they could make the least stand against a veteran army. They believed therefore they could make a descent on a weak and almost defenceless country; neither did they apprehend any opposition, that could be made at sea to prevent their invasion; for they knew, that a strong convoy was ready in *England*, and had received sailing orders to make the best of their way to reinforce Admiral *Rooke* at *Cadiz*, whose squadron was looked upon as inferior in strength to that of the *French* then putting to sea from *Toulon*.

The *French* Fleet, which had been so long shut up within *Toulon*, was now fitting out and ordered round to *Brest*. Our fleet, that lay at *Cadiz*, was only a squadron left there, by *Ruf-
fel* (who was come home with many of the great ships) and therefore, not strong enough to fight the *French*, when they should pass the *Streights*. But a large fleet was ordered thither, and would have sailed in *December*, had it not been kept in our ports, by contrary winds, till *February*. This was then thought a great unhappiness, but it appeared afterwards, that our preservation was chiefly owing to it. However, we were all this while in great pain, for *Rooke* who commanded the squadron at *Cadiz*, and was like to suffer for want of provisions and stores, which this fleet was to carry him; besides the addition of strength this would bring him, in case the *Toulon* squadron should come about. We were only apprehensive of danger from that squadron, little imagining we could be in any at home, till that fleet was brought about. It is true, the Jacobites talked and writ now with more than ordinary assurance; and advertisements came from many places, that some very important thing was ready to break out. But the King had been so accustomed to alarms, and reports of this kind, that he had now so little regard to them, as scarce to be willing to hearken to those, who brought him such advertisements. He was so much set on preparing for the next campaign, that all other things were little considered by him. But to return to the Plot.

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(1) If Sir *John Fenwick* did not slander King *James*, they at this time proposed a shorter and more infallible way, by assassinating the King; for he said, that some came over from *France* about this time, who assured their party, and himself in particular, that a Commission was coming over, signed by King *James*, which they affirmed, they had seen, warranting them to attack the King's person. This, it is true, was not yet arrived; but some affirmed, they had seen it, and that it was trusted to one, who was on his way hither; therefore, since the King was so near going over to *Holland*, that he would probably be gone before the Commission could be in *England*; it was debated among the Jacobites, whether they ought not to take the first opportunity to execute this Commission, even

though they had it not in their hands: It was resolved to do it, and a day was set for it; but, as *Fenwick* said, he broke the design; and sent them word, that he would discover it, if they would not promise to give over the thoughts of it: And upon this reason, he believed, he was not let into the secret of the following winter. This his Lady told Bishop *Burnet* from him, as an article of merit to obtain his pardon. But he had trusted to their word very easily, it seems, since he gave the King no warning to be on his guard; and the two witnesses, he said he could produce to vouch this, were then under prosecution, and outlawed: So that the proof was not at hand, and the warning had not been given as it ought to have been. *Burnet*, Vol. II. 148.

1695-6

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It must be observed, that two sorts of men, the Papists, and that kind of Protestants, who are nearest to them in principles and affection, were enemies to the King and his Government. Now those Protestants were subdivided into two parties, one of which had the Lord *Melfort* for their head, the other the Earl of *Middleton*. The first was the hot and violent sort, who had the Papists generally on their side. These men earnestly desired and laboured to bring back King *James* as an absolute Conqueror, without any capitulation or agreement. The other party, though disaffected to the Government, and very desirous of that King's return, yet were not transported to that extravagant degree of delusion, as to be willing to sacrifice their religion, rights, and liberties, to the will of an unlimited master; and therefore, in their conferences with the others about the means of restoring King *James*, they always offered such methods and schemes, as had a shew at least of securing their religion and liberty, in case he prevailed; and those, who thus contended for his restoration on terms and composition, were fiercely opposed by the other faction, who still rejected their overtures, and declaimed loudly against all limitations proposed to hinder despotic power in their Prince. Great heats and animosities rose between these two parties. The first was most acceptable to King *James* and his Court; but the last were most considerable for their number and interest. To humour therefore the last, the Earl of *Middleton*, who was sent over to *St Germain's* to manage their affairs, was made Secretary of State; and the Lord *Melfort*, as if under some disgrace, was ordered to withdraw from Court, that the other party might believe, that they had the ascendancy, and that their way and method of restoring King *James* was best accepted and chiefly insisted on; though there is ground to conclude, that all this was nothing but artifice and collusion, the Lord *Melfort* being still in the secret of King *James*, and still corresponded underhand with him. And now by this concerted invasion and insurrection it plainly appears, that the violent and biggoted party of the Lord *Melfort* were in the greatest esteem; that their scheme of bringing back the King without terms was most approved; while the others were imposed on by specious assurances, that the terms and limitations, which they offered, were very agreeable, while there was no manner of care taken, after the intended descent should be made, and the Kingdom over-run by a foreign army, to secure either their religion or their liberties.

The former intended invasions (as hath been related) were always preceded by declarations from King *James*, promising to maintain the Constitution in Church and State, and protect the rights and liberties of the Subject, and offering pardon for past offences, provided he was not opposed after his landing. But now the scene is changed; no obliging declaration is set forth, nor any promise of pardon is published. He no longer pretended to return upon a Protestant interest, but by the power of a foreign army, wholly composed of old and experienced troops; no *English* nor *Irish*, of whom there were then considerable numbers in *France*, being allowed to share in this enterprize, as being looked upon not so proper to be employed in subduing their own country; and therefore,

whatever that deluded party might imagine, it is evident, that nothing less was designed, than an entire reduction of these Kingdoms by a foreign power, the consequences of which must unavoidably have been the utter extirpation of the Protestant religion, and the irrecoverable subversion of our laws and liberties.

About the beginning of February 1695-6, the Duke of *Berwick*, who was natural son to King *James*, was dispatched into *England* to concert affairs with the Conspirators here, and to give them assurance, that King *James* was ready to make a descent upon *England*, at the head of an army; and having discharged his commission, and laid the matter so well, that he thought it could not miscarry, he went back to *France*, and met King *James* at *St Dennis*, who was come so far on his way from *Paris*. He stopped there, and, after a long conference with the Duke of *Berwick*, he sent him first to his Queen at *St Germain's*, and then to the King of *France*, and he himself called for a notary, and passed some act; but it was not known to what effect. When that was done, he pursued his journey, and came post to *Calais*, to set himself at the head of an army of about twenty-thousand men, that were drawn out of the garrisons which lay near that frontier. At *Calais* he was met by the Marshal de *Boufflers*, who came from *Flanders* to confer with him on this important occasion, and to give such orders and advice, as he judged necessary to render the expedition successful.

There came, every winter, a coasting fleet from all the sea-ports of *France* to *Dunkirk*, with all the provisions for a campaign; and it was given out, that the *French* intended a very early one this year. So that this coasting fleet was ordered to be there by the end of *January*. Thus transport-ships, as well as an army, were brought together in a very silent manner; and Monsieur *Gaberet* was come up as high as *Calais* with a squadron of men of war, which, when reinforced by the conjunction of *Du Bari's* fleet from *Dunkirk*, was looked upon as a sufficient convoy.

This was the posture of affairs on the other side of the water. In the mean time the Jacobites on this side were ready to take up arms, to receive and assist King *James*. The transportation of horse being a matter of great trouble as well as expence, the Conspirators in *England* engaged to assist him at their landing with several regiments of horse and dragoons; for which purpose commissions had been sent over from King *James*, and delivered to several of the Conspirators, to empower them to raise men, and, as their officers, to command them. In pursuance of this pretended authority, many troops were lifted, and their under-officers named. Sir *John Freind* received a commission for a regiment of horse, which was very near completed; his Lieutenant-Colonel, Major, and Captains being named, and the troops almost full. Sir *William Perkins* had likewise a commission for a regiment of horse, and had engaged a considerable number to serve him in it. He declared, that his own troop was wholly composed of old soldiers; and that several other Gentlemen, well experienced in military affairs, had promised to follow him as Volunteers: Colonel *Tempest*, as *Uxarnock* told *Porter*, had a commission for a regiment of dragoons, which was said to be in great forwardness; Sir *John Fenwick* had four troops

1695-6. troops ready; Colonel *Parker* was to command another regiment, and Mr *Curwin* another. There was one more to be raised in and about *Suffolk*, where the malecontents boasted they had great interest. Many commissions were delivered to those, who were named for their under-officers, King *James* having sent them word, that he was ready to make a descent, the Conspirators were very diligent in preparing to join him. Some of them took journeys into several parts of the Kingdom, to acquaint the discontented party, that King *James* was on the point of invading the nation; and therefore incited them to rise in arms, to give him assistance, and to engage as many of their friends, as they had interest in, to do the same. At the same time, the Conspirators in *London* were very active, and determined to push on their design to execution.

But, notwithstanding all these preparations, and the various circumstances that seemed to favour the intended invasion, it was resolved, to put nothing to the hazard, till they had made their success sure, by the murder of the King; as if no hopes were left of subduing him any other way. The assassination therefore of King *William* was concerted and agreed upon by the *English* Court at *St Germain's* as a thing of absolute necessity to give success to the invasion, and the next point considered was a fit person to manage an affair of this nature and consequence. Colonel *Parker*, a person of a dissolute life, a hot and restless temper, and distinguished from others by his remarkable and uncommon wickedness, was, by bloody principles and inveterate hatred to the King and his friends, qualified above all men for this undertaking. He (as hath been said) almost ever since the King's accession to the throne, had been carrying on some design against his life, was engaged in one in the year 1691, and after in the same year in another with *Grandoul* and *Du Mont*, and after that in 1693 with *Goodman*, *Porter*, and *Charnock*. This man, though in great esteem with the Conspirators, and perfectly qualified for such a work was not fixed upon for this expedition; for, considering how well he was known in *England*, they might justly apprehend, that his very being in *England* might alarm the people, who would presently imagine, that some mischief was in agitation, whenever that violent man appeared in this country. Sir *George Barclay* therefore was chosen as the most proper person to be intrusted with the conduct of this enterprize. He was a native of *Scotland*, an experienced officer, of known courage, close and reserved, and of a competent understanding; and withal such a furious bigot in his religion, as to believe, that for the propagation of it any the most dishonourable and inhuman actions might lawfully be committed. This Gentleman, having received his commission from King *James*, and from Mr *Carrol*, Secretary to his Queen, had eight hundred pounds to provide men horses, and to discharge other expences, in conducting and carrying on this conspiracy; though he afterwards complained of the smallness of the sum for accomplishing of so great an undertaking, having first given out, that he was gone to *Paris* to be cured of the foul disease, left *St Germain's* on or about the 10th of December 1695, in order to his embarkation for *England*. He was brought over, together

with Major *Holms*, by Captain *Gill*, and landed in *Romney* marsh about the beginning of *January* following. Upon his arrival at *London*, he applied himself to the persons, in whom he had reason to confide, and such as he had the greatest assurance to believe would be ready to engage in this desperate design. These were *Harrison* alias *Johnson*, a Priest; Captain *Charnock*, Captain *Porter*, and Sir *William Perkins*. Sir *George Barclay* had all the encouragement that could be, to impart his design to them, who before had shewn a forward inclination to attempt the King's person.

These were the principal persons whom Sir *George* addressed himself to. To these he communicated the business, which he came over about, that is, the assassination of the King; and acquainted them, that, as he was sent by the late King *James* to conduct and accomplish this business, so he had brought over with him the King's commission for his warrant and authority. *Charnock* and *Porter* were assured by him, that he had such a commission, and Sir *William Perkins* and *Harrison* saw and read it. He likewise acquainted them, that about twenty officers and troopers out of King *James's* guards were ordered to come over, and were to be employed in this affair, as was observed before. These persons readily complying with this design, to facilitate the invasion and restoration of King *James*, Sir *George* sets them immediately to work, to engage as many more bold and desperate fellows, as would make up a number sufficient for that purpose, which, as they judged, ought to be at least forty. This the Conspirators cheerfully undertook, and with great diligence endeavoured to procure the men, whom he desired. *Harrison* demanded of *Blaire*, who some time after visited him in his lodgings at *Somerjet-House*, whether he knew any soldiers or men of courage, for that was their phrase for ruffians and cut-throats; 'for said he, something may be done in a little time, that may prove an introduction to King *James's* restoration.' *Blaire* answered, That he knew some such persons, but then desired to be informed, how the business could be effected. The other replied, after some discourse about burning the victualling office, to retard the going out of the *English* fleet, that he had been told by an able and experienced soldier, that with an hundred good horse he could put an end to the war in a fortnight's time. *Blaire* answered, That then it must be done in some dishonourable way, which he durst not so much as harbour in his thoughts. The Priest, perceiving the squeaminess of the soldier, shrunk up his shoulders, and so the conversation ended. But, some time after, when *Blaire* objected to the assassination as a wicked design, that had no authority from God or man to support it; *Harrison* acquainted him, that there was a sufficient warrant, and that himself had seen it; and then demanded of him, if he thought it proper, that it should be shewn to every body. *Blaire* replied, That he did not imagine, that such a thing had been in King *James's* nature, and then took his leave.

However *Harrison* attempted *Richard Fisher* with more success; for having told him, that King *James* had sent over a commission by Sir *George Barclay* to kill the Prince of *Orange*, *Fisher* declared his readiness to embark in this enterprize, and about the 3d of *February* he was introduced

1695-6. introduced by *Harrison* into the company of *Sir George Barclay*, having first desired him, in case he knew *Sir George*, to take no notice of him. *Harrison* acquainted *Sir George Barclay*, that this was the Gentleman he promised to bring to him; that he might confide in him, and speak freely to him. Upon which *Sir George* immediately proposed to him the assassinating of his Majesty. *Fisher*, without hesitation, consented, and they presently entered upon debate about the best manner of accomplishing their purpose; and, in order to it, *Fisher* undertook to provide five horses and arms for himself and four more. In the mean time *Charnock*, *Porter*, and *Sir William Perkins* lost no time, but laboured with great application to engage the number of assassins, for which they had undertaken. *Porter's* quota was seven men and as many horses; *Charnock's* six or seven; *Sir William Perkins* undertook for five horses, three to be mounted by men of his own, and the other two by such men as the Conspirators should procure. Then *Sir George Barclay* said, that *Lowick* and others, who were lately arrived from *France*, would likewise join with them and complete the number. And now having succeeded in the first step, and a sufficient number being undertaken for, they had many conferences in different places about the best way of putting their design in execution.

The places, where they met and held their consultations, were *Captain Porter's* lodgings in *Norfolk-street*, the *Globe-Tavern* in *Hatton-Garden*, the *Nag's-Head* in *St James's-Street*, the *Cock* in *Bow-Street*, the *Old-Griffin* in *Holbourn*, the *Sun-Tavern* in the *Strand*, &c. But the place, which *Sir George* frequented, and whither many of the Conspirators came to receive orders from him, was the *Piazza* in *Covent-Garden*.

At their several debates various methods were proposed of executing their purpose. One way suggested was to attack the Guards, and in the mean time to kill the King, as he went on some Sunday from *Kensington* to *St James's* chapel; which was offered one time in this manner, that six men on foot should be posted in the little house at *Hyde-Park-Gate*, who should issue out, and, by shutting the gate, make a stop, and then the Conspirators might fall on and attack the Guards with sword in hand. Another time it was proposed to shoot one of the leading horses, whereby his Majesty's coach might be forced to stay in its passage through the gate, and then to assault and murder him by one party, while another engaged the Guards. Another proposal was to attempt the King's person, when they should be informed that he was gone to *Mr Lattin's* house at *Richmond*, a place where the King sometimes retired for the air and recreation. The reason of this proposal was, that during his stay there he was usually but weakly guarded. At another time they discoursed of seizing the King in his palace at *Kensington* by night, which was to be done by securing the garden with about forty men, who were to be provided with ladders for that purpose. Some insisted, that their design would be best effected by laying an ambuscade near the King's house at *Richmond*, where a number of foot should be posted in a neighbouring wood, ready to issue forth, and attack him as he passed by in his coach, while the rest of the Conspirators assaulted the

Guards, to prevent their giving him any assistance. 1695-6.

Though this method was warmly contended for by some, and well enough liked by *Sir George*, yet they were at last controuled, and the proposal was rejected. For the scheme, which the greatest part approved, and in favour of which *Sir George Barclay* did at length declare, whose orders the rest were obliged to obey, and which was at last agreed upon among them all, as the final result of their debates, was this: They resolved to attack the King on his return from *Richmond* in the evening after his hunting, it being his frequent practice to go thither on Saturdays for his diversion. The place, which they chose for this bloody business, was the lane between *Turnham-Green* and *Brentford*; and the particular part of that lane agreed upon was the end next to *Turnham-Green*, through which the King used to pass in his return from *Richmond*.

The execution of their design was projected and resolved upon in the following order: The Conspirators were to be formed into three parties, *Sir George Barclay*, the Commander in chief, was, with a chosen party of eight or ten, to assault the coach, by discharging a blunderbuss or musketoon loaded with six or eight balls, and their other fire-arms, to murder the King, and all that were with him in the coach; while the other two parties, of which one was to be commanded by *Charnock* and *Porter*, the other by *Brigadier Rockwood*, were to attack the King's Guards with sword in hand on either side of the lane. And that they might act with great circumspection, and be yet further satisfied, that this was a proper place, wherein to execute their desperate design, they sent *King*, *Porter*, and *Knighly*, to survey the place they had fixed upon.

Accordingly, these three persons rid the next day to *Turnham-Green*, and after having with great attention surveyed the place, and the nature of the ground on each side the water, they returned to the rest of the Conspirators, who were then at the *Nags-Head Tavern* in *St James's-street* to impart to them their observations. The report they made was so pleasing to the rest of their company, that they were all confirmed in their opinion, and abundantly satisfied in their choice of the ground. Thus had these men agreed upon the scene, where to act their tragedy, and concerted the manner of effecting it! That their design might be carried on and accomplished with great caution and security against any contingency, they appointed two orderly men, *Chambers* and *Durant*, to lodge near the guards at *Kensington*, and to attend constantly there, that they might be ready to give the Conspirators notice whenever the King went abroad. *Chambers* was appointed to bring his intelligence to *Charnock*, and *Durant* his to *Sir George Barclay*. *Chambers* had orders to advertise them when the King, and *Durant* was to inform them when the Guards went forth; and *Sir George Barclay* and *Charnock* undertook to convey timely notice to the rest of the Conspirators, that they might all assemble at the time and place appointed, and every man take the post assigned him.

It was further agreed and resolved upon for the accomplishing of their purpose, that when they should receive intelligence that the King

1695-6. was gone towards *Richmond*, to drop out of town by three or four in a company, the better to avoid suspicion, and afterwards, for the same reason, to disperse themselves in small parties in the several inns marked out for them about *Brensford*, and *Turnham-Green*, and the neighbouring places, where they might be disposed of with the most convenience and the least observation, and so without any alarm and disturbance might wait for the King's return from *Richmond*, and then be all ready to execute their design. Moreover, care was taken, that, when the King was at *Richmond*, a trusty person should wait at *Kew-Ferry*, who should give notice, when the Guards returned thither to wait for the King, to the end that every man might prepare himself, and be in readines.

Having thus fixed on the place, provided their men, and agreed on the order and method of executing their conspiracy, they at last appointed the time of doing it; *Saturday* the 15th of *February* 1695-6 was the first day that was agreed upon; and then, if *Durant* and *Chambers* should bring them intelligence from *Kensington*, that the King was gone to *Richmond*, on that morning they determined to make haste to their posts appointed at *Turnham-Green*, and to attack the Guards, and assault the King at his return.

It was but a few days before the 15th of *February*, on which day the Conspirators resolved to execute their design, when some of them began to reflect with horror upon it, and resolved to ease their unquiet minds, and to prevent the execution of the plot by a timely discovery.

The first of the Conspirators, who discovered the treason, was Captain *Fisher*, who came to the Earl of *Portland* on the 11th of *February*, and acquainted him with the design of taking away the King's life, and named several of the persons, who were concerned in it; but he could not then inform the Earl, in what manner it was concerted, nor what day was appointed for it. But he assured his Lordship, that, as soon as he should be informed more particularly, he would wait upon him, and give him further satisfaction. Accordingly, the 13th of *February*, *Fisher* returned, two days after, to the Earl, and acquainted him, that the 15th of *February* was the day agreed upon by the Conspirators to attempt his Majesty's life, and then told him in what manner, and in what place, they intended to do it.

The second, who made the discovery, was Mr *Pendergrafs*, an *Irish* officer, who knew nothing of the affair till *Thursday* the 13th of *February*; for that day he came to *London* out of *Hampshire*, being sent for by Captain *Porter*, who imparted to him the design of assassinating the King, and endeavoured to engage him in it. Though *Pendergrafs* was exceedingly startled at such a proposal, he seemed to comply, and promised to make one of the party; but, the very next day in the evening, he went to the Earl of *Portland*, not knowing that *Fisher* had been with him before on the same errand, and told him, that he came to reveal to him an important secret, namely, a design against his Majesty's life. He told the Earl that indeed he was a *Roman Catholic*; but that he did not think, that any religion could justify so great a wickedness; and therefore, from principles of Christianity and Probity, he thought himself obliged, by revealing the matter, Numb. XXI. Vol. III.

to prevent the King's falling into the hands of the Conspirators. But he acquainted him at the same time, that the Conspirators were his friends; and that from one of them he had received great obligations; and therefore, though he thought himself bound in duty and conscience to make this discovery, to preserve his Majesty's life, yet he likewise thought himself under obligations of honour and gratitude not to betray his friends; and therefore declared, that his resolution was not to make known their names, nor to appear an evidence against them. He then desired Lord *Portland*, as he tendered his Majesty's life, to prevail with him not to go to *Richmond* on the morrow, assuring him, that the Conspirators had prepared all things to assault him in his return. It ought to be remembered, for the reputation of this Gentleman; as to the credibility of his testimony, that the meer abhorrence of such a design was the only motive, that induced him to make it known to the Court.

The King being informed of the discovery, which *Fisher* and *Pendergrafs* had made to the Earl of *Portland*, received but little impression from it. He was not easily brought to credit these informations, till a variety of circumstances, in which the discoveries agreed, convinced him of the whole design; and it was with great difficulty, that he was prevailed with by the Lord *Portland* to lay aside his going to *Richmond*, that *Saturday*, and remain in his palace at *Kensington*.

The next man, who voluntarily gave information of this conspiracy, was Mr *de la Rue*, a *Frenchman*, who declared, That he had frequented the Company of the Conspirators, and made himself intimate with them, on design, when this horrible scheme was ripe for execution, by a timely discovery to defeat it. He applied himself to Brigadier *Levison*, and acquainted him with the intended villainy some few days after. *Fisher* and *Pendergrafs* had been on the same design with the Earl of *Portland*; but not one of the three was in the least acquainted with the intentions of either of the others, to reveal the conspiracy. And though *de la Rue* gave his information without knowing, that *Fisher* and *Pendergrafs* had done the like; yet his story so fully confirmed that of the other two, agreeing exactly with them in all the material particulars, that the King, notwithstanding his great aversion to believe this plot, which so nearly concerned his own life, was, by this concurrent testimony of *la Rue*, at last persuaded of the truth of it.

On *Friday*, the 21st of *February*, at night, the King admitted *Pendergrafs* and *de la Rue* severally into his presence, and heard them relate what they had told the Lord *Portland*, concerning the conspiracy. *Pendergrafs* discovered the plot in general, to prevent his Majesty's falling into the hands of the Conspirators; but withal declared, as he had done before to the Lord *Portland*, that it was his settled resolution not to mention names, or, at any time, to become an evidence against them. He continued in this resolution with great steadfastness, till the King used such convincing arguments, as prevailed with him to recede from it. The King told him, That he had indeed shewn himself a man of probity and honour: That he had great obligations to him for the timely care, which he had

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1695-6. had taken to reveal a design, that so nearly concerned his life. But he shewed him withal, that, unless he went further in his discovery, and made him acquainted with the names of the Conspirators, he would not put him in a condition of preserving himself against them. That the detection of the truth in general might indeed render him suspicious of all men, but would be no security against any, who intended to take away his life; and that the Conspirators might change the method and order of their design, as well as the time and place of execution. And therefore that Mr *Pendergrafs*, by discovering the conspiracy, while he concealed the names of the Conspirators, would fall short of his own intention, which was to preserve the King's life; it being impossible, that his Majesty could be in safety, unless the desperate undertakers of this design against him were known and secured. By this method of reasoning *Pendergrafs* was at last overcome; and being convinced of the absolute necessity of going further in this discovery, to enable the King to provide for his safety, he wrote down the names of many of the Conspirators, which he delivered to the Earl of *Portland*, but not till the King had given his honour, that he should not, unless he pleased, be used as an evidence against them.

On *Saturday*, the 15th of *February*, the Conspirators concluding, that the King, according to his custom, would go to *Richmond* to hunt, they had prepared all things, and were ready to mount for the execution of their project; but having received an account, that the King did not go abroad that day, they were obliged to wait for another opportunity; and therefore they resolved to perpetrate their treason on the *Saturday* following.

On *Friday*, the 21st of *February*, Sir *George Barclay*, Sir *William Perkins*, *Porter*, and *Charnock*, who were the principal Conspirators concerned in the assassination, met at the *Sun-Tavern* in the *Strand*, where they had a long discourse concerning their disappointment, the *Saturday* before. Some of them were afraid, that the secret had taken air, and their plot was discovered to the Government. On the other hand, some believed, that the design was not revealed, and used this argument for their opinion, that, if the business had been discovered, they should not have been there assembled, as they then were. Upon which, the diffidence and jealousy of the others being removed, it was again resolved, that, if the King went abroad to hunt the next *Saturday*, they would then endeavour to accomplish their design, in the way and method, which they had fixed upon for the *Saturday* before.

The same *Friday* in the evening, the Conspirators, who belonged to Sir *George Barclay's* party, met at the two *Black-Posts* in *Maiden-Lane*, where *Harris*, *King*, *Richardson*, *Cassels*, *Maxwell*, and *Hundford*, then were. Captain *Counter* came to them, and said, that they must be sure to be all in a readiness the next morning; and therefore ordered them by no means to stir out. Upon which *Cassels*, after having used a dreadful imprecation, said, he resolved to have the plunder of the field, crying out, *To-morrow is the day, boys!* Upon which *King* said, if it did not succeed on the morrow, he would entertain no further thoughts about it. *Hundford* demanded? How they should make their

escape after the execution of their design? 1695 6. *Cassels* replied, that he must keep with the party, to which he was ordered. The like answer Sir *George Barclay* gave to those, who asked him the same question; that is, when they had killed the King, they should keep together till they came to *Hammer-smith*, and then disperse and go into town by several ways and in small companies, where they would have no need of lying long concealed; for the invasion would immediately follow, and then they should be at liberty. But, notwithstanding this, some of the Conspirators, who reflected more coolly upon the affair, and the danger that attended it, were dissatisfied in their minds, that no better provision was made to secure their retreat.

The next day, being *Saturday* the 22d of *February*, which was the second day agreed upon for the execution of the design, *Porter's* party, as they were appointed, came to him to receive their orders. First came de la *Rue*, and *Porter* told him, that all parties were ready to march in the afternoon, provided the King went out a hunting; an account of which they expected from *Chambers* and *Durant*, who were posted at *Kensington*. Soon after came *Cranburn*, *Keys*, *Pendergrafs*, and *King*, the last of whom belonged to Sir *George Barclay's* party. *Pendergrafs* was chosen out of *Porter's* number to be one of the eight, who, under Sir *George*, were to assassinate his Majesty. *King* came to *Porter* with a message from Sir *George Barclay*. Then *Porter*, taking a piece of paper, wrote down a list of his men, which he sent by *Cranburn*, whom he called his Quarter-master, to Captain *Charnock*. After a short stay *Cranburn* returned, and brought back the paper, which he carried, and at the foot of *Porter's* list was added the list of *Charnock's* men, both which made up about eighteen. Then one of the Conspirators told *Porter*, that he thought their number had been greater, meaning the parties of *Charnock* and *Porter*. To which *Porter* answered, that they had been disappointed of five or six. And indeed *Kenrick* excused himself upon the account of his arm, which he pretended was broke. *Sherburn* asked too many questions to be trusted; and *Plowden*, though he appeared, the *Saturday* before, did not, according to his promise, appear now; and one or two more recommended by *Lowick* had failed them. Then *Porter* declared, that these men, with those of Sir *George Barclay*, would make up forty; which *King* declared were enough of all conscience to do the business. *Cranburn* at his return acquainted them likewise, that *Chambers* had sent intelligence to *Charnock*, that the King was to go out a hunting between ten and eleven o'clock, which was communicated and received with great joy; and then *Porter* declared, that *Pendergrafs* was to be one of the eight, who were to attack the King's coach; and said aloud, that he had a special piece for him, that would carry eight balls. Upon which *King* in a jocular manner said to *Pendergrafs*, 'I hope you will not be afraid of breaking the glass windows.' In the mean time Major *Holmes* was very diligent in getting ready Sir *George Barclay's* party. He sent *Harris* to *Counter's* lodgings, to receive orders; who told him, that he was to be of *Rookwood's* party; and *Rookwood*, being at the same time there, gave *Harris* a list of names, and told him laughing,

1695-6. that he would make him his *Aid de Camp*. In the list was *Harri's* own name, the names of *Hare*, *Huntford*, and *Blackburn*, with Captain *Rookwood's* name at the top. Then *Rookwood* desired him to get those men ready, which he did accordingly.

All things were now prepared, and the Conspirators ready to mount, and pass, to avoid observation, out of town by two or three in a company, and to quarter in the inns about *Turnham-Green* and *Brentford*, where they were billeted, and had orders to wait till the King's return from *Richmond*, and then to make their attack in the order agreed on. But on a sudden, to their mortification, notice was given, that the King did not go abroad that day. This account was given by *Chambers* to *Charnock*, and the news of it was likewise conveyed to *Porter* and his party. Soon after *Kays* came to them, who were now gone to dine at the *Blue-Polls* in *Spring Garden*, and told them, that the Guards were returned, and the King's coaches were come back to the *Mause*; and that it occasioned great wondering among the people, that the King should two *Saturdays* successively put off his diversion of hunting. This struck a sudden damp and consternation among the Conspirators, who now concluded their design was discovered, and every one began to think of providing for his own security. But, notwithstanding their danger, they did not part till they had drank several disloyal healths. *Durant* had given the same intelligence to Sir *George Barclay*, who, upon their information, sent word to his party, that the King, not intending to go abroad that day, there would be no occasion for their service; and soon after Sir *George*, looking on the design as at an end, took care to withdraw, and conceal himself.

As none of the Conspirators were seized, that night, they soon recovered their fright, and quieted themselves. But, the next night, a great many of them were taken in their beds, and, the day following, the whole discovery was laid before the Privy-council.

All this while King *James* was waiting at *Calais* for some tidings of that on which he chiefly depended; for, upon the first notice of the assassination, he was resolved to have set sail, many regiments being embarked, and the artillery and stores ordered on board: So near was the matter brought to a crisis, when it broke out by the discovery made by the persons above-named. Nay, so confident were they in *France* of a successful expedition, that the Duke of *Orleans* urged it as an argument to the Duke of *Savoy* to make his separate peace, before the total overthrow of the Confederates, which must of necessity attend the restoration of King *James*. Upon the first news of King *James's*

coming to *Calais*, the Duke of *Wurtemberg* dispatched one of his *Aids de Camp* to King *William*; to give him notice of it, and to acquaint him, that the Duke had stopped all the ships in the harbour and canal of *Ofend*, as well as of *Bruges*, in order to transport the forces under his command for his service; and that, in case he did not quickly hear from him, he would run the hazard of bringing them over. This Messenger, narrowly escaping the *French* at sea, got to the *English* Court on *February* the 22d; and immediately after the King received other expresses from the Duke of *Bavaria* and Prince *Vaudemont*, who were then at *Brussels*. And now it appeared how fortunate it was that the winds had been so long at South-west, and had detained our ships in port (which had been much lamented) for by that means we had a great fleet at *Spithead* ready to sail: And we had another fleet, designed for the summer's service in our own seas, quite ready, though not yet manned. Many brave seamen, seeing the nation was in such visible danger, came out of their lurking-places, in which they were hiding themselves from the press, and offered their service; and all people shewed so much zeal, that, in three days, *Russel*, who was sent to command, stood over to the coast of *France*, with a fleet of above fifty men of war. The *French* were amazed at this; and, upon it, their ships drew so near their coasts, that he durst not follow them in such shallow water, but was contented with breaking their design, and driving them into their harbours. King *James* stayed for some weeks there. But, as the *French* said, his malignant star still blasted every project, that was formed for his service.

The Court of *France* was much out of countenance with this disappointment; for that King had ordered his design of invading *England*, to be communicated to all the Courts, in which he had Ministers: And they spoke of it with such an air of assurance, as gave violent presumptions, that the King of *France* knew of the conspiracy against the King's Person, and depended upon it; for indeed, without that, the design was impracticable, considering how great a fleet we had at *Spithead*; nor could any men of common sense have entertained a thought of it, but with a view of the confusion, into which the intended assassination must have cast us.

They went on in *England* seizing the Conspirators; and a proclamation was issued for apprehending those that absconded, with a promise of a thousand pounds reward, to such as should seize any of them, and the offer of a pardon to every Conspirator that should take any of the rest. This set all people at work, and in a few weeks most of them were apprehended (1). Only *Barclay* was not found, who had brought the

The design of the invasion broken.

Proclamation for taking the Conspirators.

(1) The Conspirators named in the proclamation were,

James Duke of *Berwick*,
Sir *George Barclay*,
Major *Lewis*,
Captain *George Porter*,
Captain *Stow*,
Captain *Walbank*,
Captain *James Courtney*,
Lieutenant *Sherburn*,
Brice Blaire,
—Dinant,
—Chambers,
—Beij,
George Higgins, and his two brothers, sons to
—Sir *Thomas Higgins*,
—Davis,
—Cardell Goodman,

—Cranburn,
—Kays,
—Pondgrafs,
—Bryerly,
—Trenwar,
Sir *George Maxwell*,
—*Durant*, a *Flaming*,
—Knightly,
Lieutenant *King*,
—Hobbes,
Sir *William Perkins*,
—Rookwood.

It is said, that more than one of the Conspirators shared the thousand pounds reward with their friends, who took them for that purpose, there not being evidence against them sufficient to convict them.

1695-6. the Commission from King *James*, though great search was made for him. For, though the reality of such a commission was fully proved afterwards, in the trials of the Conspirators, by the evidence of those, who had seen and read it, all written in King *James's* own hand (such a paper being too important to be trusted to any to copy) yet much pains was taken, to have found the very person who was entrusted with it: The commission itself would have been a valuable piece, and such an original, as was not to be found any where.

The military men would not engage on other terms; they thought, by the laws of war, they were bound to obey all orders, that run in a military stile, and no other; and so they imagined, that their part in it was as innocent, as the going on any desperate design, during a campaign: Many of them repined at the service, and wished that it had not been put on them; but, being commanded, they fancied that they were liable to no blame nor infamy, but ought to be treated as prisoners of war.

Immediately after the King's proclamation was published, *George Harris*, one of the persons, who was sent out of *France* by King *James* himself, to obey the orders of Sir *George Barclay*, and was actually engaged in the assassination, surrendered himself to Sir *William Trumbull*, and confessed the double design of the assassination and invasion, though he was not able to tell the particular circumstances, that attended them. Among those that were taken, *Porter* and *Pendergrafs* were brought in. *Porter* had been a vicious man, engaged in many ill things; and was very forward and furious in all their consultations: The Lord *Cutts*, who, as Captain of the Guards, was present, when the King examined *Pendergrafs*, but did not know his name, when he saw him brought in, pressed him to own himself, and the service he had already done; but he claimed the promise of not being forced to be a witness, and would say nothing: *Porter* was a man of pleasure, who loved not the hardships of a prison, and much less the solemnities of an execution; so he confessed all; and then *Pendergrafs*, who had his dependance on him, freely confessed likewise: He said, *Porter* was the man who had trusted him; he could not be an instrument to destroy him; yet he lay under no obligations to any others among them. *Porter* had been in the management of the whole matter: So he gave a very copious account of it all, from the first beginning. And now it appeared, that *Pendergrafs* had been but a very few days among them, and had seen very few of them; and that he came and discovered the conspiracy, the next day after it was opened to him.

When by these examinations the matter was clear and undeniable, the King communicated it, in the following speech to both Houses.

My Lords and Gentlemen,

*The King's
speech to
the Parli-
ament on
account of
the plot.
Feb. 24.
Tr. H. C.
111 1.*

I Am come hither this day upon an extraordinary occasion, which might have proved fatal, if it had not been disappointed by the singular mercy and goodness of God; and may now, by the continuance of the same providence, and our own prudent endeavours, be so improved, as to become a sufficient warning to us, to provide for our security

against the pernicious practices and attempts of our enemies.

I have received several concurring informations of a design to assassinate me; and that our enemies, at the same time, are very forward in their preparations for a sudden invasion of this Kingdom; and have therefore thought it necessary to lose no time in acquainting my Parliament with those things, in which the safety of the Kingdom and the public welfare are so nearly concerned, that I assure myself, nothing will be omitted on your part, which may be thought proper for our present security.

I have not been wanting to give the necessary orders for the fleet; and I hope we have such a strength of ships, and in such readiness, as will be sufficient to disappoint the intentions of our enemies.

I have also dispatched orders for bringing home such a number of our troops, as may secure us from any attempt.

Some of the Conspirators against my person are already in custody; and care is taken to apprehend so many of the rest, as are discovered; and such other orders are given, as the present exigency of affairs does absolutely require at this time for the public safety.

My Lords and Gentlemen,

Having now acquainted you with the danger, which hath threatened us, I cannot doubt of your readiness and zeal to do every thing, which you shall judge proper for our common safety. And I persuade myself, we must be all sensible how necessary it is in our present circumstances, that all possible dispatch should be given to the business before us.

Upon this the two Houses immediately agreed to wait on the King, that very evening, at *Kensington* with this address.

Die Lune 24 Feb. 1695.

WE your Majesty's most loyal and dutiful subjects, the Lords Spiritual and Temporal, and Commons, having taken into our serious consideration what your Majesty hath been pleased to communicate to us this day, think it our duty, in the first place, to give your Majesty most humble thanks for having acquainted your Parliament with the great danger your Sacred Person hath been so nearly exposed to, and the design of an invasion from our enemies abroad. We heartily congratulate your Majesty's happy preservation, and thankfully acknowledge the signal providence of God in it; and at the same time declare our detestation and abhorrence of so villainous and barbarous a design. And, since the safety and welfare of your Majesty's dominions do so entirely depend upon your life, we most humbly beseech your Majesty to take more than ordinary care of your Royal Person. And we take this occasion to assure your Majesty of our utmost assistance to defend your Person, and support your Government against the late King *James*, and all your other enemies, both at home and abroad; hereby declaring to all the world, that, in case your Majesty should come to any violent death (which God forbid!) we will revenge the same upon all your enemies and their

*Address of
both
Houses.
Ibid.*

1695-6. ' their adherents. And, as an instance of our
' zeal for your Majesty's service; we will give
' all possible dispatch to the public business.
' And we make it our desire to your Majesty
' to seize and secure all persons, horses, and
' arms, that your Majesty may think fit to ap-
' prehend upon this occasion.'

To this address the King answered:

' My Lords and Gentlemen,

' I thank you heartily for this kind address.
' On my part you may be assured, that I will
' do all, that is within my power, for the con-
' servation of this Kingdom, to which I have
' so many obligations. I will readily adven-
' ture my life, for the preservation of it, and
' recommend myself to the continuance of your
' loyalty and good affection.'

The same day the Commons ordered a bill to be brought in, to empower his Majesty to secure and detain all such persons, as he should suspect were conspiring against his Person and Government; as also a bill, that, whenever it should please God to afflict these realms by the death of his present Majesty, the Parliament then in being should not be dissolved thereby, but should continue until the next heir to the Crown in succession, according to the act of Parliament, should dissolve the same; and, if there should be no Parliament then in being, that the last preceding Parliament should immediately convene and sit. As the Parliament thus wisely provided against that confusion and disorder, which might happen by the cessation of Parliaments, and all Commissions, on the King's decease; so nothing could have been imagined more effectual for the security of the King's life against the malice and violence of his enemies; since by this means all hopes of escape and impunity were cut off, in case they should succeed in their attempts. They likewise voted an address to his Majesty, to desire him to issue his Royal proclamation to banish all Papists from the cities of *London* and *Westminster*, and ten miles from the same; and that he would give instructions to the Judges going the circuits, to put the laws in execution against Papists and Nonjurors. And, as the greatest test of their loyalty, they drew up this form of Association, to be subscribed by all the Members.

An Association signed by the Commons. Pr. H. C. III. 21.

' Whereas there has been a horrid and detestable conspiracy formed and carried on by
' Papists and other wicked and traitorous persons, for assassinating his Majesty's Royal
' Person, in order to encourage an invasion
' from *France*, to subvert our religion, laws,
' and liberty; We, whose names are hereunto
' subscribed, do heartily, sincerely, and so-
' lemnly profess, testify, and declare, that his
' present Majesty King *William* is rightful and
' lawful King of these realms: And we do
' mutually promise to engage to stand by and
' assist each other to the utmost of our power,
' in the support and defence of his Majesty's
' most Sacred Person and Government, against
' the late King *James* and all his adherents.
' And in case his Majesty come to any violent
' or untimely death (which God forbid!) we
' do hereby further freely and unanimously
No. 21. Vol. III.

1695-6. ' oblige ourselves to unite, associate, and stand
' by each other, in revenging the same upon
' his enemies and their adherents, and in sup-
' porting and defending the succession of the
' Crown, according to an act made in the first
' year of the reign of King *William* and Queen
' *Mary*, intituled, *An act declaring the rights*
' *and liberties of the Subject, and settling the suc-*
' *cession of the Crown.*'

This Association was the three following days signed by all the Members, who came to the House; and, because some others had absented themselves upon pretence of health or business, but in reality to avoid setting their hands to the Association, it was ordered, on the 27th of *February*, ' That such Members, who had not
' already, should in sixteen days sign it, or de-
' clare their refusal, notwithstanding their leave
' to be absent.' On the appointed day, *March* 16, the names of such Members were called over, as were absent upon the last call of the House; and, several of them being still absent, the Speaker was ordered to write to those, who were in the country, and had not signed the Association, or declared their refusal to do so, to know what they would do, and return their answer by the first opportunity; and at the same time the Clerk of the House was ordered to attend such Members, as were ill in town, with the Association, in order to their signing the same, or receiving their answer or refusal. The absent Members seeing themselves so pressed, and the nation at this time in so great a ferment against the disaffected, thought it prudent to yield to the times, and either to subscribe the Association, or promise to do it upon their first coming up to town, though it were against their principles to own King *William* to be *rightful* and *lawful* King. However, the Association was on the 3d of *April* presented to the King by the Commons in a body, with this request, ' That
' his Majesty would order both that, and all
' other Associations by the Commons of *Eng-*
' *land*, to be lodged among the records in the
' *Tower*, there to remain as a perpetual memo-
' rial of their loyalty and affection to his Ma-
' jesty.' Whereupon the King told them,
' That he took this as a most convincing and
' acceptable evidence of their affection. And,
' as they had freely associated themselves for
' his and their common safety, he did heartily
' enter into the same Association, and would be
' always ready with them, and the rest of his
' good subjects, to venture his life against all,
' who should endeavour to subvert the religion,
' laws, and liberties of *England*.' And he prom-
' ised them, that this, and all other Associations,
should be lodged among the records in the *Tower*. The next day, the Commons made a resolution, ' That whoever should by word or
' writing affirm, that an Association entered in-
' to by any Member of this House, or any
' other person, was *illegal*, such person should
' be deemed a promoter of the designs of the
' late King *James*, and an enemy to the laws
' and liberties of this Kingdom.'

The Lords resolved on an Association as well as the Commons. The motion was much opposed by the Earl of *Nottingham*, as that of the Commons had been by Sir *Edward Seymour* and Mr *Finch*. Their objections turned chiefly upon this, that *rightful* and *lawful* were words,
N n n
that

1695-6, that had been laid aside in the beginning of this reign; that they imported one, who was King by descent, and so could not belong to the present King. They said, that the Crown and the Prerogatives of it were vested in him, and therefore they would obey him, and be faithful to him, though they could not acknowledge him their rightful and lawful King. Great exceptions were also taken to the word *revenge*, as not of an evangelical sound; but that word was so explained, that these were soon cleared. *Revenge* was to be meant in a legal sense, either in the prosecution of justice at home, or of war abroad. And the same word had been used in that Association, into which the nation entered, when it was apprehended, that Queen Elizabeth's life was in danger by the practices of the Queen of Scots. At last the Association was carried in the House of Lords, with this difference from that of the Commons, that, instead of the words *rightful and lawful King*, these words were inserted, 'That King William hath the right by law to the Crown of these realms; and that neither King James, nor the pretended Prince of Wales, nor any other person, hath any right whatsoever to the same.' This was done to satisfy those, who said, they could not come up to the words *rightful and lawful*. And, the Earl of Rochester offering these words, they were thought to answer the ends of the Association, and so were agreed to. Ninety-two only of the Commons, and fifteen of the Peers, refused to sign voluntarily (1).

The Association signed all over England.

An act to enforce the signing of it. Pr. H. C. III. 23.

The Association was carried from the Houses of Parliament over all England, and was signed by all sorts of people, very few only excepted. The Bishops also drew up a form for the Clergy, according to that signed by the House of Lords, with some small variation; which was so universally signed, that not above an hundred over all England refused it.

Soon after this a bill was brought into the House of Commons, declaring all men incapable of public trust, or to serve in Parliament, who did not sign the Association. This passed with no considerable opposition; for those, who had signed it of their own accord, were not unwilling to have it made general; and such as had refused it, when it was voluntary, were resolved to sign it, as soon as the law should be made for it. This bill was intitled *a bill for the better security of his Majesty's Person and Government*, and contained these heads: First, 'That

such, as should refuse to take the oaths to his Majesty, should be subject to the forfeitures and penalties of Popish recusants convicted.' Secondly, 'To inflict a penalty on such, as should by writing or otherwise declare, that King William was not lawful and rightful King of these realms; or that the late King James, or the pretended Prince of Wales, or any other person, than according to the act of settlement of the Crown, had any right to the Crown of these realms.' Thirdly, 'To ratify and confirm the Association entered in to by all his Majesty's good subjects, for the preservation of his Majesty's Person and Government.' Fourthly, 'That no person should be capable of any office or post of trust, civil or military, who should not sign the Association.' And, Fifthly, 'That the same penalties be inflicted on such as come out of France, as upon those, that go thither.'

About the same time an order passed in Council for reviewing all the commissions in England, and for turning out of them all those, who had not signed the Association, while it was voluntary; since this seemed to be such a declaration of their principles and affections, that it was not thought reasonable, that such persons should be any longer either Justices of peace, or Deputy-Lieutenants.

The Session of Parliament was soon brought to a conclusion. A fund was created, upon which the sum of 2,564,000*l.* was to be raised, which the best judges did apprehend was neither just nor prudent. A new Bank was proposed, called the Land-bank, because the securities were to be upon land: This was the main difference between it, and the Bank of England: And, by reason of this, it was pretended, that it was not contrary to a clause in the act for that Bank, that no other Bank should be set up in opposition to it. There was a set of undertakers, who engaged that it should prove effectual, for the money for which it was given: This was chiefly managed by *Foley, Harley*, and the Tories; it was much laboured by the Earl of Sunderland; and the King was prevailed on to consent to it, or rather to desire it, though he was then told by many, of what ill consequence it would prove to his affairs: The Earl of Sunderland's excuse for himself, when the error appeared afterwards but too evidently, was, that he thought it would engage the Tories in interest to support the Government (2).

The

(1) Among the Commons, that refused to sign voluntarily, were,

Simon Harcourt,	Mountague Lord Norris,
Henry Lord Hyde,	Heneage Finch,
John Manley,	James Bertie,
John Tredenham,	William Bramley,
Francis Guin,	Sir Christopher Musgrave,
Sir Edward Seymour,	William Williams, &c.
John Granville,	See the whole Hist. in
John How,	Vol. II. p. 139.
Robert Price,	Oldm.
Thomas Bishorten,	

The Fifteen Peers were,

Hallifax,	Thames,
Normanby,	Chesterfield,

Hinchin, Scarisdale, Craven, Aylesbury, Feverham, Nettingham,

Spratt, Bishop of Rochester, Watson of St David's, Lord Jofferies, Lord Chandos, Lord Ferrars.

(2) Dr Chamberlain, the famous man-midwife, is said to have a hand in this project, which instead of advancing the landed-interest (as was intended) went near to ruin public credit. The Commons resolved, First, 'That a fund redeemable by Parliament be settled in a national Land-bank, to be raised by new subscriptions.' Secondly, 'That no person be concerned in the Bank of England, and in the national Land-bank, at the same time.' Thirdly, 'That the duties upon coals and culm, and upon tonnage of ships,' (which by several petitions and

continued

1696. The most remarkable acts passed this Session, besides what have been mentioned, are these:

Am: passed this Session. A severe act was passed, for voiding all the elections of Parliament-men, where the elected had been at any expence in meat, drink, or money to procure votes. This act was strictly penned. Abuses in elections were grown to most intolerable excesses, which threatened even the ruin of the nation.

Another act passed against unlawful and double returns; for persons had been often returned, plainly contrary to the vote of the majority; and in Boroughs, where there was a contest, between the select number of the Corporation, and the whole Populace, both sides had obtained favourable decisions, as that side prevailed, on which the person elected happened to be; so both elections were returned, and the House judged the matter. But, by this act, all returns were ordered to be made, according to the last determination of the House of Commons: These were thought good securities for future Parliaments. Happy had it been for this nation, if the other act, against bribing at elections, had proved as effectual as this was.

An act, for the more easy recovery of small tithes, was also passed for three years, but made perpetual afterwards by Queen Anne.

To prevent marriages without licence or banns, an act was passed, by which the Minister, in such case, forfeits 100*l.* and the person so married, 10*l.* This was chiefly with a view to secure the stamp-money. For, upon every licence or certificate of marriage, there was a duty laid of five shillings.

It was customary in *Wales*, for widows and younger children, to claim a share of their husbands and fathers effects, called their *reasonable part*, notwithstanding these effects were otherwise disposed of by will or deed. As this occasioned great troubles, disputes, and expences, an act was now passed, abolishing that custom, and enabling the inhabitants of *Wales* to dispose

of all their personal estate, as they shall think fit. 1696.

Though an act was passed this Session, for the further regulating elections of Members of Parliament, and preventing the irregular proceedings of Sheriffs and other officers elected, and in returning such Members: Yet another bill was brought in to regulate elections, which passed both Houses, but to which the King refused to give the Royal assent. Upon this, the Commons shewed some resentment against those that advised the King not to pass the bill, and, on the 24th of April, the question was put, that whosoever advised his Majesty, not to give his assent to that bill, was an enemy to his country. But, as it was perceived, by the warmth of those that were for the affirmative, that it was intended to make a difference between the King and Parliament, a negative was put upon the question by one hundred and forty-nine voices, two hundred and nineteen to seventy; however it was ordered, that the Speaker should with the votes print the question, together with the names on both sides (1).

Three days after, the King came and closed the Session, with the following speech to both Houses.

My Lords and Gentlemen,

‘YOU have shewn so great concern for my Person, and zeal for my Government, and have done so much for the preservation of the one, and for the strengthening of the other, by the good laws, which have been made, and by the supplies you have provided for the several occasions of this year, that the late designs of our enemies are, by the blessing of God, like to have no other effect, than to let them see, how firmly we are united; and to give me occasion to acknowledge your kindness, and to assure you of all the returns, which a Prince can make to his people.’

The Royal assent denied to a bill about elections.

Pr. H. C. III. 24.

The Parliament is prorogued.

April 27. Pr. H. C. III. 24.

The King's speech.

Ibid.

My

otherwise the House had found to be grievous to the people) ‘be taken off from the 17th of March 1696.’ Fourthly, ‘That for the making up the sum of 1,724,000*l.* already voted by the House, and the monies to be made good for the duties upon coals and culm, and tonnage of ships, resolved to be taken off; and for discharging what the duties upon salt were to answer from the 17th of March 1696, the sum of 2,564,000*l.* to be raised upon this perpetual fund, redeemable by Parliament.’ Pursuant to these resolutions, a bill was brought in, and, when it was committed, instructions were given ‘to restrain the Bank from lending money but upon land-security, or to the Government in the *Exchequer*; and to receive a clause, that, if the money did not come in by a certain time, his Majesty be enabled to borrow the same.’ The next day the Bank of England presented a petition against this bill, and were afterwards, by order of the House, heard by their Council, but without success; so that the House went on with the bill, and on the 9th of April resolved, first, that towards the supply to be granted to his Majesty, for making up the fund of interest of 2,564,000*l.* the capital stock of the intended national Land-bank, certain duties upon glass wares, stone and earthen bottles, granted before to the King for a term of years, be granted to his Majesty, his heirs and successors. Secondly, That a duty be laid upon tobacco-pipes: And, Thirdly, That a further duty be laid upon all stone and earthen ware. Which resolutions were or-

dered to be inserted in the bill for settling the national Land-bank. Accordingly, the act was passed under the title of an act, continuing to his Majesty certain duties upon salt, glass wares, stone and earthen wares, and for granting several duties upon tobacco-pipes and other earthen wares, for carrying on the war with France, and for establishing a national Land-bank, and for taking off the duties upon tonnage of ships, and upon coals. The subscription was to be 2,564,000*l.* for the interest of which at 7 per cent. was to be raised, out of the above-said duties, 179,480*l.* This Bank was to lend out 500,000*l.* a year upon land securities, at 3*l.* 10*s.* per cent. per annum. In case the subscription was not full by the 1st of August 1696, the Bank was to cease and determine.

(1) Besides this bill, there were others that were begun, but not finished, as a bill for regulating printing and printing-presses. Secondly, A bill for reversing a judgment given against Sir William Williams, 2 Jac. II. for what he did as Speaker of the House of Commons, and for ascertaining the rights and freedom of Parliaments. Thirdly, A bill for settling and regulating the East-India trade. Fourthly, Another to regulate the trade of Africa. Fifthly, A bill to confirm the Earl of Torrington's grant. Sixthly, Two bills to vest in the Crown all forfeited estates in England and Ireland, and to vacate all grants made thereof. Seventhly, A bill to prevent stock-jobbing. And, Eighthly, A bill for preventing Papists from disinheriting their Protestant heirs.

1696.

My Lords and Gentlemen,

'The necessity of affairs requiring my absence out of the Kingdom for some time, I do earnestly recommend to you, that in your stat ons you will be assisting to those, whom I shall leave to administer the Government; and that you will be careful in preserving the public peace of the Kingdom.'

Then the Lord Keeper, by his Majesty's command, prorogued the Parliament till Tuesday the 16th day of June.

*The Conspirators
in d.*

*Charnock,
March 11.*

Thus ended this memorable Session. After most of the Conspirators, who had not fled beyond sea, were either taken or come in voluntarily, and all the examinations were over, some of them were brought to their trials. Mr *Robert Charnock* was begun with. He was one of the two Fellows of *Magdalen College*, who in King *James's* time had turned Papist, and was a hot and active agent amongst them. He was a man of good parts, and, next to Sir *George Barclay*, was the chief manager and promoter of the intended assassination. This was so fully proved against him, that he was found guilty. He shewed great presence of mind, with temper and good judgment, and made as strong a defence as the matter could bear. Endeavours were used to persuade him to confess all he knew; for he had been in all the plots from the beginning. His brother was employed to deal with him, and he seemed to be once in suspense; but the next time, that his brother came to him, he said, that he could not save his own life, without doing that, which would take away the lives of so many, that he did not think his own life worth it. This shewed a greatness of mind, which had been very valuable, had it been better directed. Thus this matter was understood at that time. But, many years after, the Lord *Somers* gave Bishop *Burnet* a very different account of it. *Charnock*, it seems, sent an offer to the King, of a full discovery of all the consultations and designs of his party, and desired no pardon, but only that he might live in some easy prison; and, if he was found to prevaricate in any part of his discovery, he would look for the execution of the sentence. But the King apprehended, that so many persons would be found concerned, and thereby be rendered desperate, that he was afraid to have such a scene opened, and would not accept of his offer. With *Charnock* were tried Lieutenant *King*, and *Thomas Keys*, formerly a Trumpeter, and lately Captain *Porter's* servant, who had little to say for themselves; so that, upon a full hearing of the evidence, they were all three found guilty of high-treason, and executed at *Tyburn* on the 18th of March. Before the executioner did his office, the malefactors delivered each a paper to the Sheriffs, wherein they confessed the crime which they were accused of, but endeavoured to palliate it, and at the same time to justify both King *James*, the Jacobites, and Roman Catholics. *Charnock* particularly owned, 'That, to facilitate King *James's* invasion of England, himself and some others did agree to attack the Prince of *Orange*, and his Guards. That, as for any Order or Commission of King *James's* for assassinating the Prince of *Orange*, he neither saw nor heard of

any, but had had frequent assurances of that King's having rejected such proposals, when they had been offered. That he had heard, there was a Commission arrived for levying of war, which it was natural to believe, if the King was in such readiness to come over, as was reported; but that he never saw it. And, as to what regarded the body of the Roman Catholics, he must do them the justice, that they had no manner of knowledge of this design, nor did he believe it was communicated to any other party of such as were reputed the King's friends, but carried on merely by a small number, without the advice, consent, or privity of any parties whatsoever.' King's paper was to the same purpose: But the way, that they took to vindicate King *James*, rather fastened the imputation more upon him. They did not deny, that he had sent over a Commission to attack the Prince of *Orange*, which, as *Porter* deposed, *Charnock* told him he had seen. If this had been denied by a dying man, his last words would have been of some weight. But, instead of denying that, which was sworn, he only denied, that King *James* had given a Commission for assassination. And it seems, great weight was laid on that word; for all the Conspirators agreed in it, and denied, that King *James* had given a Commission to assassinate the Prince of *Orange*. This was an odious word, and perhaps no person was ever so wicked, as to order such a thing in so crude a manner. But the sending a Commission to attack the King's person was the same thing upon the matter, and was all that the witnesses had deposed. Therefore their not denying this in the terms, in which the witnesses swore it, plainly implied a confession, that it was true. But some, who had a mind to deceive themselves or others, laid hold on this, and made great use of it, that dying men had acquitted King *James* of the assassination. Such slight colours will serve, when people are engaged beforehand to believe as their affections lead them.

The next, who were tried, found guilty, Perkins condemned, and executed on the 3d of April for the same complicated crime of the assassination and invasion, were Sir *John Freind*, and Sir *William Perkins*. *Freind* had risen from mean beginnings to great credit and much wealth. He was employed by King *James*, and had all this while adhered firmly to his interests. His purse was more considered than his head, and was open on all occasions, as the party applied to him. While Colonel *Parker* was formerly in the Tower (as has been related), upon information of an assassination of the King designed by him, he furnished the money, that corrupted the keepers, and helped him to make his escape. He knew of the assassination, though he was not to be an actor in it. But he had a commission for raising a regiment for King *James*, and he had entertained and paid the officers, who were to serve under him. He also joined with those, who had sent over *Charnock* in May 1695, with the message to King *James*. Upon all this evidence, *Freind* was condemned. Sir *William Perkins* was a Gentleman of estate, who had gone violently into the passions and interests of the Court in King *Charles II's* time: He was one of the six Clerks in Chancery, and took all the oaths to the Government, rather than

*Remarks
given to
the Sheriffs.*

*Perkins
and
Freind
tried and
executed,
April 3.
Barnet.*

1676. than lose his place. He not only consented to the design of the assassination, but undertook to bring five men, who should assist in it; and he had brought up horses for that service, from the country; but had not named the persons; so that this lay yet in his own breast. He was not to have acted in the business himself, for he had likewise a commission for a regiment, and therefore was to have reserved himself for that service. He had also provided a stock of arms, which were hid under-ground, and were now discovered. Upon this evidence he was condemned. Great endeavours were used both with Sir John Freind and him to confess all they knew. Freind was more sullen, as he knew less; for he was only applied to and trusted, when they wanted his money. Perkins fluctuated more; he confessed the whole thing, for which he was condemned, but would not name the five persons, whom he was to have sent in to assist in the assassination. He said, that he had engaged them in it, and therefore could not think of saving his own life by destroying theirs. He confessed, that he had seen King James's Commission. The words differed a little from those, which Porter had mentioned; but Porter did not swear, that he saw it himself, and only related what Charnock had told him concerning it. Yet Perkins said, they were to the same effect. He believed, it was all writ with King James's own hand, he having seen his writing often. He owned, that he had raised and maintained a regiment, but he thought he could not swear against his officers, since he himself had drawn them into the service; and he affirmed, that he knew nothing of the other regiments. He sent for the Bishop of Ely, to whom he repeated all these particulars, and seemed much troubled with a sense of his former life, which had been very irregular. The House of Commons sent some to examine him; but he gave them so little satisfaction, that they left him to the course of the law. His tenderness, in not accusing those whom he had drawn in, was so generous, that this alone served to create some regard for a man, who had been long under a bad character. In the beginning of April, Freind and he were executed together. At their execution, they delivered their confessions to the Sheriffs. Sir John Freind, though he denied his knowledge of the invasion and assassination, yet seemed to own himself guilty, in endeavouring to justify himself by saying, 'That the cause, he suffered for, he firmly believed to be the cause of God and true religion, and agreeable to the laws of the land, which he had ever heard to require a firm duty and allegiance. That as no foreign, so neither any domestic power can alienate our allegiance; for it was altogether new and unintelligible to him, that the King's subjects can depose and dethrone him on any account, or constitute any, that have not an immediate right to his place; and that, as they ought not to do this, so, when it was done, to assist him in the recovery of his right was justifiable, and their duty. He professed himself a Member of the Church of England, which he heartily besought God Almighty to bless and preserve; to deliver this sinful nation from the guilt of rebellion, blood, and perjury; to comfort the distressed King, restore him to his right, and his misled subjects to their No. 21. Vol. III.

allegiance; and to bless his Royal Consort 1696. and his Royal Highness the Prince of Wales, that he might grow in stature and in favour with God and man.' Sir William Perkins confessed, 'That he was privy to a design upon the Prince of Orange, but was not to act in it; and he was fully satisfied, that very few or none knew of it, but those, who undertook to do it. That he had seen a Commission from King James to levy war against the Prince of Orange; but, as for any Commission particularly levelled against his Person, he neither saw nor heard of any such. That he thought it for his honour to say, he was entirely in the interest of King James, being always firmly persuaded of the justice of his cause, and looked upon it as his duty, both as a subject and an Englishman, to assist him in the recovery of his Throne, which he believed his Majesty to be deprived of, contrary to all right and justice; in which opinion he took the laws and constitution of his country for his guide. And, lastly, that he died in the communion of the Church of England, in which he was educated.' A very remarkable instance of the boldness of the Jacobites, *They are* appeared on this occasion. Freind and Perkins *publicly absolved.* had not changed their religion, but still called themselves Protestants; so three of the Non-juring Clergymen, Mr Collier, Mr Snatt, and Mr Cooke, waited on them to the place of execution; where they all three joined to give them the absolution of the Church, as it stands in the office of *visitation of the sick*, and accompanied the ceremony with a solemn imposition of hands. The Court was extremely offended at this conduct of theirs, which seemed to justify the conspiracy, since the dying persons owned the ill designs, in which they had engaged, and expressed no sort of repentance for it. Fourteen of the Bishops therefore, who happened to be then in London, published a declaration, 'wherein they censured the performance of this office of the Church, without a previous confession made, and abhorrence expressed by the prisoners of the heinous crime, for which they died, as extremely insolent and without precedent in the manner, and altogether irregular in the thing, being a manifest transgression of the Church's order, and profane abuse of the authority of Christ, since Mr Collier, and Mr Snatt, and Mr Cooke must either look on the persons absolved as impenitents or martyrs.' The Lord Chief Holt, likewise on the 7th of April, represented to the Grand Jury, in the Court of King's-Bench, the pernicious practices of those three *absolving Priests*, and the Jury delivered a presentment against them, setting forth, That they were enemies to his Majesty and his Government, promoters and encouragers of the assassination and invasion, and a scandal to the Church. But though a bill of high misdemeanour was found against them, and Cooke and Snatt were committed to Newgate; yet, through the lenity of this reign, no manner of punishment was inflicted on them; and Jeremy Collier, who kept out of the way, with great assurance published several papers, wherein he endeavoured to justify his practice, with respect to manner, form, and occasion.

On the 21st of April, Brigadier Rookwood, Apr. 21. Major Lowick, and Mr Charles Cranburn, three Burnet.

O o o o

other

1696. other Conspirators, were brought to their trial, and were the first, who had the benefit of the statute made this very Session, to regulate trials in cases of high-treason. But neither the copy of the indictment, which was delivered to them, nor the advantage of being defended by Sir *Bartholomew Shower*, and two other eminent Lawyers, did avail them much; for the evidence against them was so plain and positive, that they were all three found guilty, and received sentence accordingly. *Roskwood* and *Lewick* were Papists; they expressed their dislike of the design, but insisted on this, that, as military men, they were bound to obey all military orders; and they thought that the King, who knew the laws of war, ought to have regard to this, and forgive them. Great intercession was made by some Noblemen for the life of *Lewick*, but in vain. *Cranburn* called himself a Protestant, but was more sullen than the other two; to such a degree of fury and perverseness had the Jacobites wrought up their party. They were all three executed on the 29th of April.

Mr *Knighly* and Mr *Cooke* (son of Sir *Miles Cooke*, one of the six Clerks in Chancery) were the two last that were tried this year. *Knighly* confessed all, and upon that, though he was condemned, he had a reprieve, and was afterwards pardoned. *Cooke* was tried on account of the intended invasion; for he was not charged with the assassination. His trial was considered as introductory to that of the Earl of *Aylesbury* (who had been committed to the Tower) for the evidence was the same as to both. *Porter* and *Goodman* were two witnesses against him. They had been with him at a meeting in a Tavern in *Leadenhall-Street*, where *Charnock* received instructions to go to France with the message to King *James*. All, that was brought against this, was, that the master of the Tavern, and two of his servants, swore, that they remembered well when that company was at the Tavern, for they were often coming into the room where they sat, both at dinner-time, and after it; and that they saw not *Goodman* there; nay, they were positive, that he was not there. On the other hand, *Porter* deposed, that *Goodman* was not with them at dinner, but that he came to that house after dinner, and sent him in a note; upon which he, with the consent of the company, went out and brought him in. And then it was certain, that the servants of the house were not in that constant attendance; nor could they be believed in a negative, against positive evidence to the contrary. Their credit was not such, but that it might be well supposed, that, for the interest of their house, they might be induced to make stretches. The evidence was believed, and *Cooke* was found guilty, and condemned. He obtained many short reprieves, upon assurances, that he would tell all he knew. But it was visible, that he did not deal sincerely, and his punishment ended in a banishment.

As soon as the news came to Flanders, that the conspiracy was happily discovered, the King safe, and England freed from the apprehensions of an invasion, the Prince of *Vaudemont* and the

other Generals bethought themselves of making some attempt, by way of revenge, upon the French, for their intended invasion of England. In order to which, having drawn together a body of troops from several garrisons, the Earl of *Atblone*, and Lieutenant-General *Coborn* marched from *Namur* with forty squadrons, thirteen battalions, fifteen pieces of cannon, and six mortars. While the Earl, with the greatest part of these forces, invested *Dinant*, *Coborn* advanced with the rest of the troops and all the artillery to *Givet*, where the enemy had laid up a large magazine; and, having got his batteries in readiness by the 16th in the morning, he began to fire into the town with bombs and red-hot bullets, which set both the forage and houses on fire. At the same time a detachment of soldiers were commanded to enter the town with large flambeaux in their hands; which they performed with great bravery, firing the cazerns and granaries, where the oats and other magazines lay; so that the whole town and magazine were entirely consumed; and all this executed with the inconsiderable loss of nine or ten men.

Not long after Sir *Cloudfly Shovel* sailed out of the Downs with several men of war and bomb-vessels, and being come to *Calais* on the 3d of April, Captain *Benbow*, notwithstanding the vigorous opposition from the enemies boats and half-gallies, threw between three and four hundred bombs, most of which fell in the town, and among the imbarcations in the pier, and set fire to the town in three or four places, and to some vessels in the port. Though the success of this bombardment did not answer either the experience or expectation of the English, yet the damage was not so inconsiderable as the French gave out; it being certain, that several houses were burnt and spoiled, besides the Church and Convent and some part of the cazerns (1).

The Republic of *Venice* was the last of the States in Europe, not engaged in the war against England, that would acknowledge King *William*. After *Russel* had appeared with a great fleet in the Mediterranean, and the Republic saw a general peace could not be far off, they thought of sending an embassy to London. On the 11th of April this year, arrived, as Ambassadors Extraordinary from that State, Signior *Soranzo* and Signior *Venier*, and, after making a splendid entry on the 22d, they had their first public audience the 1st of May. *Soranzo* the eldest of the Ambassadors was knighted, and, according to the custom on the like occasion, the King presented him with his sword.

Before the King went abroad, he conferred the following honours and preferments.

George Hamilton, third son of Duke *Hamilton*, for his military services in Ireland and Flanders, was created Earl of *Orkney*, in the Kingdom of Scotland.

Sir *John Lowther*, on the 1st of May, was created Baron *Lowther* of *Lowther*, and Viscount *Lowdale* in the County of *Westmoreland*; and the same day Sir *John Thompson*, Bart. was raised to the dignity of a Baron of this Kingdom by the stile and title of Baron of *Haversham*.

(1) It is remarkable, that the French have raised a cross and oratory near a shell, which to this day sticks in the market-place at *Calais*, says *Byer*, Vol. III. p. 172.

Knighly
and
Cooke
tried.

Calais
bombard-
ed. Apr. 3

Ambassy
from Ve-
nice.

Honours
and pre-
ferments.

The Allies
burn the
French
magazines
at Givet.
Bower.
Venet.





G. KNELLER *Esq.*

PINXT 1697.

1696. *versham* of *Haversham* in the County of *Bucks*. At the same time his Majesty constituted Sir *Thomas Littleton* one of the Lords Commissioners of the Treasury; Mr *Christopher Musgrave*, Clerk of the Ordnance; and Mr *James Lowther*, Clerk of the Delivery of the Ordnance; and conferred the honour of Knighthood on *Theodore Jansen*, an eminent Merchant of the City of *London*, for the zeal, which he had on all occasions expressed for the Government, particularly in the business of the *Bank of England*. Not long after the Lord Keeper of the Great Seal of *England*, or the Lord Chancellor, the Lord President of the Privy-council, the first Commissioner of the Treasury, or Lord Treasurer, the first Commissioner of the Admiralty, or Lord Admiral, the two Principal Secretaries of State, and the Chancellor of the Exchequer, for the time being, and the Earls of *Bridgewater* and *Tankerville*, Sir *Philip Meadows*, *William Blaitwayte*, *John Pollexfen*, *John Locke*, *Abraham Hill*, and *John Meibum*, Esquires, were declared Commissioners of trade and plantations. Mr *Poype* was made Secretary to this Board.

The King goes abroad.

On the 1st of *May*, the King declared in Council, that he had appointed the same persons to administer the Government during his absence, who had discharged that trust the last year. The next day the King went from *Kenington* to *Margate*, and on the 3d of *May* embarked on board his yacht for *Holland*; but, the wind, which was then South South-east, turning in the evening to the Eastward, and there being an appearance of a storm, he came on shore again. Two days after, the wind being more favourable and the weather fair, he went on board the *Elizabeth*, Vice-admiral *Aylmer* Commander, and on the 7th landed at *Orange-Polder*, and about midnight arrived at the *Hague*.

Campaign abroad, chiefly carried on. Burnet. Boyer.

The summer passed over, both in *Flanders* and on the *Rhine*, without any action. The discovery of the plot, and the proceedings of the Parliament upon it, took up so much time, that the King could not prevent the enemies taking the field before him. But the common scarcity of money kept both armies quiet. All the funds given for this year's service proved defective, but that of the Land-bank failed totally; and the credit of the *Bank of England* was much shaken. About five millions of clipped money was brought into the Exchequer; and the loss that the nation suffered, by the re-coining of the money, amounted to two millions, and two hundred thousand pounds. The coinage was carried on with all possible haste; about eighty thousand pounds was coined every week: Yet still this was slow, and the new money was generally kept up; so that, for several months, little of it appeared. This stop, in the free circulation of money, put the nation into great disorder: Those who, according to the act of Parliament, were to have the first payments in milled money, for the loans they had made, kept their specie up, and would not let it go, but at an unreasonable advantage. The King had no money to pay his army, so they were in great distress, which they bore with wonderful patience: By this means, the King could undertake nothing, and was forced to lie on the defensive: Nor were the *French* strong enough to make an impression in any place; the King had a mighty army, and was much superior to the enemy, yet he could do nothing;

and it passed for a happy campaign, because the *French* were not able to take any advantage from those ill accidents, that our want of specie brought us under; which indeed were such, that nothing but the sense, all had of the late conspiracy, kept us quiet and free from tumults. It now appeared, what a strange error the King was led into, when he accepted of so great a sum, to be raised by a Land bank: It was scarce honourable, and not very safe at any time; but it might have proved fatal at a time, in which, money was like to be much wanted, which want would have been less felt, if paper credit had been kept up: But one Bank working against another, and the Goldsmiths against both, put us to great straits: Yet the Bank supplied the King in this extremity, and thereby convinced him, that they were his friends in affection, as well as interest.

On the other hand, *France* was very uneasy under so long and so destructive a war. The country was exhausted, and they had neither men nor money. Their trade was sunk to nothing, and public credit was lost. The creation of new offices, which always was considered as a resource never to be exhausted, did not work as formerly: Few buyers or undertakers appeared. The *French* King's health was thought declining; he affected secrecy and retirement; so that both the temper of his mind, and the state of his affairs, disposed him to desire a peace. Accordingly, this summer he made some steps towards it; and the straits, to which both armies were reduced, seemed to favour his negotiations. Before the King's arrival at the *Hague*, Monsieur *Callieres* was sent with propositions to the States, for settling the preliminaries of a treaty, at the same time that *d'Avaux* was pressing the King of *Sweden* to offer his mediation. The King of *France* addressed himself first to the *Dutch*, because he supposed, that they could not but be weary of a tedious war, which had almost ruined their trade, the only source of their riches, and even subsistence, and would therefore sooner hearken to peace, than either the Emperor or the King of *England*. It is true, the *Hollanders* had an absolute dependence upon his *Britannic* Majesty, not only because he was their Stadtholder, but also because, since their first settlement, they always found it, and esteemed it their interest to keep closely united to *England*, in order to maintain a balance between the Houses of *Bourbon* and *Austria*, and preserve themselves from being crushed by either. Yet, as the *French* King was at last resolved to acknowledge King *William*, (which resolution he took soon after the intended invasion miscarried) so he believed, that the *Dutch* would not coldly entertain the proposals, which he designed to make them, since, by removing this great obstacle, the way seemed to lie open to a general peace.

The States of *Holland* finding by the *French* King's proposals, and his offers to deliver up so many places, that there was room for an honourable and lasting peace, they gave *Callieres* a favourable reception, but yet refused either to grant him a passport, except by the concurring allowance of King *William*, or to treat without His and the consent of their other Allies. This was no more than *Callieres* expected; for though, at the treaty of *Nimeguen*, the *French* Plenipotentiaries found a way to draw the *Dutch* to a

1696.

Treaty of peace set on foot by France.

separate

1696. separate peace, by making them jealous of the Prince of Orange; yet he was persuaded, that the *Hollanders* were by this time too sensible of their former mistake, to suffer the *French* to play the same game over again. However, *Callieres* having positive orders from his Master not to acknowledge King *William*, till he had good assurances of the peace, he found out an expedient, which was, that the States and he should not come to a final conclusion; but, if they found reason to agree upon any point, that the same should be communicated to their Allies. To this the *Dutch* readily consented; and, amongst other particulars, demanded, as preliminaries of the treaty, the restitution of *Lorrain*, and of the towns of *Strasburg* and *Luxemburg*. *Callieres* granted both in his Master's name, but, upon condition, that *Lorrain* should be restored to the Duke of that name, on such terms only as had been agreed to at *Nimwegen*. This was opposed by the President *Canon*, who took care of the Duke of *Lorrain's* interests in *Holland*, under pretence, that, when his Master entered into the grand Alliance, the Confederates engaged never to conclude a peace, till he had full satisfaction done him; urging, that, if the Duke's dominions were not restored to him, but upon the terms of the peace of *Nimwegen*, he should rather be a loser than a gainer by the Confederacy, since he could have made a better bargain with the *French* King, before he entered into the war. But as, in most alliances, great Potentates seldom regard the concerns of those petty Princes, whom they have engaged in their quarrel, when they have no more need of them; so the Allies, after they had spoken once or twice in the Duke of *Lorrain's* behalf, did not think fit to insist any longer upon that affair; though *Canon* gave in several memorials, which were some time supported by the Imperial Ministers, whose Master was desirous to prolong the conclusion of the treaty. On the other hand, that spirit of chicanery, and injustice, that had reigned so long in the *French* Court, still appeared in every step, that was taken towards a treaty; for they made use of equivocal terms in every paper, which was offered in their name. The States-General had felt the effects of these in former treaties too sensibly, not to be now on their guard against them. But the *French* still returned to them; and, when some points seemed to be quite settled, new difficulties were still thrown in. It was urged by them, that the Popish religion must still continue at *Strasburg*; and that the King of *France* could not in conscience yield that point. It was also pretended, that *Luxemburg* was to be restored in the same state, in which it was when the *French* took it. These variations did almost break off the negotiation; but the *French* would not let it fall, and yielded them up again. So that it was visible all this was only an amusement, and an artifice, by this shew of peace, to get the Parliament of *England* to declare for it; since, as a trading nation must grow weary of a war, so the party, which they had among the *English*, would join in with the inclination, that was now become general, to promote the peace. For, though our affairs were in all respects, except that of the coin, in so good a condition, that the nation felt itself grow richer by the war, yet, during each campaign, we ran a greater risk than our enemies did; for all our preservation

hung on the single thread of the King's life, and on that prospect the party, that were averie to the Government, had great hopes, and acted with much spirit during the war, which there was great reason to think must sink with a peace.

To make the *Spaniards* the more willing to put an end to the war, the Duke of *Vendosme*, who this year commanded the *French* forces in *Catalonia*, resolved to make them feel the power of his Master's arms, by attacking them in their camp near *Ostalrick*. In order to this he passed the river *Ter*, and understanding, that the *Spanish* civility, commanded by the Prince of *Hesse Darmstadt*, had advanced out of the lines to observe him, fell upon them with great vigour. The *Spaniards*, seeing none but horse appear against them, resolutely stood their ground, and forced some of the *French* squadrons to retire. But, when they saw the number of the enemy increase, and a strong body of infantry come up to support them, they retreated in very good order under the cannon planted on their lines; where the *French*, eager of pursuit, met with such a warm reception, as quickly obliged them to retire in their turn. In this action the *Spaniards* lost near three hundred men, and the *French* about two hundred. Both the King and Queen of *Spain* were about this time so ill, that, as is usual upon such occasions, it was suspected they were both poisoned. The King of *Spain* relapsed often, and at last remained in that low state of health, in which he seemed to be always rather dying than living. The Court of *France* were glad of his recovery, being not then in a condition to undertake such a war, as the *Dauphin's* pretensions must have engaged them in.

The campaign on the *Rhine* was still more considerable than that in *Catalonia*. The *French* indeed, in the beginning of the spring, boasted their passing the *Rhine*, and forced Prince *Lewis* of *Baden* to intrench himself to avoid an engagement. But now, towards the end of the year, the Prince in his turn crossed the *Rhine* near *Mentz*, and, being joined by the *Hessian* troops, advanced to *Neuwied*, where the *French* were so strongly intrenched, that all he could do was to cannonade them for several days. It was at the same time so contrived, that General *Thungen* should have passed the *Rhine* not far from *Philipsburg*, in order to have attacked the *French* in the rear; but they, having notice of that design, detached the Marquis d'*Uxelles* to disappoint it. So that the *Germans*, after they had got some booty, and divers hostages for contribution, repassed the *Rhine* towards the beginning of *October*, and then marched into winter quarters.

The principal affair of this year, in relation to the grand Confederacy, was managed in *Italy*. During the winter the Court of *France* renewed their intrigues with the Duke of *Savoy*, to engage him in a separate peace. The Pope's Nuncio, and the Venetian Envoy, seconded the designs of that Crown, their Masters being desirous of sending the *Germans* out of *Italy*, and taking the Duke out of the necessity of depending on those, whom they called Heretics. The management in the business of *Cesal* looked so dark, that the Lord *Galeazzo*, the King's General and Envoy there, apprehended there was something mysterious under it. But the Duke would not own, that he was in any negotiation, till he

Campaign
in Catalo-
nia.

Campaign
on the
Rhine.

Affairs of
in Piedmont.

1696, should have received the advances of money, that were promised him from *England* and *Holland*; for he was much set on heaping up treasure, even during the war; to which end he had debased his coin so, that it was not above a sixth part in intrinsic value of what it passed for. He was always beset with his Priests, who were perpetually complaining of the progress, which Heresy was like to make in his dominions. He had indeed granted a very full edict in favour of the *Vauds*, restoring to them their former liberties and privileges, which the Lord *Galway* took care to have expressed in the most emphatical words, and passed with all the formalities of law, to make it as effectual, as laws and promises can be. Yet every step, that was made in that affair, was merely extorted from the Duke by the intercession of the King and the States-General, and by the Lord *Galway's* zeal. But the *French* were grown so weary of the war, and found the charge of it so heavy, that they made the Duke such large and advantageous offers, that he resolved to accept them, notwithstanding his strict engagements of honour to the Allies. However he wanted not plausible reasons to justify his conduct in this point; for though *England* and *Holland* had ever punctually paid in the subsidies, which they had promised, and even something more; yet the Emperor and King of *Spain* were greatly in arrears in their contributions and supplies. Indeed the Allies did not fail to assure him, that they would procure him conditions at the general treaty, as much, if not more, advantageous, than those, which *France* offered him at present. But those were loose and distant promises, and these of *France* certain and at hand, and supported besides by threats from that Crown to invade the rest of his country next summer with a formidable army. However, though the Duke urged the probability of the effects of this threatening, to justify his conduct to the Allies; yet it is certain, that a stronger motive inclined him to a separate peace, and that was the marriage of his eldest daughter to the *Dauphin's* eldest son. It was not safe to conclude this treaty at *Turin*, where the Duke was narrowly observed by the Lord *Galway*; and therefore, to escape the sagacity of that Minister, he went towards the close of the winter, with a small retinue of his own naming, to our *Lady of Loretto*, concealing a political journey under the pretence of a religious vow. This gave no small umbrage to the Lord *Galway*, who knowing him to be more a statesman than a bigot, and being refused to accompany him, sent spies after him. But, notwithstanding all their vigilance, they could never get the least notice of the treaty of peace, which the Duke signed at *Loretto*, by the mediation of the Agents of *Rome* and *Venice*, and a pri-

vate messenger from the Marshal *de Catinat*. By this treaty the *French* restored to the Duke all the new conquests, which they had made, as also *Pignerol* demolished; gave him four millions of livres towards the reparation of the damages, which he had sustained during the war; engaged to assist him with eight thousand foot and four thousand horse, to be maintained at the charge of the King of *France*; and that a marriage between the Duke of *Burgundy*, and the Princess, his daughter, should be forthwith treated of, to be consummated as soon as they should be of age. As for the Princess's portion, it was agreed, that the Duke should give her two hundred thousand crowns of gold, towards the payment of which, he was to give a discharge for one hundred thousand crowns of gold, which remained due by *France* to the House of *Savoy*, as a part of the *Duchess Royal's* portion; and the remainder the *French* King promised to remit, in consideration of this present treaty, of which the Pope and *Venetians* were guarantees, and which was soon after ratified in *France* (1).

As soon as the Duke was returned from *Loretto*, his chief care was to conceal this engagement, not only from the Ministers and Generals of the Allies, but even from his own. The Marquis *de St Thomas* was the only person, whom he had entrusted with this important negotiation, and who, in a disguise, had taken many journeys to *Pignerol*, to confer either with Count *de Thesse*, Governor of that place, or with Marshal *de Catinat*, who came thither incognito upon the same account. But because it is almost impossible for a Minister of State to absent himself from Court, without being missed, the Marquis *de St Thomas's* frequent disappearing gave no small suspicion to the Ministers of the Allies, who caused him to be so diligently observed, that his clandestine journeys to *Pignerol* were at last discovered. Though this was a convincing proof of the Duke of *Savoy's* holding intelligence with the enemy, yet they managed him very tenderly, and never took notice of the matter. But, not long after his return from *Loretto*, the King, having received information of the separate treaty concluded there, acquainted the Lord *Galway* with it, who immediately communicated this advice to the other Ministers of the Allies, and began his expostulations with the Duke, shewing him the principal articles, which he had concluded with *France*. The Duke was extremely surprized at this discovery, but persisted in denying it, till the *French*, advancing to his assistance, enabled him to throw off all disguise, without fearing the resentment of his Allies. For, to cover this defection from the Allies, it was further agreed, that *Catinat* should draw his army together, before the Duke could bring his, to make head against him; and that he should

A separate
peace be-
tween
France
and Sa-
voy.

(1) *Lambert* in his *Memoirs* (I. p. 1.) says, it was believed that *France* caused it to be reported, that the Duke's pretence, for making a separate peace, was King *William's* declaring to the Count *de la Tour*, that the giving *Pignerol* to the Duke of *Savoy* should not be insisted on. This was only to cover the true spring of that peace, which was negotiated by surprise. The success of the Assassination-plot, in 1696, was thought so certain, that about the time it was to be executed, the Court of *France* sent a person of distinction to the Duke of *Savoy*, who represented to him, that King No. 21. VOL. III.

William was just then killed. That he knew him to be the support of the Grand Alliance, which would be now entirely broken, and therefore the Duke ought to take care of himself. That *France* had a great regard for him, and would grant him advantageous terms. The Duke was surprized at this news, which the other perceiving, told him with an air of assurance, that he must give an immediate and positive answer. The Duke desired half an hour to consider, which being granted, he walked into his closet, and the time being elapsed, he accepted the offers of *France*.

1696. should be ordered to attempt the bombardment of *Turin*, that so the Duke might seem to be forced, by the extremity of his affairs, to take such conditions as were offered him. Accordingly, towards the end of *May*, Marshal *de Catinat* came down from the mountains of *Savoie* into the plains of *Turin*, with an army of near fifty-thousand men, and much superior in number to the Confederates. The Duke of *Savoie* still dissembled; and, as if there had been no intelligence between him and the Court of *France*, under pretence of defending his places, he put all his own infantry into them, and sent all the Confederate forces to the camp at *Montcallier*, which he fortified by drawing a line from the *Doero* to the *Po*, in order, as was pretended, to secure his capital city against a bombardment.

Of all the officers in the *French* army, the Marshal *de Catinat* alone was acquainted with the treaty, which occasioned some disputes between him and the Grand Prior. The Duke, the better to cover his design, sent out daily *German* parties to harrafs the *French* foragers, which generally returned with advantage. This the Grand Prior bore with great impatience, and had often desired leave of the Marshal to charge them, but had still been denied. Provoked by these refusals, and ascribing the General's conduct either to want of courage or experience, in the height of his zeal for the *French* King's service, he acquainted him with *Catinat's* proceedings, in a letter subscribed by most of the other subaltern Generals. The King smiled at this information, and sent an answer, that the Marshal had obeyed his orders, and that, in a short time, the event would fully justify his conduct. The Grand Prior questioned the King's meaning, of which he had no longer reason to doubt, when, on the 12th of *July*, a truce was concluded for a month, and afterwards continued to the 15th of *September*. The Duke of *Savoie* endeavoured to obtain the consent of the Allies to this suspension of arms; but, though they still refused it, yet they behaved themselves so, as if they had in effect accepted it. The Duke had demanded so much time, that he might, at least with some shew of honour, disengage himself from his Confederates; for, as early as the month of *June*, he had begun to throw off all disguise; and having communicated to the Ministers of the Allies, the proposals which *France* made him, and represented the great superiority of the enemies army, he owned his inclination to accept them, palliating his breach of the treaty of Confederacy with several plausible reasons. Moreover, he wrote to most of the Potentates concerned in the Grand Alliance, to ask their consent; but though every one of them positively refused it, yet he did not stop here, but signed again openly the treaty, which he had secretly concluded some months before. The Allies, on their part, left no means untried to bring him back to their interest. They made him offers more advantageous than the former; and Count *Mansfield*, whom the Emperor had sent express on this important affair, proposed a match between the King of the *Romans* and the Princess of *Savoie*, with an augmentation both of troops and subsidies. But all the Count's eloquence, which he exerted on this occasion, was to no purpose, for the Duke remained firm in his former engagement. Prince *Eugene*, who

commanded the Imperial troops, though nearly related to the Duke, was extremely provoked at this unexpected change; and Prince *Connercy*, a youth of a violent spirit, was so enraged at it, that he sent a challenge to the Duke, who would have met him sword in hand, but was with great difficulty prevented by some of his Courtiers, who happened to be informed of the challenge. This quarrel was soon after made up, and these two Princes parted very good friends. In this interval, the *French* hostages for the treaty, the Count *de Tressé*, and the Marquis *de Bouffle*, arrived at *Turin*, with magnificent equipages; and at the same time the Count *de Tano* and the Marquis *d'Aix*, were sent by the Duke to *Catinat's* camp upon the same account.

One of the chief reasons, which made the Duke of *Savoie* conceal his separate peace with so much precaution, was (as has been noted) his design of getting the remaining part of the subsidies due to him from the Confederates. He was particularly informed of a considerable remittance from *England* to *Genoa*, which he wanted to have had in his own coffers; but, the Lord *Galway* being acquainted in time with his new engagements, he stopped that money, of which he afterwards made use in the *Milanese*, for the payment of the troops under his command, and of some *Bavarians* and *Brandenburgers*, which he took into the *English* service. It is reported, that some of the subaltern Generals of the Allies had formed a design to seize on the City of *Turin*, of which they were already in possession; and at the same time to secure the Duke's person, in order to force him to break with *France*. Of this he was informed, but seemed little to mind or fear it; for, though he durst not go to the camp at *Montcallier*, yet he passed and repassed daily by the *Spanish* and *German* guard, as he went out of *Turin*, and often viewed their incampment on the glacis of that city. After all, such an enterprize might easily have been executed, but to go through with it would have been almost impossible, considering the weakness of the Confederates, and the strength of the *French*, who, by the help of the inhabitants and the Duke's troops, would quickly have made themselves masters of all the places in *Piedmont*, and shamefully turned out the intruders. Accordingly, this project was disdainfully rejected by the Lord *Galway*, and the other Generals in chief, who had more wisdom than to violate the rights of sovereignty in so unwarrantable a manner.

When the news of these proceedings reached *Flanders*, King *William* was incamped at *Gembours*, where President *de la Tour*, the Duke of *Savoie's* Envoy, notified to him the separate peace, which his Master had made with the *French* King, and that the forces of the Allies were to depart his country within a limited time, or be forced to it by his troops assisted by those of *France*; but that it was in the power of the Confederates to make a neutrality, which should include all *Italy*, within the same time. The King, who was justly concerned, that the Duke should by letter have excused the matter to the Emperor, King of *Spain*, and the Electors of *Bavaria* and *Brandenburg*, and not to himself, received Count *de la Tour's* message with great coldness, and with his usual reservedness turned the discourse to other subjects.

The King of *France*, in conformity to the treaty,

1696. treaty, made a solemn resignation of all manner of pretensions to *Savoy*, and the Duke's territories, whilst the troops of the Allies began to retire out of a country, where they were already looked upon as enemies; and to provide for the security of the *Milanese*, which the *French* forces, in conjunction with those of *Savoy*, were to attack, in order to force the *Spaniards* to accept of the neutrality, that was offered them and the rest of the Confederates. The Duke followed them close, and, upon the expiration of the truce, entered the *Milanese* at the head of the *French* and his own troops, by virtue of his Commission of Generalissimo from the *French* King; and four days after laid siege to *Valentia*. Thus, by an adventure not to be paralleled in history, the same General commanded two contending armies in one campaign. Nay, it is remarkable, that the Duke, before the Allies departed his territories, gave the orders to them, and at the same time to the *French*, both parties acknowledging him for their chief; a strain of policy unknown even to his ancestors, though they shewed themselves inconstant enough between the Houses of *France* and *Austria* upon several occasions.

The siege of *Valentia* was rather a political than a formal attack. For though the Duke of *Savoy*, who had all honours paid him as Generalissimo, was for making a vigorous attempt upon the place, because it was agreed, that all the conquests made on the *Spaniards* should remain in his possession; yet, *Catinat* having private orders from the *French* King not to oblige the Duke any further than his interest seemed to require it, being unwilling to suffer a Prince, who had been already so troublesome a neighbour to *France*, to increase his power in *Italy*, he prolonged this siege as much as possible, in order to give the Allies time to come in and accept the neutrality, which was the chief thing, the *French* King had in view. Mean while the treaty was carrying on by the Prince of *Fundi* for the Emperor, the Marquis de *Leganez* on the part of the *Spaniards*, the Lord *Galway* for King *William*, and the Marquis de *St Thomas* for the Duke of *Savoy*; and many conferences were held, before they could be brought to any conclusion. But though the *Savoyards* in good earnest, and the *French* in appearance, were so eager to take *Valentia*; yet *Catinat*, for the reason beforementioned, having formed the attacks on the strongest side, and the garrison, which consisted of near seven thousand men, *Germans*, *Spaniards*, and *French* Protestants, making an obstinate resistance; the besiegers, after thirteen days of open trenches, and the loss of two thousand men, had made no considerable progress; when unexpectedly the Marquis de *Leganez*'s messenger brought the King of *Spain*'s acceptance of the neutrality of *Italy*. In this the *Spaniards* made a hasty step; for, had they staid a little longer, the great and continual rains, which began to fall as soon as the treaty was signed, would certainly have obliged the *French* to raise the siege, and forced the Duke of *Savoy* to give them winter-quarters in *Savoy*. By this treaty it was agreed, 'That there should be a neutrality or suspension of arms till a general peace. That the Imperial and *French* troops should depart out of *Italy*, and return into their own countries. That in lieu of winter-quarters, which the Princes of *Italy* were o-

therwise obliged to allow the Imperialists, they should furnish them with three hundred thousand crowns, that is to say, one third before their retreat, and the remainder at a time prefixed, upon sufficient security: And that, as soon as the Imperialists should begin to march off with some part of their troops, the *French* proportionably should do the like.' Thus by the intrigues and artful negotiations of *France* was concluded the particular peace of *Italy*; which undoubtedly was a great step towards a general one, through the advantage, which that Court reaped from this neutrality; since by it they not only saved great sums of money, but were at liberty to turn their united forces against the rest of the Confederates. Indeed an accident, which fell out not long before, seemed to embroil the Princes of *Christendom* in new contests; and that was the death of *John Sobieski*, the Third of that name, King of *Poland*, who died of an apoplectic fit, in the 70th year of his age. His decease, as it usually happens in elective Kingdoms, was attended with much confusion among his subjects, and great animosities between the Competitors for his Crown.

Thus ended the war in *Piedmont*, after it had lasted six years: *Pignerol* was demolished; but the *French*, by the treaty, might build another fort at *Fenestrella*, which is in the middle of the hills, and so would not be so important as *Pignerol* was, though it might prove an uneasy neighbour to the Duke of *Savoy*. The Duke's daughter was received in *France* as Duchess of *Burgundy*, though not of the age of consent; for she was but ten years old.

This year proved also fatal to *Mary Anne* of *Austria*, Queen-Mother of *Spain*, who died of a cancer in her breast. Her death was as considerable a loss to the Confederates in general, as to the *Spaniards* in particular, considering her prevailing influence over the *Spanish* councils, to make them take such resolutions, as were conformable to the interests of the common cause. She was daughter to the Emperor *Ferdinand III*; was born in 1634, and married in 1649 to *Philip IV*, King of *Spain*.

Our affairs at sea went well, with relation to trade. All our merchant fleets came safely home, and we made no considerable losses. On the contrary, we took many of the *French* privateers; which now gained little in a way of war that, in some of the former years, had been very advantageous to them. Upon the breaking out of the conspiracy, orders were sent to Sir *George Rooke* at *Cádiz*, to bring home the squadron under his command. The *Spaniards* murmured at this; tho' it was reasonable for the *English* to take care of themselves, in the first place. Sir *George*'s arrival, the latter end of *April*, dissipated the fears that the *Brest* and *Toulon* squadrons might join and intercept him. For the *Toulon* squadron had also orders to come about; and they got into *Brest* and other harbours, before Sir *George*, being joined by some other men of war from the *Downs*, was ready to meet them. He left the *French* coasts, and, on the 23d of *May*, went into *Torbay*; from whence he set out for *London*, to assist at the Admiralty-board, having resigned the command to the Lord *Berkley*. About three weeks after, Lord *Berkley* sailed towards *Ushant*, to insult the coast of *France*. To that end, he commanded the *Burford* and *Newcastle* with a fire-

1696.

King of
Poland
dies.
June 17.

Anne of
Austria
dies.
May 17.

Affairs at
sea.
Burnet.
Burchet.

Valentia
besi ged.

1696. fire-ship to land on the island of *Guoy*, and at the same time some small vessels were sent along the shore. The fleet anchored near *Belle-Isle*; and the boats were immediately manned, and ordered to land upon *Horeah*, one of the islands called *The Cardinals*; which they did, and burnt the town. They had the like success on *Hoddicke*, another of those islands. Three *English* and two *Dutch* men of war, with the long boats, and other ships, and seven-hundred soldiers and mariners, were sent to join the men at *Guoy*, who, with their assistance, destroyed twenty villages, took as many small vessels, and killed and carried off one thousand six hundred horses and black cattle. Mean while, Sir *Martin Beckman*, with the bomb-vessels, and ten men of war, under the command of Captain *Mees*, arrived before *St Martin's*, a trading town on the isle of *Rhee*. About two thousand bombs and carcasses were fired with such success, that the greater part of the town was burnt, or miserably shattered. The *French*, recovering their surprize, brought cannon and mortars to the shore, and fired upon the *English*, who, contenting themselves with the mischief they had done, sailed away towards *Olonne*; where they had but little success, through a mistake in the situation of the place. These losses, though not considerable in themselves, put the *French* affairs into great distraction; and the charge which they were at, in defending their coast, was much greater than ours, in attacking it. But it is very probable, that much greater advantages might have been made, if the fleet had not been so divided, that faction appeared in every order, and in every motion. Nor did the King study to remedy this, but rather kept it up, and seemed to think that this was the way to please both parties; though he found, afterwards, that, by all his management with the Tories, he disgusted those who were affectionate and zealous to him; and that the Tories had too deep an alienation from him, to be overcome with good usage. Their submission, however, to him gained their end, which was to provoke the Whigs to be forward and uneasy.

Du Bart's success at sea. The *French* thought the mischief done upon their coast to be, in some measure, repaired by the famous *Du Bart*, who, with eight men of war, and four privateers, fell in with a great fleet of *Dutch* merchant-ships, homeward bound from the *Sound*, under convoy of six or seven frigates; and, having taken the frigates, and burnt four of them, destroyed about thirty merchant-men, and took several of the rest. This was the state of affairs at home and abroad this summer.

Affairs of Scotland. Burnet. The 8th of September, the Parliament of Scotland met at *Edinburgh*; and the Lord *Murray*, Secretary of State, and lately created Earl of *Tullibardine*, was appointed the King's Commissioner. Scotland was now falling under great misery, by reason of two successive bad harvests, which exhausted that nation, and drove away many of their people; the greatest number went over to *Ireland*. The Parliament was very thin, to whom the Commissioner made a speech on the occasion of their meeting; as did likewise the Lord *Pelwarth*, Chancellor of Scotland. Two days after the King's letter was read, and then all the Members signed an *Association*, the same in substance with that in *England*. They resolved to give the King a supply of 1,440,000*l*.

Scots, to be raised by a land-tax, and an additional excise, for maintaining the standing forces both by sea and land. And, considering the danger this Kingdom was in by the late conspiracy, they ordered an act to be brought in, for securing their religion, lives, and properties, in case his Majesty should come to an untimely death; and another for obliging all in public trust to sign the *Association*. These acts being passed, which were great checks upon the enemies of the Government, the Parliament, on the 12th of October, was adjourned to the 8th of December.

On the 30th of May, the Lord *Capel*, Lord Deputy of *Ireland*, dying after a long sickness, the Council, in pursuance of an act made in the 33d year of King *Henry VIII*, elected the Lord Chancellor *Porter* to be Lord Justice, and Chief Governor of that Kingdom, till the King's pleasure was known. The *Irish* Parliament met at *Dublin*, the 29th of June, according to their last adjournment. In the Lords House the King's Commission was read, appointing the Lord Chief Justice *Haly* to be their Speaker; and the Commons, at the same time, having expelled Mr *Sanderfon*, the only Member of the House, who had not signed the *Association*, adjourned to the 4th of August; upon which day Sir *Charles Porter*, Lord Chancellor, and the Earls of *Montrath* and *Drogheda*, now appointed Lords Justices and General Governors of *Ireland*, signified the King's pleasure to the Parliament, that they should farther adjourn themselves.

On the 8th of December, Sir *Charles Porter* was seized with a fit of an apoplexy, and died immediately.

The King, being weary of a campaign, that afforded him no opportunity for action, left the army towards the latter end of August under the command of the Elector of *Bavaria*, and went to his usual diversion of stag-hunting about his palaces of *Dieren* and *Loo*. On the 14th of September, he set out from *Loo*, accompanied by the Duke of *Zell* (a Prince, whom he ever respected as a father, and loved as a brother) and the next day went to *Cleves*, where he was magnificently entertained by the Count of *Brandenburg*, who were come thither on purpose to receive his visit. Having spent two days at this agreeable place, the King and the Duke of *Zell* went back to *Loo*, where three days after he was followed by the Elector of *Brandenburg*, in return of his visit at that court. Having staid three weeks longer at this place, the King went to the *Hague*, and embarked on board the *William and Mary* yacht, attended by a squadron of men of war under the command of Vice-admiral *Aylmer*. Two days after he landed at *Margate*, and arrived the same evening at *Kenfington*.

The Parliament, after several prorogations, being met at *Westminster* on the 20th of October, the King made the following speech to both Houses.

My Lords and Gentlemen,

I Have called you together as soon as was possible; and I think it a great happiness, that this year has passed without any disadvantage abroad or disorder at home, considering our great disappointment in the funds given

Affairs of Ireland.

The King returns to England.

OR. 4.

The second Session of the third Year. a. m. m. Octob. 20.

The King's speech. P. 11. C. 111. 25.

1696. 'given at your last meeting, and the difficulties, which have arisen upon the recoining of the money.

'This is so convincing a proof of the good disposition of my army, and of the steady affections of my people, that I cannot but take notice of it with great satisfaction. Our enemies have not been without hopes; that such a conjuncture might have proved fatal to us. But, as they have failed in those expectations, so I am fully persuaded, that your unanimous proceedings in this Session will make them for ever despair of an advantage from any disagreement among ourselves.

'It must be confessed, that the business, which you have before you, will be very great, because of the necessity of supplying former deficiencies, as well as making provisions for the next year's service.

'And, upon this occasion, it is fit for me to acquaint you, that some overtures have been made in order to the entering upon a negotiation for a general peace. But I am sure we shall agree in opinion, that the only way of treating with France is with our swords in our hands; and that we can have no reason to expect a safe and honourable peace, but by shewing ourselves prepared to make a vigorous and effectual war. In order to which, I do very earnestly recommend to you, Gentlemen of the House of Commons, that you would consider of raising the necessary supplies, as well for maintaining the honour of Parliaments in making good the funds already granted, as for carrying on the war the next year; which I think ought not to be less than what was intended to be raised for that purpose the last Session.

'I must also put you in mind of the civil list, which cannot be supported without your help; and the miserable condition of the French Protestants does oblige me to mention them to you again.

'My Lords and Gentlemen,

'It may deserve your consideration, whether there do not still remain some inconveniencies relating to the coin, which ought to be remedied. And I hope you will find out the best expedients for the recovery of credit, which is absolutely necessary, not only with respect to the war, but for carrying on of trade.

'I am of opinion, that there is not one good Englishman, who is not intirely convinced, how much does depend upon this Session; and therefore I cannot but hope for your unanimity and dispatch in your resolutions, which at this time are more necessary than ever for the safety and honour of England.'

those Princes shewed to Parliaments, on almost all occasions, was a proof of their disposition to get rid of them, and rule without them, whenever it was in their power; as the complacency and temper in King William's speeches were proofs that he looked upon himself as the Father of his People, who could not well avoid making him suitable returns of duty and affection. Accordingly the House of Commons unanimously voted, *That they would support his Majesty and Government against all his enemies both at home and abroad; and that they would effectually assist him in the prosecution of the present war against France, and that an humble address should be prepared to be presented to his Majesty pursuant to the said resolution.* This address, being drawn up by Mr Mountague, Chancellor of the Exchequer, was presented to the King by the whole House, on the 23d of October, and was as follows:

May it please your most excellent Majesty,

THIS is the eighth year, in which your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, have assisted your Majesty with large supplies for carrying on a just and necessary war, in defence of our religion, preservation of our laws, and vindication of the rights and liberties of the people of England, which we have hitherto preserved, and by the blessing of God, upon your Majesty's conduct and good government, will stedfastly maintain and entail upon our posterity.

'This hath cost the nation much blood and treasure, but the hopes of accomplishing so great and glorious a work have made your subjects cheerfully support the charge. And to shew your Majesty and all Christendom, that the Commons of England will not be amused or diverted from their firm resolutions of obtaining by war a safe and honourable peace, we do, in the name of all those we represent, renew our assurances to your Majesty, that this House will support your Majesty and your Government against all your enemies both at home and abroad; and that they will effectually assist you in the prosecution and carrying on the present war against France.'

To this the King returned the following answer:

Gentlemen,

'The continuance of your zeal and affection is the thing in the world I value most; and I will answer it by all the ways I can think of; and will make your good, and the safety of the nation, the principal care of my life.'

These assurances of affection on the one side, of loyalty on the other, and of mutual confidence in both, being given, the Commons entered upon the three great affairs, recommended to them from the Throne; namely, the further remedying the ill state of the coin; the providing a supply for the next year's service; and the restoring of public credit; all which had a near dependence upon each other, and made the difficulties more intricate.

As to the coin, the Commons resolved, that they would not alter the standard of gold or silver in fineness, weight, or denomination; and because

Protest. ing of the Parlia- ment about the coin. because ibid.

Remarks
on the
King's
speeches.

Whoever was consulted in forming and drawing up of King William's speeches, the wisdom and spirit of them are his own; and there are in them a temper and complacency, which cannot but affect all that heard or read them, let the necessity of his affairs oblige him ever so often to call upon his Parliament for supplies, towards carrying on a war in which he engaged by their advice. The difference between this Government and that of the Princes who reigned immediately before him, may be conceived in part even by their speeches. The little deference

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1696. because the circulation of guineas has been obstructed of late, by reason of the want of other coin, and the act made the last Session to take off the obligation of coining gold, a bill was passed, which received the Royal assent, for leave to import guineas, and coin gold at the *Mint*. While guineas, for want of silver money, were current at thirty shillings, the *Dutch* and other foreigners imported as many as they could find into *England*, and laid them out in the most merchantable wares; by this means they made a gain of their guineas, of as much as the then currency of them was, above their real value, which was so much loss to the *English*, and, to prevent this inconvenience, the bill against importing guineas was past. But, now that the value of guineas was reduced to little more than the real value, that reason against bringing them in ceased. Two other acts were also passed; one for the further remedying the ill state of the coin, and the other, for encouraging the bringing wrought plate into the *Mint* to be coined. By these acts, the hammered money and plate were to be received at five shillings and four pence an ounce.

The supply for 1697.

As to the supply, the Commons having considered the state of the war for the year 1697, both in relation to the navy and land-forces, which, at their desire, had been laid before them, they granted the sum of two millions, three hundred and seventy-two thousand, one hundred and ninety-seven pounds for the maintenance of forty-thousand seamen, and of two marine regiments, and for the ordinary of the navy, and the charge of the registry of seamen; and the sum of two millions, five hundred and seven thousand, eight hundred and eighty-two pounds, for the maintaining eighty-seven thousand, four hundred and forty men, to be employed in *England* and beyond the seas; and for the extraordinary service of the office of ordnance, the pay of the general officers, and the charge of the transports, hospitals, and other contingencies of the war. Besides which, they voted the sum of 125,000*l.* for making good the deficiency in recoinning the hammered money, and the recompence to be given for bringing plate into the *Mint* (1).

To raise the sums granted for the prosecution of the war, the Commons had recourse to the most equal of all impositions, a general poll-tax, laying a duty upon all persons according to the true value of their real and personal estates, professions, employments, &c. So that none were exempt from the tax, but such as received alms; and at the same time they laid three shillings in the pound upon land (2).

The public credit restored. Burnet. Pr. H. C.

But the great difficulty was to find a way to restore public credit. All tallies and funds settled by Parliament, especially such as were remote, were exchanged for ready money at a very great loss, and the Government was obliged to make excessive discounts and allowances to bring treasure into the *Exchequer*. This great

loss of credit, which was like to have proved fatal to our affairs abroad the last summer, arose chiefly from two causes: The deficiencies of all the Parliamentary funds (particularly the unhappy project of the *Land-bank*, which totally failed, and did not produce one penny of above two millions and an half, with which it was charged) and the recoinning of the silver. It is easy to imagine what freights the nation was in, when the notes of the Bank of *England*, which had been a great help to the public, were discounted at twenty, and tallies at forty, fifty, or sixty per cent. The Government had contracted a great debt; and these arrears were put upon the funds of the revenue, which had been granted, but for five years, and that term was now expiring. Great numbers of tallies were on funds very remote, and many had no funds at all. Hereby the trust and good opinion of the people were so far lost, that those few, who had any money to lend, shewed the greatest backwardness imaginable to bring it into the *Exchequer*, when they could employ it in stock-jobbing to so great advantage upon the *Royal Exchange*; and therefore all loans to the Government were procured on exorbitant premiums.

All men were amazed, and wondered what measures the Parliament would take, in such perplexing difficulties, hardly believing it possible to find out any expedient, that could be effectual to repair so great a mischief. The enemies of the Government had now the satisfaction of seeing it sufficiently distressed, since our affairs could not be more embarrassed than they were at this juncture. And, as the wisest men without doors were at a loss how to cure this evil, so the malecontents concluded, that it never would be cured, and therefore considered the Government as desperate, and triumphed in the expectation of a sudden revolution. But this Parliament, which was principally animated by the wisdom, sagacity, and eloquence of Mr *Mountague*, Chancellor of the *Exchequer*, being fully convinced, that the restoration of public credit was a point of the utmost importance, instead of being discouraged by the difficulty of effecting it, were rather excited to undertake the work with greater zeal and application. They were made sensible, that one great spring of this mischief, was the deficiencies of several aids and duties, which neither had been nor ever would be sufficient to answer the principal and interest charged upon them; and that these deficiencies, and the remoteness of the course of payments, were the true reasons, why the owners of such tallies were frequently necessitated, for the procuring of ready money, to dispose of them at a great loss; by which means the public credit was extremely weakened, commerce interrupted, and other public and private affairs exceedingly perplexed. The Commons therefore came to a resolution, 'That a supply be granted to make good the deficiencies of Parliamentary funds;' and afterwards ordered an

(1) For raising this sum, a duty of six-pence per ounce was laid upon all plate, that should not be brought in; and a duty of twenty per cent. upon all paper, pasteboard, vellum, and parchment imported, and 17*l.* 10*s.* upon the same goods made in this Kingdom, or in stock, for the term of two years.

(2) A duty of 15*s.* per cent. was also laid upon leather for three years. The old subsidy of tonnage and poundage was also doubled (dying wares excepted) for two years and three quarters, and an additional aid of one shilling in the pound upon land.

1696. an estimate to be laid before them of what sums were wanting to satisfy and discharge all the principal and interest due on the several funds, and, the computation being made, the whole amounted to five millions one hundred and sixty thousand four hundred pounds. In order to discharge this immense arrear, the Commons continued divers duties arising not only by the customs, but by continued and additional impositions; paper and parchments, births and marriages; windows; the subsidies of tonnage and poundage, after the day on which they would otherwise have expired, to the 1st day of August 1706; and appointed all the monies, which should arise, and be brought into the *Exchequer* from any of these taxes or duties thus continued, to be the general fund for making good all the deficient ones, by the satisfaction and payment of the principal and interest due thereupon. And that all occasion of complaint might be removed, and equal provision made for all, the Parliament directed, that all monies arising from the duties, appropriated for the general fund, should be distributed and applied to pay principal and interest upon every one of the deficient funds, in proportion to the sum, of which they were deficient; and that all the money, which should be in such a due proportion distributed, should be paid out to all, who were intitled to receive the same, in such course and order, as if the same were monies really arising by the respective deficient funds, and that without being diverted, misapplied, or postponed. Besides, to remove all doubts about the security intended to be given, in case, on the 1st of August 1706, or within three months then next ensuing, the whole produce of the several funds and revenues appropriated for a general fund, together with other grants then in being, should not be sufficient to discharge the sum of 5,160,400 *l.* intended to be discharged, that then what was deficient, should be made good out of such aids or revenues, as should be granted in the next Session of Parliament. Thus in one Session the Parliament not only raised a supply of above five millions, for the service of the next year, but also provided a sufficient security for a debt of five millions more. Nor was this all,

for the Parliament likewise took into consideration, by what means they might support the credit of the Bank of England, which was now ready to sink.

To this end, it was agreed to engraft upon the capital stock of the Bank 800,000 *l.* more by new subscriptions, at eight *per cent.* interest, to be paid by tallies and Bank notes. Accordingly, a million was subscribed and paid in that manner (1). This expedient came from Mr *Moun- tague*; and though many persons, who were interested in it, could not presently apprehend the reasonableness of it, yet the advantages, which they afterwards received, fully convinced them, that no other way could have been found to restore their lost credit. For, the value of two hundred thousand pounds in Bank notes being sunk by the new subscriptions, the rest, as it was reasonable to believe they would, began presently to rise in worth; and so likewise did the tallies, after so many as amounted to eight hundred thousand pounds were paid in to enlarge the Bank. Upon this the credit of the Bank recovered immediately, till in a few weeks their notes, which bore no interest, were equal with money, and their bills, that bore interest, better than money. And by this means the face of affairs was quickly much changed for the better; credit began to revive, and money to circulate on moderate terms; foreign exchange was less to our disadvantage, and soon after to an equality; and whatever hardships the people had undergone by reason of the war, and the recovery of the silver money, which could not but occasion many complaints; yet the greatest part ascribed this to the necessity of affairs, and began to hope, both from the prospect of a peace, and the wisdom of those at the helm, that they should enjoy more favourable times.

Another evil of no less difficulty or importance than the loss of credit, and which was the chief one of the causes of that loss, remained still to be removed, the great scarcity of money. The Parliament, to prevent disappointments by settling funds, which might be deficient, came to a resolution, 'That the supplies for the service of the year 1697 should be raised within the year.' But how could above five millions be raised

(1) The proportion was four fifths of the subscriptions in tallies, and one fifth in Bank notes, and an interest of eight *per cent.* was allowed, as well for such tallies, that should be brought in to enlarge their stock by new subscriptions, as for those tallies, which the Company was then possessed of, provided they did not exceed the value of those Bank notes, which should be paid in upon this engraftment on their stock; and, for securing the payment of this interest of eight *per cent.* the additional duty on salt was afterwards granted and appropriated. The time of the continuance of the Bank of England they thought fit to extend to the year 1710, and resolved likewise, 'That, before the day were fixed for the beginning the new subscriptions, the old stock be made one hundred *per cent.*; and that what should exceed that value, should be divided among the old Members. That all the interest due on those tallies, which should be subscribed into the Bank stock, at the time appointed for subscription, to the end of the last preceding quarter on each tally, be allowed as principal. That liberty be given by Parliament to enlarge the number of Bank bills, to the value of the sum, which should be so subscribed, over and above the 1,200,000 *l.* provided they be obliged to answer such bills at de-

mand; and, in default thereof, to be answered by the *Exchequer* out of the first money due to them. That no other Bank be erected, permitted, or allowed by act of Parliament within this Kingdom, during the continuance of the Bank of England. That, on such new settlement, the Bank of England be exempted from all manner of Parliamentary taxes. That no act of the Corporation should forfeit the particular interests of any person concerned therein. That provision be made for the effectual preventing the officers of the *Exchequer*, and all other officers and receivers of the revenue, from diverting, delaying, or obstructing the course of payments to the Bank. That care be taken to prevent the altering, counterfeiting, or forging any Bank bills or notes; as likewise against the defacing, raising, or altering any indorsement upon any such bill or note. That the estate and interest of each Member in the stock of the Corporation be made a personal estate. And, lastly, that no contract or agreement, made for any Bank stock to be bought or sold, be valid in law or equity, unless the said contract be actually registered in the books of the Bank within seven days, and actually transferred within fourteen days next after the making such contract.'

1696. raised within the year, while the silver money was called in and recoining; and there was not current coin enough in the nation to answer the occasions of trade, and scarcely the conveniences and necessities of life? This vote of Parliament seeming impracticable, the enemies of the Government made themselves merry with it; and many, even of the King's best friends, imagined, that the Parliament by this rather expressed their zeal and willingness, than their ability to support the state, and maintain the present settlement. But the Parliament made money without bullion, and distributed great quantity of coin without the help of the *Mint*. This was done, by authorizing the Lords of the Treasury to issue out bills from the *Exchequer* at several times, to the value of above two millions; which bills were first appointed to be brought in and sunk upon the poll-tax. But, before the Session ended, the Parliament being convinced by the first collection of that duty, that it would prove very deficient, they appointed the *Exchequer* bills to be brought in on any other of the King's revenues, excepting the land-tax; and allowed an interest of seven pounds twelve shillings a year upon the second issuing the bills of the *Exchequer*; whereas at first they bore no interest. By this the Parliament laid a good foundation for *paper-money* to supply the place of our silver coin; for so many payments were at this time to be made into the *Exchequer*, that, when the people had assurance given them, that the *Exchequer* notes should be received back again in the payment of the King's taxes, they were very well satisfied to take them, at first indeed at a small discount, but not long after at an equality. A great number of these notes were only for five or ten pounds, which answered the necessities of commerce among the meaner people, for the common conveniences of life; and that those, who had advanced money in loans on any part of the King's revenue, might not be obliged to receive it back in notes, that were under the value of money, to strengthen the reputation of these bills, the Parliament authorized the Lords of the Treasury to contract with any Corporation or numbers of private men, and to allow them a competent premium, provided they obliged themselves to exchange those notes for ready money, when tendered to them for that purpose: Which the Lords of the Treasury did accordingly. The credit of the *Exchequer* notes being thus secured, they daily rose nearer to *par*, till at last they exceeded the value of money; and whereas the Trustees, with whom the Government had contracted to exchange them, were at first allowed ten *per cent.* as a premium, they were afterwards contented to do it for four. These bills, which the people were satisfied to receive, because they knew the *Exchequer* would receive them again as so much ready money, so well supplied the want of money till new coin was issued from the *Mint*, that trade and com-

merce were maintained, and mutual payments made so as to answer the necessities of the Government and the people. This project was likewise owing to Mr *Mountain*, as well as that of recoining the money, which those very men, who envied most his success in the House of Commons, and growing power at Court, were afterwards contented to call a *fortunate temerity*.

Whilst the Commons were employed in settling the funds for the supplies and arrears, they received a message from the King, importing, 'That, his Majesty finding himself under great difficulties for want of money to supply the occasions of the civil list, he had thought it necessary to remind the House of that part of his speech, which related to that head, desiring, that speedy care might be taken to make effectual provision for it.' Upon this it was resolved, that a supply of 515,000*l.* be granted for the support of the civil list; to be raised by a duty of six-pence *per bushel* upon malt for three years and a quarter (1).

The great business of this Session, which held longest in both Houses, was a bill relating to Sir *John Fenwick*, who had been concerned in the late assassination and invasion plot. This affair was of such a nature, that it deserves to be related in a particular manner. *Fenwick*, endeavouring to fly over into France under the borrowed name of *Thomas Ward*, was seized at *New Romney* in Kent with *Robert Webster*, Attorney, and from thence brought up to London, and, on the 11th of June 1696, committed prisoner to the Tower, and afterwards to *Newgate*. As soon as he was apprehended, he wrote the following letter, with a black lead pencil, to his Lady, but directed to Mrs *Farrar*, her woman at the Lady *Carlisle's*.

'What I feared is at last happened. Had I come alone, I had done it; but the other was betrayed from London. It is God's will; so we must submit. I know nothing can save my life, but my Lord *Carlisle's* going over to Him [King William] backed by the rest of the family of the *Howards* to beg it; and offering, that I will live abroad all his time, where I cannot hurt him; and that I will never draw sword against him. I must leave it to you what else to say. All friends must be made; my Lord *Devonshire* may perhaps by my Lady; my Lord *Godolphin* and my Lord *Pembroke* by my Lady *Montgomery*; Mr *Nelson* by the Archbishop of *Canterbury*; my Lord *Arran* might engage his brother *Selkirk* to use his interest with *Keppel*. I believe, if my Lord *Carlisle* would go, it were best; before my trial; or else they will cut me short for want of time. If he can prevail with him for a pardon, he will procure it as well before my trial as after; at least, he may prevail for a reprieve till some can come over to him. My Lord also will have an opportunity to engage

Benjamin,

(1) Because the impositions already laid did not fully answer the sums voted, the Commons resolved, that towards the supply granted for carrying on the war, and for the support of the civil list, over and above the duties already payable, a further duty be laid upon all cyder, perry, liquors called sweets, mum, wine, and upon all goods made of or mixed with wool, silk, or hair. And that, for making good the

deficiency of the provision for payment of the interest of the transport-debt for the reducing of Ireland, a duty of four pounds *per annum* be laid upon all hawkers and pedlars for one year; and that every hawker and pedlar, travelling with an horse, ass, or mule, should pay four pounds more *per annum*, for each horse, ass, or mule he should so travel with.

1696. ' *Bontinck*, [the Earl of *Portland*] and get my Lord of *Essex* to join with him. I cannot think what else to say, but the great care must be the Jury. If two or three could be got, that would starve the rest, that or nothing can save me: Money, I know, would do it; but alas! that is not to be had, nor shall I get enough for Counsel. I beg of you not to think of being shut up with me: I know it will kill you; and besides, I have no such friend as you to take care of my business, though it would be the comfort of my life, the little time it lasts, to have you with me. And I have this only comfort now left, that my death will make you easy. My dearest life, grieve not for me, but resign me to God's will. You will hear, as soon as they bring me to town, where they put me, and then I would have a servant or somebody with me. I am interrupted, so I can say no more now. Engage Sir *John Lowther*, the new Lord, who has more interest than any body. Let my Lord *Scarsdale* engage *Fermaine*, to engage *Overkirk* for me. Speak to my Lord *Arlington*. If my trial could be put off till the King comes back, there would be more opportunity to solicit him.' (1) This letter, being delivered to Mr *Webber*, the companion of Sir *John Fenwick's* flight, was intercepted by the Mayor of *Remney*, and brought to the Lord Justices. Sir *John*, who was ignorant of the miscarriage, at the first examination before their Excellencies, denied every thing, which he was charged with. But, the Lords Justices producing his letter, and telling him, *he was not of the same mind, when he wrote it*, Sir *John* was confounded, and made no reply, being utterly silenced by such a confession of his guilt, attested under his own hand.

Fenwick's design of getting a jury, or making friends to the King for a pardon, being found impracticable, there was another expedient suggested by the Earl of *Peterborough*, who, though he had been a great instrument in the Revolution, yet, to gratify his private repentment, advised Sir *John* to set up a counter-plot, by impeaching several of the King's best friends, as guilty of conspiring against him. Accordingly Sir *John*, in his private treaty with the Duke of *Devonshire*, desired an assurance of life, upon his promise to tell all he knew. But the King refused that, and would have it left to himself to judge of the truth and the importance of the discoveries, which he should make. So, resolving to cast himself upon the King's mercy, he sent him a paper, in which, after a bare account of the consultations among the Jacobites (in which he took care to charge none of his own party) he said, that King *James* and those, who were employed by him, had assured him, that the Duke of *Strevensbury*, the Earl of *Marlborough*, the Lord *Godolphin*, and Admiral *Russel* were reconciled to him, and were now in his interests, and acting for him: That the Earl of *Bath* was to betray *Phymouth* into the hands

of the *French King*, and that Commissary *Crawd* had sent over to *France* a list of the forces in *England*. This was a discovery, that could signify nothing but to give the King a jealousy of those persons; for he did not offer the least shadow or circumstance, either of proof or of presumption, to support this accusation. The King, not being satisfied with this, sent an order for bringing him to a trial, unless he made fuller discoveries. He desired to be further examined by the Lords Justices, to whom he, being upon oath, told some more particulars; but he took care to name none of his own side except those, against whom evidence was already brought, or who were safe and beyond sea. Some few others he named, who were in matters of less consequence, that did not amount to high-treason. He owned a thread of negotiations, which had passed between them and King *James*, or the Court of *France*. He said, that the Earl of *Aylebury* had gone over to *France*, and had been admitted to a private audience of the *French King*, in which he had proposed the sending over an army of thirty thousand men, and had undertaken, that a great body of Gentlemen and horses should be brought to join them. It appeared by his discoveries, that the Jacobites in *England* were much divided; some of whom were called *Compounders*, and others *Noncompounders*. The *Compounders* desired securities from King *James* for the preservation of the religion and liberties of *England*; whereas the others were for trusting him upon discretion, without asking any terms, putting all in his power, and relying intirely on his honour and generosity. These seemed indeed to act more suitably to the great principle, upon which they all insisted, that Kings have their power from God, and are accountable only to him for the exercise of it. Dr *Lloyd*, the deprived Bishop of *Norwich*, was the only eminent Clergyman, who went into this scheme; and therefore all that party had, upon *Sancroft's* death, recommended him to King *James* to have his nomination for *Canterbury*. *Fenwick* put all this in writing, upon assurance, that he should not be forced to witness any part of it. When that was sent to the King, all appearing to be so trifling, and no other proof being offered for any part of it, except his own word, which he had stipulated should not be made use of, sent an order to bring him to his trial. But, as the King was slow in sending this order, so the Duke of *Devonshire*, who had been in the secret management of the matter, was for some time in the country. The Lords Justices delayed the matter till he came to town; and then the King's coming was so near, that it was respited till he arrived. By these delays Sir *John* gained his main design, which was to practise upon the witnesses. His Lady began with Captain *Porter*, who was offered, that, if he would go beyond sea, he should have three hundred guineas in hand, more to be remitted to him upon his first landing in *France*, with an assurance of King *James's* pardon, and likewise an annuity

(1) In this letter Sir *John Fenwick* pretends to have a very great affection and tenderness for his Lady, Aunt to the Earl of *Carlisle*, mentioned in this letter; but it may well be suspected, that his distress, and the need of her relations assistance to get him out of it, if

possible, had that effect on his passion, which was diverted not long before by an amour with Mrs *Laffels* an actress, who appeared in mourning, as if she had been his relict after his death.

1696. annuity of three hundred pounds a year, of which *Fenwick* was to pay one hundred. Captain *Porter* hearkened so far to the proposition, that he drew those, who were in treaty with him, together with the Lady herself, who carried the sum, which he was to receive, to a meeting, where he had provided witnesses, who should overhear all that passed, and should, upon a signal, come in, and seize them with the money; which was done, and a prosecution upon it was ordered. The practice was fully proved, and the persons concerned in it were censured and punished. So Captain *Porter* was no more to be dealt with. Mr *Cardell Goodman*, who had been an actor, was the other witness. First, they gathered matter to defame him, in which his course of life furnished them very copiously. But they trusted not to this method, and betook themselves to another, in which they prevailed more effectually. They persuaded him to go out of *England*; and by this means, when the last orders were given for *Fenwick's* trial, there were not two witnesses against him; so that by the course of law he must have been acquitted. The whole was upon this kept intire for the Session of Parliament. Admiral *Russel* therefore, on the 6th of *November*, acquainted the House of Commons, that his Majesty had given leave to lay before them the several papers, which had been given in by Sir *John Fenwick*, in the nature of informations against himself and several other persons of quality; and he desired, that those papers might be read, that so he might have an opportunity to justify himself; or, if he did not, that he might fall under the censure of the House.

The Papers being read, *Fenwick* was immediately ordered to be brought before the House; and, being interrogated by the Speaker concerning his inclinations to discover the designs and practices of the enemies of the Government, he answered, that he did not know but what he should say might hurt himself; and therefore desired, that he might have some security, that his confession should not rise up against him in a Court of Judicature; adding, that he would not offend either the King or the House. The Speaker ordered him to withdraw; after which the House debated, whether they should acquaint him with their having his papers of informations. But they did not think fit to do it, because they thought these papers were a contrivance, and made by others for him; that the best way, to get the truth out of him, would be for him to tell his own story; and that, if the House should let him know they had those papers, he would only refer to those papers, as he had lately done, when he was examined by the King and Council. It was also debated, whether there should be any threatening words used to him; but they thought that not proper, since his confession ought to be free and natural. It was also mentioned, whether they should take notice of his Majesty's consent. But that was not thought fit neither, as being derogatory to the privileges of the House. Sir *John* being called in again, the Speaker acquainted him, that, the House having considered his excusing his making a discovery, they thought he had no reason to apprehend, that the King should be angry with him for making any discovery to the House; this being the proper place to enquire of all things, that relate to the King

and Government, especially his Majesty's safety. That as to what he stood upon, that he should not be prejudiced by what he should discover there, they took notice he had already, notwithstanding what he said, discovered it to the King and Council: That he had no reason at all to apprehend, that he should suffer any thing, if he made a full and clear discovery: That no man, who dealt candidly with this House, ever did. That it was in his power to deserve the favour of the House: That it was required by the House, that he should make a discovery; and that this was the last time he was like to be asked to do it. Sir *John* insisted upon his former excuses, namely, his fear of the King's displeasure, and of accusing himself; which being once more over-ruled, he then demanded time to recollect himself, urging the close restraint, which he had been under in prison, and the badness of his memory. To this the Speaker made answer, that the House thought it a matter of great moment to the King and whole nation, that those, who were their enemies, should be discovered as soon as possible; and, this being within his knowledge, the House did not think it fit to give him time; but that, if they found by his discovery, that he dealt candidly with them, and had told them as much as he knew upon his memory, they would consider of his request of giving him time for the rest. Then Sir *John* addressed himself in these words to the House: 'When I first spake to the Privy-counsellor, I proposed to him, whether I might have a pardon without being an evidence against any man; and, in that case, I would serve the King so as to tell him all I knew. It was upon honour, that I did it to him, and he took the words in writing from me, and sent them to the King in *Flanders*. The King's answer was, that he made no objection as to my being an evidence, nor his giving me a pardon; but that I could expect no pardon till he knew what I could say. Upon that I was encouraged to do what I did for his Majesty's service; and I have found in all my business since, whatever I do or say, the answer is, *It is not satisfactory*, and I am where I was. When this was done, there was a message sent to me from the Lords Justices, that this was not satisfactory, and I must tell all I know. Now, when a man hath told all he knows, and this must be still the answer, it is very hard. The King's answer was, that I should more fully make good what I had said. I did afterwards explain what I informed that honourable person, and still it was not satisfactory. I hope I shall not find this from this honourable House. I am upon my life, and I hope this House will consider of it. I know this House is good security, if I had it, but, till I have it, I am under these circumstances, and I may at last be told all is not satisfactory. I desire the House will please to consider of it.' The Speaker having pressed Sir *John* to make a discovery, and finding by all his answers, that he did nothing but prevaricate with them, a motion was made for leave to bring in a bill to attain him of high-treason; which after a debate was carried in the affirmative, by an hundred and seventy-nine voices against sixty-one. Three days after the bill was presented to the House, and,

1696. and, after a long debate of several hours, the question was put for the second reading, which was also carried in the affirmative by a majority of one hundred and ninety-six votes against one hundred and four. The same day the House ordered, that Sir *John Fenwick* should have a copy of the bill, and of the order for reading it eight days after; and that Mr Secretary *Vernon* should then produce the letter written in *Kent* by Sir *John Fenwick*, of which he had informed the House. The next day the Speaker having acquainted the House, that he had received a letter from Sir *John*, wherein he made it his humble petition, 'that he might have the assistance of his Counsel, Sir *Francis Pemberton*, Sir *Thomas Powis*, and Sir *Bartholomew Shower*, and of his Solicitor, *Christopher Digbion*,' the Commons readily allowed Sir *John Fenwick* the Counsel he desired, and, after some debate, the Solicitor likewise, though it was intimated, that he was a very great Jacobite, and was suspected to have been concerned in the escape of *Goodman*. The day before the attainder was to be read a second time, Sir *John Fenwick* presented another petition, wherein he prayed to be heard by his Counsel against the passing of the bill. Whereupon the House ordered, that he should be allowed two Counsel at the bar of the House to make his defence. The same night *William Fuller*, the impostor, sent a letter to the Speaker of the House of Commons, importing, 'That no person had been more actually engaged with Sir *John Fenwick* than himself, it having been his fortune several times to bring letters to him from the late King and Queen at *St Germain's*, and to carry his answers. That he had also been with Sir *John* at the private consults of the late King's adherents, so that, if he might be serviceable in detecting his treasons, he should be very ready to serve the Government, and demonstrate his integrity.' The Speaker acquainted the House the next day with the receipt of this letter; but *Fuller's* character was so well known to the House, that, upon a question for reading of it, it passed by a great majority in the negative.

This done, Sir *John Fenwick* was ordered to be brought to the bar; but it being a proceeding of that nature, that none of the ancientest Members could readily give precedent of, it was necessary to settle some preliminaries, and the first question was, Whether the mace ought to lie upon the table, when Sir *John Fenwick* was in the House? or, Whether the Serjeant ought not to stand by him with it at the bar? Mr *Smith* and the Chancellor of the *Exchequer* said, that, Sir *John* being a prisoner, the mace ought to be at the bar; and then no Member could speak, but the question must be asked by the Chair. And on the other hand Mr *Boyle*, Mr *John Howe*, Sir *Christopher Mulgrave*, Mr *Brobertson*, Colonel *Granville*, Sir *William Williams*, and Sir *Thomas Dyke* maintained, that the mace ought to be upon the table, because the bill was to be read; that, if the mace was not upon the table, their mouths were muzzled: That they were to act in their highest capacity as Judges, and therefore ought not to pass a vote, that the Judges should not ask questions. After this debate it was carried, that Sir *John Fenwick* should stand with the mace at the bar; and then a question arose about the reading of the bill. Some Members

said, that it could not be read, while the Counsel was present: Others said, that it was not necessary to read it, while Sir *John Fenwick* was present, he having had a copy of it. But at last it was thought reasonable, it being in the nature of a charge upon him, that it should be read to him, when present with his Counsel. It was alledged, that this was done in the case of indictments, when the copies were delivered to the prisoners; and therefore it should be read only as a matter of form, as a charge, to which he was to answer; but that it could not be reckoned a second reading, according to the rules of the House, the mace being off the table, and so it should be read again, when the Counsel and the Prisoner were withdrawn. Then the Serjeant took the mace, and brought Sir *John Fenwick* to the bar; and Counsel being admitted for him and for the bill, namely, Sir *Thomas Powis* and Sir *Bartholomew Shower*, for the prisoner, Mr Serjeant *Gould* and Mr Serjeant *Lovell*, Recorder of *London*, for the bill, the Speaker opened the matter; and, addressing himself to Sir *John Fenwick*, laid before him the heinousness of the crime, 'where-with he stood charged, and how destructive it would have been, if it had succeeded, to the very being of this Kingdom. And therefore, that he might not go unpunished, if he was guilty, they had ordered a bill into the House to attain him for high-treason, which had been once read, and would now be read to him at the bar; and then he would hear the evidence against him, and have liberty to make his defence. That, though he could not claim any right thereto, the House, to shew how ready they were to favour him, in giving him any reasonable help, did allow him Counsel to assist him in it. That he was likewise to acquaint those, who were his Counsel, that the House did reckon their own prudence would so guide them, as not to give any just offence to this House. That they ought not to question the power of Parliaments to pass bills of attainder, when they judge it requisite, of which the Commons are more proper Judges than any private person; and therefore they did not allow him to debate that point.' This speech being ended, the Clerk of the House of Commons read the bill, importing, 'That whereas Sir *John Fenwick* was, upon the oaths of *George Porter* and *Cardell Goodman*, indicted of high-treason, in conspiring to assassinate his Majesty's sacred Person, and encouraging the *French* King to invade this Kingdom; and having obtained his Majesty's favour to have his trial delayed from time to time, upon his repeated promises of making an ingenuous and full confession of his knowledge of any design of conspiracy against his Majesty's Person or Government, and of the persons therein concerned; he had so far abused his Majesty's great clemency and indulgence, that, instead of making such confession, he had contrived false and scandalous papers as his informations, reflecting on the fidelity of several noble persons, divers Members of the House of Commons, and others, only by hearsay, and contriving thereby to undermine the Government, and create jealousies between the King and his subjects, and to stifle the real conspiracy. And that whereas *Cardell Goodman*,

1696.

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1696. 'one of the witnesses against the said Sir John Fenwick, to prove the said treason, lately and since the several times appointed for the trial of the said Sir John Fenwick, at one of which times the said Sir John Fenwick had been accordingly tried, had it not been for the expectation of the said discoveries so often promised by him, was withdrawn, so that the said *Gowdman* could not be had, to give evidence upon any trial: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that the said Sir John Fenwick be, and is hereby convicted and attainted of high treason, and shall suffer the pains of death, and incur all forfeitures, as a person attainted of high treason.'

The bill being read, and the King's Counsel, the Serjeants *Gould* and *Levell*, having, according to the Speaker's directions, opened the evidence, which they had for proving the charge, they were answered by the Counsel for the prisoner, who alledged, 'That, if the others would only call in evidence to prove the suggestions of the bill, they were ready to answer; but, if they called any evidence to prove Sir John Fenwick guilty of the conspiracy by living witnesses, they took upon them to say they were not ready for that, since they did not know, whether they should be allowed the liberty of producing witnesses.' Being ordered to withdraw, the House debated the same a long time, not without many of the Members making large excursions from the matter in dispute; which made the Lord *Cutts* rise and say, 'That he thought it a misfortune, that a matter of this nature had held them so long; and he conceived it a thing to be wished, that every Gentleman, who spoke upon this occasion, would apply himself more closely to substance, and less to forms. That he meant to forms, considered merely as forms, for it ought to be true reason, that was convincing to them, and they ought not to tie themselves up to any forms upon this occasion, but such as were grounded upon reason. That really he had not heard any thing, that fell from any Gentleman, that shewed his doubt of the nature and aggravating circumstances of the crime of the prisoner; but that it had consisted with the great candor and justice of this House, to shew their favour to the prisoner in allowing him Counsel. That, when the Counsel said they were unprepared, if they meant they would prepare themselves for more grounds of difference and chicanery, he would not give them further time. That he could not perceive there was any reality of argument in it, and that there was in reasoning, as in religion, sometimes a form without power.' After many other speeches, the Speaker read these two questions: First, *That the Counsel for Sir John Fenwick be confined to make their proof to what was suggested in the bill: And secondly, That Sir John Fenwick be allowed further time.* But, neither of these questions being allowed to be put, he then proposed, *That Sir John Fenwick be allowed further time to produce witnesses in his defence, against the charge of high-treason; and that he give in a list of his witnesses to the Speaker:* Which question was put, and passed in the af-

firmative. Afterwards the Speaker put another question, *That the Counsel, in managing the evidence against Sir John Fenwick, be allowed to produce evidence touching the allegations in the bill, and the treason, for which he had indicted:* Which being likewise carried in the affirmative, and Sir John Fenwick acquainted from the Chair, that the House allowed him three days longer to make his defence, he being withdrawn, the Commons resolved, that the bill for attainting him of high-treason be read a second time, on Monday the 16th of November.

Accordingly, on that day, the House proceeded further on this matter. The King's Counsel produced their evidence, which was first Captain *Porter*, who gave an ample relation of what he knew concerning Sir John's guilt; and who, notwithstanding the Counsel for the prisoner strenuously opposed it, was further examined about his being tampered with by *Carney*, in order to take off his testimony in relation to the conspiracy. Then the King's Counsel produced the records of *Clumax's* conviction, and proceeded to *Gowdman's* examination, taken under the hand of Secretary *Vernon*, which they desired might be read. This was strongly objected to by the prisoner's Counsel, as a thing not to be allowed, and impracticable, the law requiring persons to appear, and give their evidence *visa voce*. Upon this, the House entered into a warm debate, but at length it was carried by two hundred and eighteen voices against a hundred and forty five, that *Gowdman's* information should be read; and that, afterwards, some of the Grand Jury should give an account upon what evidence they found the bill of indictment, that was brought in against Sir John Fenwick.

The next evidence, that was produced, was the record of the conviction of Mr *Cowen*; and, when the Counsel on both sides had spoken to it, and the House debated the same, it was carried by a hundred and eighty-one voices against a hundred and ten, that the said record should be read, and the King's Counsel allowed to examine witnesses, as to what was sworn by *Gowdman* at *Cowen's* trial. This being over, as also some questions concerning Sir John Fenwick's letter, it was resolved, That the Counsel for the prisoner might, if they had witnesses to examine on his behalf, do it that night; but that, as to their observations, the House would give them time till next morning. They, having nothing but a record to produce, accepted of this; and, on the 27th of November, made as good a defence, as their client's cause would admit; but at length being to withdraw, and the prisoner still declining to deal more clearly and candidly, in respect to his accusation of several persons of quality; it was resolved, That Mr Secretary *Vernon* should give in his evidence, in reference to Sir John's getting his trial delayed by offers of informations, and that in the presence of Sir John and the Counsel on both sides.

Here the Counsel having nothing to say, they were discharged from their farther attendance at that time; and, according to the order of the day, the bill being read a second time, and afterwards opened by the Speaker, and no Members rising to speak, he asked, What time should put the question of commitment? This occasioned a very long and warm debate about the extraordinary method of proceeding; the power and justice of Parliaments compared with other inferior

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Met-
hu-
en's speech
for the bill.

On the 25th of November, the bill was read the third time, and the debate ran as high as it had done five days before, about the commitment.

Mr Methuen, who stood up first, took notice,

That the greatest part of the former debate had run upon two things; on the one side, the inconvenience of bills of attainder, or at least the having them so frequent; on the other side, that it is necessary to have them sometimes, that no persons might think they were out of reach, if they could evade the laws, that were made to punish ordinary offenders. That he thought both these points too general, and that this bill, as every other, ought to have its fate upon the particular circumstances of the case before the House. That whoever gave his affirmative to this bill, ought to be convinced, that Sir John Fenwick was guilty of high-treason; and also that there are extraordinary reasons, why the nation did prosecute him in so extraordinary a manner. And that he thought neither of those was sufficient alone. That if, between the indictment and trial, Goodman should have died, and there had been no other reason for attainting Sir John Fenwick but only the want of his evidence, he should not have thought it a sufficient reason, though the House should have had an opportunity of being informed of this particular evidence, and believed him guilty. That, if Sir John Fenwick did not appear guilty, he did not think any reason of state could justify this bill, though Sir John had prevaricated, and behaved himself to the dissatisfaction of every body; and therefore he thought there must be both these. That, the House having heard the evidence, he would not repeat it, but rather come to those things, that distinguished Sir John Fenwick's case; only he must take notice, that they had given Sir John liberty to make his defence, and had fully heard him; which had altered the reason of a great many precedents cited from the Lord Chief Justice Coke and other authors. That what distinguished this case was the great danger, which the nation was in from this Conspiracy, which he found, by the general opinion of all persons, was not thought yet at an end; and that there seemed likewise to be an opinion as general, that Sir John Fenwick could have contributed to their safety by a discovery. That the next circumstance was, that Sir John Fenwick knowing the expectation the nation had from him, that he could have

contributed to their safety, had made use of that to put off his trial, and at last had made such a paper, as tended to the creating of new dangers. That, by this means, Sir John Fenwick, against whom there were two witnesses, when he was indicted, had delayed his trial, so that now there was but one; and there was a violent presumption, that this person was withdrawn by the practices of Sir John Fenwick's friends. That there was in his opinion as great a consideration as any of these; that the public resentment of the nation for such his behaviour was the only means, which Sir John's practice had left the House to prevent the danger, that yet remained; and it seemed necessary for their safety to come the next best way to what he would have done for them by his discovery. That there had been great doubts raised against the evidence, which had been given, not so much whether it be such evidence, as ought to incline the Commons to believe him guilty; but whether it be such as they should hear in the capacity they were in? And whether, after it was found such as it was, that is to say, not such as would convict him upon another trial, they might so far credit it, as that it should influence them to give their vote for this bill of attainder? That it was said, that the Commons were trying of Sir John Fenwick, that they were Judges and Jury, and they were obliged to proceed according to the same rules, though not the method of *Westminster-Hall, secundum allegata & probata*. But that the state of the matter, as it appeared to him, was, that they were in their Legislative power making a new law for the attainting of Sir John Fenwick, and for exempting his particular case from being tried in those Courts of Judicature, and, by those rules, which they had appointed for the trial of other causes; and trying of it themselves (if they would use that word, though improperly) in which case the methods differed from what the laws made by themselves require in other cases; for this was never to be a law for any other. That, this being the state of the case, it quite put the Commons out of the methods of trials, and all the laws, that are for limiting rules for evidence at trials in *Westminster-Hall* and other Judicatures; for it must be agreed, that the same rule of evidence must be observed in another place, as well as *Westminster-Hall*, that is, in impeachments; and that it had always been so taken. That the notion of two warrants being necessary had so much gained upon some Members of the House, that they had said, *That this was required by the laws of nature, the universal law of nations, nay, by the eternal laws of God*. That, if it was so, there would be no doubt, but it would oblige the Commons; but he thought, that the reason, why any man deserves to be punished, is, because he is criminal, let his crime be made evident any way whatsoever; for whatsoever makes the truth evident, is, and is accounted in all laws to be evidence. That the rules for examining whether any person is guilty or not, and the evidence, that is allowed as sufficient, is different in all nations. That the trials in *England* differ from those of all other nations, not only that the offenders are tried by a Ju-

1696. ry, which is particular to this nation, but that the witnesses are to be produced face to face before the persons accused; and besides they had made laws that there should be two witnesses in cases of high-treason, wherein they were the envy of all other nations. That the evidence, which is to be given against the criminals, differs in the same nation, when the offence differs. That there is a difference between the evidence, that will convict a man of felony, and the evidence, that is to convict a man of treason; and that the evidence to convict a man of the same crime has been different in the same nation in different times. That by the common law of *England*, that evidence was sufficient to convict a man of any crime, which was sufficient to make the Jury believe the person guilty. That thus, before the statute of *Edward IV.*, a man might be convicted of treason by one witness, though that statute was made upon great reasons, and appears to be for the public good by the general approbation it has received; but that he did not think in their proceedings here they were bound by it. That some Members argued thus: *Shall we, who are the supreme Authority (as we are part of it) go upon less evidence to satisfy ourselves of Sir John Fenwick's guilt, than any other Court? And we shall resort to this extraordinary way in this case?* To this he answered, that, if it did shake the manner of trials below, he should be very unwilling to do it; but he did take it clearly, that it could not make the least alteration in the proceedings of any Court, but, on the contrary, he thought there was no stronger argument for their resorting to this extraordinary way, than that of the care and caution, with which their law had provided for the defence of the innocent; for, if they considered all those laws, that had been made for that purpose, it was plain it must have been in the view of their ancestors, that many criminals might by this means escape. That their laws are made for ordinary trials, and for those things, that happen usually; but that there is no Government in the world, where there is not resort to extraordinary power in cases, that require it. That the *English* Government indeed had this advantage, that they could keep to rules, which others cannot. That in a very wise Government [that of *Venice*] all the ways of punishing crimes of this nature are extraordinary. That persons are condemned there not only unheard, but before they are legally accused; and that is thought necessary there, which would not be endured here; and yet that Government has continued for many hundred years, and no endeavours have been made to alter it, though so many families have suffered by it.

That the next argument was from the precedent, which the Commons were about to make; and that they had been told, *What ever the other precedents had been, what they did now would be a precedent for them and their posterity.* To this he replied, That, if this precedent should appear to posterity to be a precedent of an innocent man, or a person, whose guilt did not plainly appear; and this bill should be carried by a prevailing party, he did agree it was a very ill precedent. But if the case be, that this precedent would appear to posterity, upon the truth of the thing, to be a precedent made of a man most notoriously guilty; of a man, who had deserved this extraordinary way of proceeding, and this general resentment of the nation; and that nothing could have hindered this man from the common justice of the nation, but his having endeavoured to elude it in this matter; and if it appeared, that the Commons would not be put off so, but that their indignation made an example of this man, he should not be sorry it should appear to posterity; but he believed posterity would (as he thought they ought) thank them for it. That, for his own particular, while he was innocent, he should not think his life in danger to be judged by four hundred *English* Gentlemen, and the Peerage of *England*, with the Royal assent. That, when he reflected, he could not be of opinion, that the Government could have procured a Parliament to have passed a bill of attainder against my Lord *Russell*, or Mr *Cornish*, or even Mr *Colledge*; he did not think all the power of the Government could have prevailed to have done that, although they could prevail to have them condemned by the forms of law. That here he saw, that a great many Gentlemen had opposed every step of this bill, for making an ill precedent, though these Gentlemen did believe in their private consciences, that Sir *John Fenwick* was guilty. That he could not see, that any person could be in danger by such a bill; and therefore the conclusion, which he made for himself, was, *That he was convinced in his conscience, that Sir John Fenwick was guilty of high-treason; and that there were reasons so extraordinary to support this bill of attainder, that he did not see how any person, who was so convinced, could refuse to give his affirmative to this bill.*

This speech was answered by Sir *Godfrey Copley*, who, after a short preamble, said, *That it is the custom and law of this nation to require two positive witnesses to prove treason; and though he thought, without the utmost necessity, it was not prudent to deviate from that rule, yet he would not argue from thence, that the Commons were tied up to it, it being certain, that the Legislative authority, which has power to abrogate all laws now in being, cannot be tied up to any rules of human prescription; but there are the eternal rules of equity and justice, and right reason and conscience; and these he thought are unalterable, and never to be swerved from; and therefore he would take the liberty to see how far agreeable their proceedings were to these rules. That he looked upon it as a fundamental breach of these rules for an accusation to be given in against a man behind his back by he knows not whom, or by any, with whom he is not confronted and brought face to face. That he was one of those, who looked upon Sir *John Fenwick* to be guilty, of which there was a proof by one witness, and to this they had added an indictment, that was proved. But that he thought that to be so far from giving strength to the evidence, that, in his opinion, the injustice, which attended it, made the scales lighter than they were before. For, if any bill or writing sworn behind a*

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1696. "man's back may be used as part of evidence, he did by parallel reason argue, that the like may make up the whole at one time or other; and then the information of every two profligate Knaves before a Secretary of State, or a Justice of Peace, should be sufficient without any living testimony, to make a man run the hazard of his life. That he was not at all convinced of the necessity of the proceeding; but as he thought those, who brought this matter to the House of Commons, wiser than himself, so he would not examine what reason they had to do it, though it was so little agreeable to him, that he wished it had not come thither. That it was not to be supposed, that the Government was in hazard by such a man as Sir John Fenwick, who was fast in Newgate; neither was it to be expected, that a man, who had been six months in prison, and nobody come to him, might make such a discovery, as might be worth their while. But, said he, suppose you had a man of invention and practice, what a spur do you put to it? May not a man of parts, when he has no other way to save himself; may not be form such a plot, as, should it gain belief, might make the best subjects in England tremble? He added, that it was not for Sir John Fenwick's life, that he argued, not thinking it of so great value to deserve so long and solemn a debate in this House, nor the consideration of so great an Assembly after this manner; but that, if this method of proceeding be warranted by an English Parliament, there is an end of the defence of any man living, be he never so innocent. That he had heard it mentioned, on the other side, that King James attainted [in Ireland] a great number of persons in a catalogue, in a lump. That he was not afraid of what arbitrary Princes did, nor an Irish Parliament; but he was afraid what should be done here, and was concerned for the honour of their proceedings, that it might be a precedent to a future Parliament in an ill reign, to do that, which he was satisfied the Commons would not now do (1)."

After these, and many other speeches, the question was put for passing the bill; and, the House dividing upon it, one hundred and eighty-nine were for the bill, and one hundred and fifty-six against it. Being then carried in the affirmative, the bill was sent up to the Lords for their concurrence. The Lords took a very extraordinary method to force their absent members to come to town. They sent messengers for them, to bring them up; which seemed to be a great breach on their dignity; for the privilege of making a proxy was an undoubted right belonging to that Peerage; but those, who intended to throw out the bill, resolved to have a full House.

The bill met with great opposition; and the

debates were the warmest, and lasted the longest, of any that had ever been.

The substance of the arguments in the House of Lords, brought against this way of proceeding by bill of attainder, was, that the law was all men's security, as well as it ought to be their rule: If this was once broke through, no man was safe: Men would be presumed guilty, without legal proofs, and be run down, and destroyed by a torrent: Two witnesses seemed necessary, by an indisputable law of justice, to prove a man guilty: The law of God given to Moses, as well as the law of England, made this necessary: And, besides all former ones, the law, lately made for trials in cases of treason, was such a sacred one, that it was to be hoped, that even a Parliament would not make a breach upon it. A written deposition was no evidence, because the person accused could not have the benefit of cross-interrogating the witness; by which much false swearing was often detected: Nor could the evidence, given in one trial, be brought against a man, who was not a party in that trial: The evidence, that was offered to a Grand Jury, was to be examined all over again, at the trial; till that was done, it was not evidence. It did not appear, that Fenwick himself was concerned in the practice upon Porter: What his lady did, could not be charged on him. No evidence was brought, that Goodman was practised on; so his withdrawing himself could not be charged on Fenwick. Some very black things were proved against Goodman, which would be strong enough to set aside his testimony, tho' he were present; and that proof, which had been brought in Cooke's trial, against Porter's evidence, was again made use of, to prove, that, as he was the single witness, so he was a doubtful and suspected one: Nor was it proper, that a bill of this nature should begin in the House of Commons, which could not take examinations upon oath. These were the arguments used by the Lords, as well as the Commons, against the bill.

On the other side, Bishop Burnet being convinced, that Fenwick was guilty, and that the method of proceeding by way of attainder, was not only lawful, but, in some cases, necessary, and having, moreover, by his search into Parliamentary proceedings, on such occasions, when he wrote the *History of the Reformation*, seen further into those matters than otherwise he should ever have done, he thought it incumbent upon him, when his opinion determined him to the severer side, to open his reasons in justification of his vote; which he did, to this effect:

The nature of Government required, that the Legislature should be recurred to, in extraordinary cases, for which effectual provision could not be made by fixed and standing laws. Our common law grew up out of the proceedings of the Courts of law: Afterwards this, in cases of treason, was thought too loose; so the law, in this

(1) The rest of the speeches on this occasion may be seen in the proceedings against Sir John Fenwick, printed at London 1698. The principal Speakers on both sides were these:

For the Bill,
Mr Mountague,
Lord Comyngham,

Lord Cutts,
Sir William Strickland,
Sir Herbert Crofts,

Mr Vernon,
Mr Smith,
Mr Cowper,
Sir Walter Yonge, &c.

Against the Bill,
Sir Charles Carteret,
Mr Manley,

Sir Edward Seymour,
Lord Norreys,
Mr Edward Harley,
Mr Foley,
Mr Harcourt,
Mr Robert Harley,
Mr Howe, &c.

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this point, was limited, first, by the famous statute in King *Edward III*'s time; and then, by the statute of King *Edward IV*'th's time, the two witnesses were to be brought face to face with the person accused; and the law, lately made, had brought the method of treason to a yet further certainty. Yet, in that, as well as in the statute of *Edward III*, Parliamentary proceedings were still excepted. And, indeed, tho' no such provision had been expressly made in the acts themselves, the nature of Government puts always an exception in favour of the Legislative authority. The Legislature was, indeed, bound to observe justice and equity, as much, if not more, than the inferior Courts; because the supreme Court ought to set an example to all others. But they might be cause to pass over forms, as occasion should require. This was the more reasonable among us, because there was no nation in the world, besides *England*, that had not recourse to torture, when the evidence was probable, but defective. That was a mighty restraint, and struck a terror into all people; and the freest Government, both ancient and modern, thought they could not subsist without it. At present, the *Venetians* have their Civil Jurisdictions, and the *Grisons* have their High Courts of Justice, which act without the forms of law, by the absolute trust, that is reposed in them; such as the *Romans* reposed in Dictators, in the time of their liberty. *England* had neither torture, nor any unlimited Magistrate in it's constitution; and therefore, upon great emergencies, recourse must be had to the supreme Legislature. Forms are necessary in subordinate cases; but there is no reason to tie up the supreme one by them. This method of attainder had been practised among us at all times. It is true, what was done in this way at one time, was often reversed at another; but that was the effect of the violence of the times, and was occasioned often, by the injustice of those attainers. The attainers of inferior Courts were, upon the like account, often reversed: But, when Parliamentary attainers went upon good grounds, though without observing the forms of law, they were never blamed, not to say condemned. When poisoning was first practised in *England*, and put in a pot of porridge in the Bishop of *Rocheſter*'s house, this, which was only felony, was, by a special law, made to be high-treason; and a new punishment was appointed by act of Parliament. The poisoner was boiled alive. When the Nun of *Kent* pretended to visions, to oppose *K. Henry VIII*'th's divorce, and his second marriage; and said, If he married again, he should not live long after it, but should die a villain's death; this was judged in Parliament to be high-treason; and she and her accomplices suffered accordingly. After that, there passed many attainers in that reign, only upon depositions, that were read in both Houses of Parliament. It is true, these were much blamed; and there was great cause for it: There were too many of them; for this extreme way of proceeding is to be put in practice but seldom, and upon great occasions; whereas many of these went upon slight grounds, such as the suffering some passionate and indecent words, or the using some embroidery in garments and coats of arms with an ill intent. But that, which was indeed execrable, was, that persons in prison were attainted, without being heard in their defence. This was so contrary to natu-

ral justice, that it could not be enough condemned. In King *Edward VI*'th's time, the Lord *Seymour* was attainted in the same manner, only with this difference, that the witnesses were brought to the bar, and there examined; whereas formerly they proceeded upon some depositions, that were read to them. At the Duke of *Somerset*'s trial, which was both for high-treason and for felony, in which he was acquitted of the treason, but found guilty of the felony, depositions were only read against him; but the witnesses were not brought face to face, as he pressed they might be. Upon which it was, that the following Parliament enacted, that the accusers (that is, the witnesses) should be examined face to face, if they were alive. In Queen *Elizabeth*'s time, the Parliament went out of the method of law, in all the steps of their proceedings against the Queen of *Scots*. It is true, there were no Parliamentary attainers in *England* during that long and glorious reign, upon which those, who opposed the bill, had insisted much; yet that was only, because there then was no occasion here in *England* for any such bill. But in *Ireland*, where some things were notoriously true, which yet could not be legally proved, that Government was forced to have, on many different occasions, recourse to this method. In King *James I*'s time, those, who were concerned in the Gun-powder plot, and chose to be killed, rather than taken, were by act of Parliament attainted after their death; which the Courts of law could not do, since, by our law, a man's crimes die with himself; for this reason, because he cannot make his own defence, nor can his children do it for him. The famous attainer of the Earl of *Strafford*, in King *Charles I*'s time, has been much and justly censured, not so much because it passed by bill, as because of the injustice of it. He was accused for having said, upon the House of Commons refusing to grant the subsidies, which the King had asked, *That the King was absolved from all the rules of Government, and might make use of force to subdue this Kingdom*. These words were proved only by one witness, all the rest of the Council, who were present, deposing, that they remembered no such words, and were positive, that the debate ran only upon the war with *Scotland*; so that though *this Kingdom*, singly taken, must be meant of *England*, yet it might well be meant of *that Kingdom*, which was the subject then of the debate. Since then the words were capable of that favourable sense, and that both he, who spoke them, and they, who heard them, affirmed, that they were meant and understood in that sense, it was a most pernicious precedent, first to take them in the most odious sense possible, and then to destroy him, who said them, upon the testimony of one single exceptionable witness. Whereas if, upon the Commons refusing to grant the King's demand, he had plainly advised the King to subdue his people by force, it is hard to tell, what the Parliament might not justly have done, or would not do again in the like case. In King *Charles II*'s time some of the most eminent of the Regicides were attainted, after they were dead; and in King *James*'s time the Duke of *Monmouth* was attainted by bill. These last attainers had their first beginning in the House of Commons. Thus it appeared, that, these last two hundred years, not to mention much antienter precedents, the

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1696. nation had upon extraordinary occasions proceeded in this Parliamentary way by bill. There were also many precedents of this method. And whereas it was said, that an ill Parliament might carry these too far, it is certain, that the nation, and every person in it, must be safe, when they are in their own hands, or in those of a Representative chosen by themselves. As, on the other hand, if that be ill chosen, there is no help for it; the nation must perish, for it is by their own fault. They have already too many precedents for this way of proceeding, if they intend to make an ill use of them. But a precedent is only a ground or warrant for the like proceeding upon the like occasion. Two rules were laid down for all bills of this nature; first, that the matter be of a very extraordinary nature. Lesser crimes had better be passed over than punished by the Legislature. Of all the crimes, that can be contrived against the nation, certainly the most heinous one is, that of bringing in a foreign force to conquer us. This ruins both us and our posterity for ever. Distractions at home, how fatal soever, even though they should end ever so tragically, as ours once did in the murder of the King and in a military usurpation, yet were capable of a crisis and a cure. In the year 1660, we came again to our wits, and all was set right again. Whereas there is no prospect, after a foreign conquest, but of slavery and misery. And, how black soever the assassinating a King must needs appear, yet a foreign conquest is worse; it is assassinating the Kingdom; and therefore the inviting and contriving that must be the blackest of crimes. But, as the importance of the matter ought to be equal to such an unusual way of proceeding, so the certainty of the facts ought to be such, that, if the defects in legal proof are to be supplied, yet this ought to be done upon such grounds, as make the fact charged appear so evidently true, that though a Court of law could not proceed upon it, yet no man could raise in himself a doubt concerning it. Antiently treason was judged as a felony still is, upon such presumptions, as satisfied the Jury. The law has now limited this to two witnesses brought face to face. But the Parliament may still take that liberty, which is denied to inferior Courts, of judging this matter, as an ordinary Jury does in a case of felony. In the present case there was one witness *viva voce*, upon whose testimony several persons had been condemned, and had suffered; and these neither at their trial, nor at their death, disproved or denied any circumstance of his depositions. If he had been too much a libertine in the course of his life, that did not destroy his credit as a witness. In the first trial this might have made him a doubtful witness; but what had happened since had destroyed the possibility even of suspecting his evidence. A party had been in interest concerned to inquire into his whole life, and in the present case had full time for it; and every circumstance of his deposition had been examined; and yet nothing had been discovered, that could so much as create a doubt. All was still untouched, sound, and true. The

only circumstance, in which the dying speeches of those, who suffered on his evidence, seemed to contradict him, was concerning King James's Commission; yet none of them denied really what Porter had deposed, when was, that *Charneck* told him, that there was a Commission come from King James for attacking the Prince of Orange's Guards. They only denied, that there was a Commission for assassinating him. Sir *John Friend* and Sir *William Perkins* were condemned for the confederacy now given in evidence against Sir *John Fenwick*. They died not denying it. On the contrary they justified all they had done. It could not be supposed, that, if there had been a tittle in the evidence that was false, they should both have been so far wanting to themselves and to their friends, who were to be tried upon the same evidence, as not to have declared it in the solemnest manner. These things were more undeniably certain than the evidence of ten witnesses could possibly be. Witnesses might conspire to swear a falsehood; but, in this case, the circumstances took away the possibility of a doubt. And therefore the Parliament, without taking any notice of *Geoffrard's* evidence, might well judge *Fenwick* guilty; for no man could doubt of it in his own mind. The ancient Romans were very jealous of their liberty; but how exact soever they might be in ordinary cases, yet, when any of their citizens seemed to have a design of making himself King, they either created a Dictator, to suppress or destroy him, or else the people proceeded against him in a summary way. By the *Porcian* law, no citizen could be put to death for any crime whatsoever; yet such regard did the Romans pay to justice, even above law, that, when the *Campanian* legion had perfidiously broke in upon *Regium*, and pillaged it, they put them all to death for it. In the famous case of *Catalin's* conspiracy, as the evidence was clear, and the danger extreme, the accomplices in it were executed, notwithstanding the *Porcian* law. And this was done by the order of the Senate, without either hearing them make their own defence, or admitting them to claim the right, which the *Valerian* law gave them, of an appeal to the people, yet that whole proceeding was chiefly directed by the two greatest asserters of public liberty, that ever lived, *Cato* and *Cicero*. And *Cæsar*, who opposed it on pretence of it's being against the *Porcian* law, was for that reason suspected of being in the confederacy. It appeared afterwards, how little regard he had, either to law or liberty, though, upon this occasion, he had made use of the one to protect those, who were in a plot against the other.

This last expression was much repented by those, who were against the bill, as carrying a severe reflection upon them for opposing it; and indeed the Bishop, though he only offered what reasons occurred to him to justify his voting for the bill, fell under a great load of censure on this occasion.

In conclusion, the bill passed by a small majority of seven voices only, there being sixty-eight for it, and sixty-one against it (1).

The

(1) The Lords, who were for the negative (among whom were several of the King's Servants and Councilors) voted for the bill. No. 22. Vol. III.

fellows) entered their protest, which they grounded on the following reasons: "1. Because bills of attainder are contrary to the Magna Charta."

1696-7. The bill, soon after, received the Royal assent; and, at the same time, passed an act to attain such persons as were concerned in the late conspiracy, who had fled from justice, unless they came in within a limited time, and also for continuing several others of the Conspirators in custody. Sir John Fenwick made all possible application to the King for a reprieve; and, as a main ground for that, and, for an article of merit, he alledged, that he had saved the King's life two years before. It seems, he pretended, that, when the Jacobites, after *Charnock's* return from France, had resolved to assassinate the King, before he went to *Heiland*; and had acquainted him with their design; that, he assured them, he would discover it, if they did not promise to lay it aside. But, as this fact could not be proved, so it could confer no obligation on the King, since he had given him no warning of his danger; and, according to his own story, had trusted the Conspirators words very easily, when they promised to pursue their design no further; which he had no reason to do. So that this pretension was not much considered. But he was pressed to make a full discovery; and, for some days, he seemed to be in some suspense, what course to take. He desired to be secured, that nothing, which he confessed, should turn to his own prejudice. The House of Lords sent an address to the King, intreating, that they might be at liberty to make him their promise; and that was readily granted. He then farther desired, that, upon making a full confession, he might be assured of a pardon, without being obliged to become a witness against any other person. To this the Lords answered, That he had to do with men of honour; and that he must trust to their discretion: That they would

mediate for him with the King, in proportion as they should find his discoveries sincere and important: His behaviour to the King, hitherto, had not been such, as to induce the Lords to trust to his candor; it was much more reasonable, that he should trust to them. Upon this, all hopes of any discoveries from him were laid aside; and Sir John Fenwick prepared himself to die. He desired the assistance of a Divine; and the Government offered him the choice of any Clergyman, that had taken the oaths; or, if that would not do, of any of the Bishops, who had dissented about the bill of attainder; all whom he would not admit. Then three or four Nonjuring Clergymen were offered him; but they would not come to him, pretending a fear that the oaths would be tendered to them. Dr *White*, the Nonjuring Bishop of *Chichester*, was, at last, offered him. In this, and several other matters, Bishop *Burnet* did him such service, that Sir John wrote him a letter of thanks. He was beheaded on *Tower-Hill*, on the 28th of *January*; and died very composed, and in a much better temper than was to be expected, for his life had been very irregular. At the place of execution, he delivered a paper, in writing, to the Sheriff; wherein he did not deny the facts that had been sworn against him; but complained of the injustice of the procedure; and left his thanks to those who had voted against the bill. He owned his loyalty to King *James*, and to the Prince of *Wales*, after him; but mentioned the design of assassinating King *William*, in terms full of horror. The paper was supposed to have been drawn by Bishop *White*, and the Jacobites were much provoked with the last-mentioned paragraph (1).

During

against persons in prison, and who are therefore liable to be tried by common law, are of dangerous consequence to the lives of the subjects, and may tend to the subversion of the laws of the Kingdom. 2. Because the evidence of Grand Jury-men, of what was sworn before them against Sir John Fenwick, as also the evidence of the Petty Jury-men, was admitted here; both which are against the rules of law, besides, that they disagreed in their testimony. 3. Because the information of *Goodman* in writing was received, which by law was not admitted, and the prisoner, for want of appearing face to face, (as is by law required) could not have the advantage of cross-examining him. And it did not appear by evidence, that Sir John Fenwick, or any person employed by him, had any way persuaded *Goodman* to withdraw himself; and it would be of very dangerous consequence, that any person so accused should be condemned; for by this means a witness, who should be found insufficient to convict a man, shall have more power to hurt a man by his absence, than if he were produced *viva voce* against him. 4. Because, if *Goodman* had appeared against him, he was intamous in the whole course of his life, and could not be a good witness, especially in cases of blood. 5. Because in this case there was but one evidence, *viz. Porter*, and he a very doubtful one. Lastly, Because Sir John Fenwick was so inconsiderable a man, as to endangering the peace of the Government, that there was no necessity of proceeding against him in so extraordinary a manner. The year following a pamphlet was published in justification of that bill, under the title of, *A Letter to a Friend, in vindication of the proceedings against Sir John Fenwick, by bill of attainder, with some remarks on his printed paper.*

(1) The paper was as follows:

* Speaking nor writing was never my talent, I shall therefore give a very short but faithful account; first of my Religion, and next what I suffer most innocently for, to avoid the calumnies I may reasonably expect, my enemies will cast upon me when dead, since they have most falsely and maliciously aspersed me, whilst under my misfortune.

* As for my Religion, I was brought up in the Church of *England*, as it is by law established, and have ever professed it; though I confess, I have been an unworthy Member of it, in not living up to the strict and excellent rules thereof; for which I take shame to myself, and humbly ask forgiveness of God. I come now to die in that Communion, trusting as an humble and hearty penitent to be received by the mercy of God, through the merits of Jesus Christ my Saviour.

* My Religion taught me my loyalty, which I bless God is untainted; and I have ever endeavoured in the station, wherein I have been placed, to the utmost of my power to support the Crown of *England* in the true and lineal course of descent without interruption.

* As for what I am now to die, I call God to witness, I went not to that meeting in *Leadenhall-Street*, with any such intention, as to invite King *James* by force to invade this nation; nor was I myself provided with either horse or arms, or engaged for any number of men, or gave particular consent for any such invasion, as is most falsely sworn against me.

* I do also declare in the presence of God, that I knew nothing of King *James's* intending coming to *Calais*, nor of any invasion intended from thence, till

1696-7. During *Fenwick's* affair, a design was carried on against the Duke of *Shrewsbury*, which, but for its singular circumstances, hardly deserves to be mentioned. There was one *Matthew Smith*, nephew to Sir *William Perkins*. He had been Captain of an Independent Company at *Windfor*, and commanded all the time of King *William's* being there, when he first came to *England*. Upon the disbanding of the Independent Companies, he received a Commission in the Duke of *Norfolk's* regiment; but was soon after dismissed the service; which threw him into the disaffected party. But he pretended, that, when he found, that King *James's* interests were no way to be supported, but by invasions from the *French*, and by assassinations of the King, his duty to his country, and the horror of such attempts, made him resolve, as much as in him lay, to disappoint such designs. Accordingly,

he applied himself to the Duke of *Shrewsbury's* office, pretending, that he could make great discoveries; and that he knew all the motions and designs of the Jacobites. He sent many dark and ambiguous letters to that Duke's Under-Secretary, which were, more properly, to be called amusements, than discoveries (1): For he gave only hints and scraps of stories; and, though he had got a promise not to be made a witness, yet he never offered any other witness, nor told where any of those, whom he informed against, were lodged, or how they might be taken. He was always asking more money, and boasting what he could do, if he were well supplied; and he seemed to think he never had enough. It is true, before the conspiracy broke out, he had given such hints, that, when it was discovered, it appeared he must have known much more of it, than he thought fit to tell. The Duke

till it was publicly known. And the only notion I had, that something might be attempted, was from the *Thoulon* fleet coming from *Brest*.

I also call God to witness, that I received the knowledge of what is contained in those papers, that I gave to a great man, that came to me in the *Tower*, both from letters and messages, that came from *France*; and he told me, when I read them to him, that the Prince of *Orange* had been acquainted with most of those things before.

I might have expected mercy from that Prince, because I was instrumental in saving his life; for, when, about *April 1695*, an attempt against him came to my knowledge, I did partly by dissuasions, and partly by delays, prevent the design; which I suppose was the reason, that the last villainous project was concealed from me.

If there be any person, whom I have injured in word, or deed, I heartily pray their pardon, and beg of God to pardon those, who with great zeal have sought my life, and brought the guilt of my innocent blood upon this nation, no treason being proved upon me.

I return my most hearty thanks to those noble and worthy persons, who gave me their assistance by opposing this bill of attainder, without which it had been impossible I could have fallen under the sentence of death. God bless them and their posterity; though I am fully satisfied they pleaded their own cause, while they defended mine.

I pray God to bless my true and lawful Sovereigns King *James* and the Queen, and Prince of *Wales*; and restore him and his posterity to this Throne again, for the peace and prosperity of this nation, which is impossible to prosper till the Government is settled upon a right foot.

And now, O God, I do with all humble devotion commend my soul into thy hands, the great maker and preserver of men, and lover of souls; beseeching thee, that it may be always dear and precious in thy sight, through the merits of my Saviour *Jesus Christ*. Amen.

(1) These letters were published by *Smith* himself, in 1697, under the title of *Memoirs of secret services*. He begins with minutes of the 2d of *September 1694*, with the Duke of *Shrewsbury*, informing him that King *James* designed to invade *England* in the spring of the year 1693; but that a difference happened between the Jacobites here, which arose upon occasion of that King's Declaration of the 17th of *April 1693*, by which the Papists were put out of hopes of command, in case that King should be restored. That this Declaration was obtained by a party called *Compounders*, who promised, upon the granting that declaration, to restore King *James* in a very short time. That this King was very much averse to the signing it; that it was drawn here in *England*, and carried over by the

Lord *Middleton*, who declared, that, upon King *James's* landing, that the Lord *Melfort*, and his consent to the declaration, the *Compounders* would perform their promise. That the *French* King was wrought upon by the interest, which the *Compounders* made with one of his Secretaries (who was a public enemy to the Lord *Melfort*, and to his way of proceeding) to persuade King *James* to sign that declaration, notwithstanding his disinclination to it. That the *Compounders* made several terms with that King, and some of them were to be made *Trustees*, as they styled themselves, of the nation, for King *James's* performance of what he had promised in that declaration. That upon this the Jacobites divided into factions, the one styled *Compounders*; the other, called *Melfordians*, who joined with the Papists to restore their King without terms, with sword in hand. That, upon the *Compounders's* failure of promise as to the time of restoring the King, he took himself to be acquitted from standing to that declaration drawn up by them; and now hearkened to the *Melfordians*; and, though *Melfort* was publicly laid aside, yet he still acted behind the curtain, and nothing was valued, unless recommended by him, while *Middleton* was only the shadow of a Secretary. That, in spring 1693, great application had been made to King *James* to come over, who accordingly gave the *Melfordian* faction great hopes. That the *Compounding* party, getting knowledge of it, laboured to prevent it, by reason that their measures were not fully concerted, and therefore sent to the *French* King, to let him know, that it would be in vain to do it that spring, because the *English* fleet was in such readiness, that they could fit out fifty-eight men of war in a fortnight's time; so that the design went off with a promise to stir the year after. That, when *Melfort* seemed to leave all business, and retire from the Court at *St Germain's*, every one complimented and waited on him to his coach, except the Lord *Griffin* and *David Lloyd*, they being great *Compounders*, and of *Middleton's* faction. That Sir *James Montgomery* was of the *Compounding* party, and that they helped him to make his escape; for, he being a timorous man, they were afraid of his confessing. Then *Smith* proceeds to make several discoveries, which are much the same, with those mentioned in the account of the plot. These memoirs were immediately animadverted upon, by Mr *Richard Kingston*, in his *Modest Answer* to Captain *Smith's* immodest *Memoirs*, wherein he endeavours to shew, that these memoirs were not written by the Captain, but by Mr *Thomas Brown* a *stiff Jacobite*, and mercenary poet. That they were published and dispersed at the charge of the party, and the letters were so altered and interpolated, that they were not the same with the originals, sent to the Earl of *Shrewsbury*, and that the substance of the memoirs were mere fables of improbabilities, incongruities and invented futilities.

1696-7. Duke of *Shrewsbury* acquainted the King with his discoveries; but nothing could then be made, either of them, or of him. When the whole plot was unravelled, it was manifest, from his letters, that he must have known more of it, than he would own; but he still claimed the promise before made him, that he should not be a witness. Upon the whole, therefore, he rather deserved a severe punishment, than any of those rewards, which he pretended to. He was accordingly dismissed by the Duke of *Shrewsbury*, who thought, that even this suspicious behaviour of his did not release him from keeping the promises, which he had made to him. Captain *Smith* hereupon went to the Earl of *Monmouth*, afterwards Earl of *Peterborough*, and possessed him with bad impressions of the Duke of *Shrewsbury*, and found him much inclined to entertain them. He told him, that he had made great discoveries, of which the Duke would take no notice; and, because the Duke's ill health had obliged him to go into the country two days before the assassination was intended, he put this construction upon it, that he was willing to be out of the way, when the King was to be murdered. To fix this imputation, he shewed the Earl the copies of all his letters; all which, but the last, more especially, had the face of a great discovery (1). The Earl of *Monmouth* carried this to Court; and it made such an impression there, that the Earl of *Portland* sent Captain *Smith* money, and entertained him as a Spy; but never could, by his means, learn any one real piece of intelligence. When this happened, the King was just going beyond the sea; so Captain *Smith*'s letters were taken and sealed up by the King's order, and left in the hands of Sir *William Trumbull*, who was the other Secretary of State. This matter lay quiet, till *Fenwick* began to make discoveries; and, when the Earl of *Monmouth* understood, that he had not named himself (about which he expressed too vehement a concern) but that he had named the Duke of *Shrewsbury*, it was said, that he entered into a negotiation with the Dukes of *Norfolk*, that

she should, by Sir *John Fenwick*'s Lady, encourage him to persist in his discoveries; and that he dictated some paper to the Dukes, that should be offered to him as an additional one; in which many little stories were related, which had been told the King, and might be believed by him; and by these the King might have been disposed to believe the rest of *Fenwick*'s paper. And the whole ended in some discoveries concerning *Smith*, which would naturally occasion his letters to be called for, and then they would probably have great effect. The Dukes of *Norfolk* declared, that he had dictated all these schemes of His to her, who copied them, and handed them to Sir *John Fenwick*, and that he had left one paper with her. It was short, but contained an abstract of the whole design, and referred to a larger one, which he had only dictated to her. The Dukes said, that she had placed a Gentlewoman, who carried her messages to *Fenwick*'s Lady, to overhear all that passed; so that she both had another witness to support the truth of what she related, and a paper left by him with her. She said, that *Fenwick* would not be guided by him, and declared, he would not meddle with contrived discoveries. That thereupon the Earl of *Monmouth* was highly provoked: He said, That, if Sir *John* would follow his advice, he would certainly save him; but, if he would not, he would get the bill to pass. And indeed, when that matter was depending, he spoke two full hours in the House of Lords, in favour of the bill, with a peculiar vehemence, *Fenwick*'s Lady, being much provoked at this, got her nephew, the Earl of *Carlisle*, to move the Lords, that her husband might be examined concerning any advices, that had been sent him with relation to his discoveries; and upon this Sir *John* told him what his Lady had brought him, and thereupon the Dukes of *Norfolk* and her Confident were likewise interrogated, and gave the account, which has been related. In conclusion, Captain *Smith*'s letters were read, and he himself was examined. This held the Lords several days; for the Earl of *Portland*, by the

(1) When *Smith* complained to the Lords, intimating, that the Duke of *Shrewsbury* intended to stifle his informations, the House sent to the Duke in the country, to know what passed between him and *Smith*, which the Duke acquainted them in the following letter to the Lord-Keeper:

My Lord,

Esford, 15 Jan. 1696.

' Having received the commands of the House of Lords, to lay before their Lordships what letters I received from one *Smith* in February last, or, in case I kept none, then to acquaint the House with what I can remember was contained in them, I am very sorry not to be able so fully to comply with their Lordships directions, as I wish I could. For having heard long since, that this man did pretend to great merit for his discoveries, and, had on several occasions, in a very unhandsome manner, complained of me, I did then endeavour to collect what letters he had sent me, that I might judge how his intelligence appeared, when put together; for, as it came to me, I could make little of it. But I found I could retrieve so few, and those generally of an old date, when I had more value for his intelligence, than I had afterwards, that I am almost certain I have none of those letters left, which their Lordships de-

fire to see. I shall therefore apply myself to give them the best account of what he did inform me, that is most material at this time; which I am the better able to collect, because several things he then mentioned fell out so true, that I was surprised how he could know them, and not more, till I understood he had his intelligence from one *Hevet*, a youth, that lived with Major *Holmes*'s brother, I think, and was about that time often employed to wait on Sir *George Barclay*; by which means he had opportunity to guess or over-hear particulars, which otherwise, I suppose, he might not be trusted with. I remember in winter *Smith* wrote very positively of an invasion intended from *France*, which was to break out at the arrival of the *Thetford* fleet; and that many Gentlemen of quality and Officers were sent from *St Germain*'s on that design. He named Sir *Henry Brynne*, my Lord *Mantague*'s brother, at one time; at another Sir *George Barclay*, *Hobart*, *Countess*, and others. Then he gave him a great design, which he should soon discover the bottom of; and afterwards grew more particular, that it was to seize the King's Person, and named *Barclay*, *Charnock*, *Holmes*, and others, as employed in the villainy; and that, at the same hour this was to be executed, the way was to be taken to all the Counties of *England*. He was different in

1696-7. the King's orders, produced all *Smith's* papers. By them it appeared, that he was a very insignificant spy, who was always insinuating in his old strain of asking money, and taking no care to deserve it.

The Earl of *Monmouth* was, upon the accusation and evidence above-mentioned, sent to the *Tower*, and turned out of all his employments. But the Court had no mind to have the matter farther examined into; for the King spoke to *Bishop Burnet*, to do all he could to soften the Earl's censure, which he did. The Lords were much set against him, and seemed resolved to go great lengths. To allay that heat, the Bishop, who did not know what new scheme of confusion might have been opened by him, in his own excuse, put the House in mind, that he set the Revolution on foot, and was a great promoter of it, coming twice over to *Holland*, to that purpose; he then moved, that he might be sent to the *Tower*. This was agreed to, and he lay there till the end of the Session, and was removed from all his places: But that loss, as was believed, was secretly made up to him, for the Court was resolved not to lose him intirely.

After *Fenwick's* business was over, the Parliament, to the great satisfaction of the people, took care to remedy a public grievance of long standing. Several places in and about the City of *London*, which, in the times of the *Romish* superstition, were allowed as sanctuaries to criminals and debtors, had, ever since the Reformation, pretended a privilege to protect the latter; and one of these, called *White Friars*, was become a notorious receptacle of broken and desperate men, in the very heart of the Metropolis, whither they resorted in great numbers, and, to the dishonour of the Government, and great prejudice of the People, defended themselves with force and violence against the law and public authority. This intolerable mischief the Parliament redressed by an act for the more effectual relief of creditors in cases of escapes, and for preventing abuses in prisons and pretended privileged places; wherein such effectual provision was made to reduce those outlaws, that, immediately after the act was published, they abandoned their posts to better inhabitants. An act also passed for the relief of creditors, by which they were enabled to make compositions with their debtors,

in case two thirds, in number and value, did agree: But this act was repealed the next Session.

Towards the beginning of this Session, the Commons, having taken notice of the late miscarriages of the fleet, ordered, that *Sir George Rooke* should attend the House, to give an account, why the *French Toulon* Squadron was not intercepted in going to *Brest*? That Admiral attended accordingly, and afterwards produced copies both of his journal, and of the orders, which he had received from the Admiralty; which being examined, it was ordered, that *Sir Cloudesly Shovel* should lay before the House copies of all such orders, as he had received, in order to the joining *Sir George Rooke*. Which being done, and much time spent in both Houses about this affair, it did not appear, that either of these Admirals had failed in their duty.

On the 16th of *April*, the King came to the House of Lords, to put an end to this long Session, and made the following speech to both Houses:

The Parliament prorogued.
Pr. H. C.
III. 73.

My Lords and Gentlemen,

‘ Having given my assent to the several bills you have presented to me, I am now to return you my hearty thanks for what you have done this Session, which has been carried on with great prudence, temper, and affection.

‘ At the opening of the Session I told you, how sensible I was of the difficulties to be struggled with, which were of such a nature, that I will freely own the hopes, I had of your being able to overcome them, were founded only upon the wisdom and zeal of so good a Parliament.

‘ My expectation has been fully answered. You entered upon the business with so much cheerfulness, proceeded so unanimously, and have at last brought things to such a conclusion, that we may hope to carry on the war with success, in case our enemies do not think it their interest to agree to an honourable peace. And so effectual a provision being made for supplying the deficiencies of former funds (which is the best foundation for re-establishing of credit) I doubt not, but, in a short

‘ his accounts about the manner of seizing the King. Sometimes *Mr Lattin's* lodge near *Richmond* was to be attacked, and the walls scaled by foot, whilst he was there. Sometimes an attempt of the like nature was to be made at *Kensington* house; and at other times the King was to be set upon going to, or coming from hunting. Near to the day the assassination was intended, he was very earnest for money to buy a horse and equipage; upon which I desired *Mr Vernon* to talk with him, if he knew of his own knowledge any person engaged in such a design; for, being never able to bring any thing in confirmation of what he asserted, from whom he had it, or what time it was to be executed, I supposed there was no truth in the story; or, if there were, I might possibly have set him to be engaged in it. He gave *Mr Vernon* no satisfaction upon discoursing with him, but proceeded in his promises to him, that nothing could be attempted, but he would give me an account. When the whole was brought to light, and it appeared he was not enough Numb. XXIII. Vol. III.

‘ in the secret to have prevented it, I intended notwithstanding to have done something for him, and at his own desire concealed his name, to give him an opportunity, as he pretended, to apprehend *Chambers*. In the mean time I had an account, that in very public places he began to threaten that he would complain of me to the Parliament; whereupon I neither thought it safe nor decent to have any more to do with him.

‘ What I received, relating to the attempt on his Majesty's Person or the invasion, I always gave the King an account, whilst I was able to wait on him; but, being much indisposed, I had his Majesty's leave to go into the country for a few days, where I remained, till I was commanded back, upon the happy discovery of that horrid design.

‘ This, my Lord, is all I can collect to the subject of their Lordships were pleased to command. I beg the favour it may be communicated to the House, and am, &c.’

U u u u

1697. ' short time, it will have a very happy effect, ' to the universal ease and satisfaction of my ' people.

' The circumstances of affairs making it necessary for me to be out of the Kingdom for some time, I shall take care to leave the Administration of the Government, during my absence, in the hands of such persons, as I can depend upon.

My Lords and Gentlemen,

' I have nothing more to ask of you, but ' that you carry down the same good disposition ' into your several countries, which you have ' expressed in all the proceedings of this Session.'

And then the Lord-Keeper prorogued the Parliament to the 13th day of May.

Besides the acts passed this Session, the Commons sent a bill to the Lords, limiting elections to future Parliaments, that none should be chosen, but those who had such a proportion of estate or money; the Lords rejected it: They thought it reasonable to leave the Nation to their freedom, in choosing their Representatives in Parliament: It seemed both unjust and cruel, if a poor man had so fair a reputation, as to be chosen, notwithstanding his poverty, by those, who were willing to pay him wages, that he should be branded with an incapacity, because of his small estate. Corruption in elections was to be apprehended from the rich, rather than from the poor. Another bill was sent up by the Commons, but rejected by the Lords, prohibiting the importation of all *E. I.* India silks, and *Bengals*: This was proposed, to encourage the silk manufacture at home; and petitions were brought for it by great multitudes, in a very tumultuary way; but the Lords had no regard to that.

Fr. H. C.
III. 73.

The House of Commons taking offence at an advertisement in the *Flying-Post*, tending to destroy the credit and currency of the *Exchequer* bills, that were going to be issued out, a bill was brought in by Mr *Pulteney*, to prevent the publishing any news without licence. This bill, in the heat of their resentment, was read the first time, but thrown out before a second reading; because, though they saw the mischiefs of the liberty of the press, they knew not where to fix the restraint.

Honours,
Prefer-
ments, and
deaths.
Nov. 19.
Apr. 11.

As the time for opening the treaty for a general peace drew near, the King appointed the Earl of *Pembroke*, Viscount *Villiers*, and Sir *Joseph Williamson*, his Plenipotentiaries to treat with *France*; and, in the Earl of *Pembroke's* absence, Sir *Thomas Mompesson*, Sir *Charles Cotterel*, junior, and Mr *James Tyrrel* were to execute the office of Privy-seal.

The Lord *Galway* (created an Earl) the Marquis of *Winchester* and Viscount *Villiers* were made Lords Justices of *Ireland*; and Mr *Methuen*, Chancellor of that Kingdom, in the room of Sir *Charles Porter*, deceased.

Apr. 14.

The King, to return the compliment of the

State of *Venice*, appointed the Earl of *Montagu* 1697.
ter his Ambassador Extraordinary to that State.

The Earl had always appeared zealous in the cause of liberty, and had, at his own expence, accompanied the King as a volunteer, with a very handsome retinue into *Ireland*; and was in the battle of the *Boyne*, at the siege of *Limerick*, and, after the reduction of *Ireland*, was made Captain of the band of Yeomen of the Guards. At the same time, Sir *James Ryshout* was sent Ambassador to *Turky*, and Sir *Lambert Blackwell* (knighted on that occasion) Envoy to *Tuscany*.

About a month before, the Earl of *Aylesbury*, Feb. 12. who (as said before) was committed to the *Tower*, on account of the late plot, was brought by *Habeas Corpus* to the Court of King's-Bench, and released upon bail; but the Lord *Moulgomery*, committed on the same account, was denied that favour and remanded to *Newgate*.

The Lord *Berkley*, of *Stratton*, who had fig- Feb. 28. nalized himself in several enterprizes in the channel, died of a pleurisy and fever, caused by hard drinking, in company with several other Nobles, who were also like to have suffered by it. Upon the Lord *Berkley's* death, his regiment of Marines was given to Sir *Cloudesly Shovel*.

The Earl of *Dorset* resigned the office of Lord Apr. 19. Chamberlain, which he had enjoyed ever since the Revolution. He was a generous good-natured man, *Barnet*. He was so oppressed with phlegm, that, till he was a little heated with wine, he scarce ever spoke: But he was, upon that exaltation, a very lively man. Never was so much ill nature in a pen, as in his, joined with so much good nature, as was in himself, even to excess; for he was against all punishing, even of malefactors. He was bountiful, even to run himself into difficulties, and charitable to a fault, for he commonly gave all he had about him, whenever he met an object that moved him. But he was so lazy, that though King *Charles II* seemed to court him to be a Favourite, he would not give himself the trouble that belonged to that post. He hated the Court, and despised that King, when he saw he was neither generous, nor tender-hearted. He was succeeded in his office by the Earl of *Sunderland*, who was soon after sworn of the Privy-council, and was now in as great favour, as he had been in the former reigns.

About the same time, the Lord-Keeper So- Apr. 22. mers was made Lord High-Chancellor, and Baron of *Evesham* in *Worcestershire*.

The same day, the King appointed a Regen- The King appoints a Regency during his absence (1), and, two days after leaving *Kensington*, he embarked, the 26th of April, at *Margate* for *Holland*, where he arrived the next day.

The great transaction of this year was the treaty of a general peace. The chief of the *English* Plenipotentiaries was the Earl of *Pembroke*. He was a man of eminent virtue, and of great learning, particularly, in the mathematics. This made him a little too speculative of *Ry-* Mem. of the peace wick.
wick.

and abstracted in his notions. He had great application, but had lived a little too much out of the world, though in a public station. There

W. 15

(1) The Regents were the Archbishop of *Canterbury*, Lord Chancellor *Somers*, the Earl of *Pembroke*, the Duke of *Devonshire*, the Duke of *Shrewsbury*, the Earl of *Dorset*, the Earl of *Ramney*, the Earl of *Sun-*

derland, and Admiral *Edward Russell*, for whom a patent was preparing to create him Baron of *Shingey*, Viscount *Barfleur* in *Normandy*, and Earl of *...* which was accordingly done the 6th of May.

1697. was somewhat in his person and manner that created him an universal respect, for there was no man whom all sides honoured so much as they did him. In this affair were joined with him the Lord *Villiers* and Sir *Joseph William-son*, as was before said. The Plenipotentiaries, named by *France*, were *Harlay*, *Crey*, and *Callieres*. The first difficulty that arose was about the place of congress, the Emperor proposing either *Mentz* or *Francfort*, and the *Dutch*, with most of their Allies, insisting upon a place in *Holland*. It was expected, that either *Maestricht*, *Nimeguen*, or *Breda*, would have been chosen; but, towards the middle of *January*, *Callieres*, by his Master's orders, moved that the Plenipotentiaries of the Allies, who were now at the *Hague*, should reside there, and those of *France* at *Delft*, where they were at this time; and that the conferences should be held at a palace belonging to King *William*, all which was agreed to. This palace was called *Newburg-House*, because a Duke of *Newburg* laid the first stone when it was in building by *Frederic Henry* Prince of *Orange*. No place could be more proper for the purpose, being situated between the *Hague* and *Delft*: close by the village of *Ryswick*.

The *French* were resolved to have a peace at any rate; not so much on account of the difficulties of carrying on the war, the decay of their trade, and their heavy taxes, but chiefly from another motive. The King of *Spain's* illness, and the succession to his dominions, to which the *French* King had an eye, was the principal cause of his desiring a peace. He knew, that as long as the war continued, and the Grand Confederacy remained entire, his design could not be accomplished; and therefore he hastened the conclusion of the treaty, that he might have his hands free to fall upon *Spain*, the moment his Catholic Majesty died, which he might easily do before a new league could be formed against him. Accordingly, as the King of *Spain's* sickness increased, the *French* King offered advantageous terms, giving the Allies more than could be expected, considering his conquests and force; and would have offered still more, if all the Allies had been of the Emperor's mind, to require a greater number of restitutions.

The interests of the Emperor were entirely contrary to those of the *French* King. He had also his eye upon *Spain*, and therefore it no less concerned him, that the Confederacy should remain, than it did the *French* King, that it should be broken. Besides, the Emperor had the more reason to excite the Confederates to pursue the war, as he hoped to be soon able to turn more forces against *France*. For he was going to conclude a league with *Muscovy*, by which the Czar was obliged to make war with

all his force against the *Turks* and *Tartars*. He also hoped to have a King of *Poland* of his party, who might annoy the *Turk* in such a manner, as to force him to a peace. The negotiation of the six circles of the *Rhine*, to have six thousand, and, in case of need, twelve thousand men on foot, was likewise in great forwardness. For these reasons the Emperor was entirely against a peace, and did all he could to retard it.

As for *England* and *Holland*, they had no other concern in the treaty, but to secure their Allies, to settle a barrier in the *Netherlands*, and to get King *William* acknowledged. Things being in this state, after several debates, the *French* Plenipotentiary *Callieres*, on the 10th of *February*, in the name of his Master, consented to the following preliminaries:

I. That the treaties of *Westphalia* and *Nimeguen* should be the basis of this to be negotiated at *Ryswick*.

II. That *Strasbourg* should be restored to the Empire, in the same condition, as the *French* took it. [But here *Borcel* and *Dyckvelt*, the *Dutch* Plenipotentiaries, declared to the Mediator, before *Callieres*, that, whenever the restitution of *Strasbourg* was talked of, it was also added, or an equivalent at the Emperor's choice.]

III. That *Luxemburg* should be restored to the *Spaniards* in its present condition. [So likewise it was here declared in the same manner, or an equivalent to be proposed by *Spain* to the King of *France*.]

IV. That *Mons* and *Charleroy* should be surrendered as they were.

V. That all places taken by the *French* in *Catalonia*, since the peace of *Nimeguen*, should be restored in the same manner.

VI. That *Dinant*, both the city and castle, should be given up to the Bishop of *Liege*, as they were when taken.

VII. That all *Reunions*, since the treaty of *Nimeguen*, should be made void.

VIII. That *Lorraine* should be restored according to the conditions of that treaty; but farther agreed, that, in case the conditions made in respect to that country should not please, that article should be referred to the general treaty, and that it should be the first point debated in the negotiation. Here it was likewise farther agreed, that upon conclusion of the peace, the *French* King should acknowledge the Prince of *Orange* as King of *Great Britain*, without any manner of difficulty, restriction, condition, or reserve; but as for other Princes, whether they were in the Confederacy or not, their pretensions should be referred to the general negotiation under the mediation of the King of *Sweden* (1).

Some

(1) The other Preliminaries were:

IX. That the Duchy of *Deux-ponts* should be restored to *Sweden*.

X. That *Philipsburg* should be given up to the Bishop of *Spire*.

XI. That the fort of *Kiel*, and other fortifications made on the *Rhine*, should be razed.

XII. That the same should be done by fort *Louis* and *Hunninghen*.

XIII. That *Traerback* and *Montroyal* should be

given up; the first dismantled, but upon condition never to be fortified again.

XIV. That the Elector Palatine should not only be restored to all the Electorate, but also to the Duchies of *Simmeren* and *Lautern*, with the Earldom of *Manheim*; as also other places, whereof he had been dispossessed to the present time.

XV. That the Duchess of *Orleans* should not have recourse to open force to maintain her pretensions, but might bring her action according to law, in relation to the Elector.

XVI. That

1697. Some of the Ministers of the Allies, after having consulted their Masters upon these preliminaries, declared, that, as to the first article, they fully agreed to it; but, as for *Strasburg*, they farther insisted, that it should be restored, with it's fortifications and dependencies, and that no equivalent should be accepted. They allowed of the third, fourth, and fifth articles; only they insisted, that not only the city but the county of *Luxemburg*, and that of *Cleyn* should be given up; as they likewise did, that the city and castle of *Dinant* should be yielded, together with the Duchy of *Bouillon*, in the same state they were. They owned themselves also satisfied as to the seventh article concerning the *Re-unions*, but not so with the agreement made about *Torrain*, which they would have restored to the Duke it's Sovereign, without any manner of restriction.

Before any farther progress was made in the treaty, *Charles XI*, King of *Sweden*, who had been received as Mediator, happened to die (1). His son, the famous *Charles XII*, who succeeded him in his Throne, was but fifteen years old, and gave great hopes of being an active, warlike, and indefatigable Prince, which his reign did afterwards demonstrate to the world. This accident was like to retard the negotiations, but, the deceased King having appointed by his will the Queen and five of the Senators to administer the Government during his son's minority, the Regents among whom the Queen had two voices, and who had full power to make treaties, and perform all other acts of sovereignty, as should be agreed on by the major part of them, sent immediately expresses to several foreign Courts, to acquaint them with their intentions to pursue the mediation begun by the late King for the tranquillity of *Christendom*; and dispatched a new Commission to Monsieur *Lilienroot* for that purpose. Some time before it was agreed by the Plenipotentiaries at the *Hague*, that for the easier carrying on the treaty, all ceremonies should be laid aside; and the titles, which any Prince took, be of no consequence: That the several Ministers should have free and

secure correspondence with the Princes their Masters: That, in order to this, blank passports should be given to each party for the couriers dispatched by them, as also for the packet-boats to and from *England*: And that the powers of the respective Plenipotentiaries should be on the same foot they were at *Nimwegen*.

In pursuance of the preliminaries, Monsieur *Lilienroot*, the Mediator, appointed the first conference to be held at *Ryswick*, on the 9th of May; and accordingly the Allies being met together in the apartments on one side of the palace, the *French* in the apartments on the other side, and the Mediator in the middle between both, the Allies and the *French* shewed him their powers, and gave him copies of the same which he communicated to the respective Ministers, and left the copies with them. This, and the settling part of the ceremonial in order to further proceedings, took up near three hours; and then the conference was adjourned to the 11th of the same month; when, being met again in the same manner as they did at first, the powers of the Allies were by the Mediator exchanged with the *French* Ambassadors. Besides, they agreed to meet constantly on *Wednesdays* in the morning, and *Saturdays* in the afternoon; and that, to prevent inconveniencies, which might arise from crowds of attendants, each Ambassador should go thither only with one coach with six horses, two pages, and two footmen. On the 15th and 18th, the Mediator and Plenipotentiaries met again; but all they did at those two conferences was only to regulate several points of ceremony; in which, for the most part, they followed the rules, that were observed at the treaty of *Nimwegen*.

On the 22d of May, the Imperial Plenipotentiaries delivered to the Mediator their demands in the name of the Emperor and Empire; and some of the *German* Ministers, at the same time, gave in the particular pretensions of the Princes their Masters. After which the Allies drew up a large deduction in justification of their claims; of which however they resolved to give the *French* Ambassadors no copy, till they had received

XVI. That the castle and county of *Veldens* should be restored to their lawful owner.

XVII. That *Bisweiler* should be given to the Count of *Hanow*.

XVIII. That the Seignories of *March*, *Mormosy*, and *Dagstein*, and the County of *Dagsburg*, should be delivered up to the Count of *Overstein*.

XIX. That the Seignories of *Salm* and *Falkenstein* should be given up to the Prince of *Salm*, or to their proprietors, seeing the same was still in question.

XX. That the Seignories of *Lutzenstein* and *Altheim* should be surrendered to their owners.

XXI. That *Ottweiler* should be given up to the House of *Nassau*.

XXII. That the city and county of *Montbelliard*, *Harcourt*, *Bainmont*, and *Chatelette* should be put into the possession of the House of *Wurtemberg*.

XXIII. That *Gernsheim* should be given up to the Elector Palatine, notwithstanding any former treaties to the contrary.

XXIV. That the Principality of *Orange* should be given up to it's Sovereign.

(1) He was a rough and boisterous man; he loved fatigue, and was free from vice; he reduced his Kingdom to a military state, and was ever going round it, to see how his troops were ordered, and his discipline observed: He looked narrowly into the whole Admini-

stration; he had quite altered the constitution of his Kingdom; it was formerly changed from being an Elective, to be an Hereditary Kingdom, yet, till his time, it had continued to be rather an Aristocracy, than a Monarchy; but he got the power of the Senators to be quite taken away, so that it was left free to him, to make use of such Counsellors as he should chuse; the Senators had enriched themselves, and oppressed the people; they had devoured the revenues of the Crown, and in two reigns, in which the Sovereign was long in a state of infancy, both in Queen *Christina's* and in this King's time, the Senators had taken care of themselves, and had stripped the Crown. So the King moved for a general resumption, and this he obtained easily of the States: Who, as they envied the wealth of the Senators, so they hoped that, by making the King rich, the people would be less charged with taxes; this was not all, he got likewise an act of revition, by which those who had grants were to account for the mean profits, and this was applied even to those who had grants upon valuable considerations; for, when it appeared that the valuable consideration was satisfied, they were to account for all they had received over and above that, and to repay this, with the interest of the money, at 12 per cent. for all the years they had enjoyed it. This brought a great debt on all the Senators and other families of the Kingdom,

The King
of Sweden
dies
April 5.
O. S.

The Com.
are resumed
May 15.

The Allies
delivered in
their demands
manus.

1697. ceived the King's orders to propose theirs. But, the *French* Plenipotentiaries having declared, that they had nothing to ask or pretend to, and that they were ready to answer the others, the Allies changed their minds; and the *French*, in the mean while, had several separate conferences with the *Dutch* about commerce and a cessation of arms. This last point the *French* seemed very eager for, and the same was much pressed by the Mediator, who, upon the *Spanish* Ministers delivering their grievances, declared, that he was of opinion, that nothing could more contribute to the advancement of the peace, than the agreeing on a truce by common consent; men's minds being so much the less composed, and fit for a calm negotiation, by how much they were elated or depressed by the good or bad successes of war. Though this motion seemed then to be approved by silence, yet other things intervened, which caused it to be laid aside. About the same time the *Brandenburg* Ambassadors strongly insisted, that all the names of the Confederate Princes should be expressed, and particularly inserted in the treaty; and some of the Allies took it very ill, that the pretensions of the Empire were proposed by the Emperor's Ambassadors only in his Imperial Majesty's name; to silence which complaints it was answered, that every one of the Allies was free to propose separate articles concerning his own affairs. Whereupon several Princes gave in their grievances to their Mediator.

Project of
France.

The King of *France*, foreseeing that the House of *Austria* would insist upon the treaty of the *Pyrenees*, resolved to make his last efforts in *Flanders* and *Catalonia*, to reduce the *Spaniards* to his own terms, and to advance the Prince of *Conti* to the Crown of *Poland*, not doubting but that warlike Prince, who both from inclination and gratitude would ever promote the interest of *France*, would soon make the Emperor more tractable. The *French* army was very numerous and formidable this year in the *Low-Countries*; and having, besides, the advantage of being earlier in the field, than the Confederates, both by reason of the remoteness and slow march of the *German* troops and of King *William's* indisposition, they boasted of attacking a no less considerable place than *Namur*; but, having reflected upon the difficulties of that enterprize, they were contented to open the campaign with the siege of *Aeth*, a place, which the *French* had yielded to *Spain* by the treaty of *Nimeguen*. There were no less than three Marshals of *France* in that army, *Villeroy*, *Boufflers*, and *Catinat*; but, *Catinat* being the greatest General of the three, it was to him the *French* King gave the direction of the siege, and ordered Monsieur *Vauban* to assist him in it, whilst *Villeroy* and *Boufflers* should observe the Confederates. Upon intelligence of the *French* having invested *Aeth*, King *William*, who by

May 16.

this time was recovered of his late illness, immediately repaired to his army in *Brabant*, and had an interview with the Duke of *Bavaria*, who commanded another army at hand, to join him upon occasion. But, besides the great superiority of the *French*, which would have made the attempt very difficult, King *William* openly declared, he would not sacrifice one man for the relief of a place, which the *French* would be obliged to give up by the peace. It is true, the King might easily have laid siege to *Dinant*, while *Catinat* was besieging *Aeth*; but then *Brussels* had been left exposed to *Villeroy* and *Boufflers*, who had a design upon that city; but the King, by a very happy diligence, preventing them, possessed himself of an advantageous camp, about three hours before the *French* could reach it, by which they were wholly disabled to execute their design. As for *Aeth*, it was so vigorously pressed by the besiegers, and so faintly defended by the Governor, for the same reasons which induced King *William* not to attempt its relief, that it surrendered after twelve June 5. days of open trenches.

Not many days after the Duke of *Vendosme*, *Barcelona* taken by the *French*. who commanded the *French* forces in *Catalonia*, invested *Barcelona* both by sea and land, though he had scarce men enough to compleat his circumvallation. This gave the besieged an opportunity to maintain a free communication with the Viceroy of *Catalonia*, who thereupon took the field with a small body of troops, and summoned the *Miquelets* to join him, in order to raise the siege. Besides, the place was defended by a numerous garrison of ten thousand disciplined men, and about five thousand *Burgers*, who had voluntarily taken up arms; and, to use all imaginable precautions for the preservation of that city, the Queen of *Spain* recommended it to a Prince of *Hesse d'Armstadt*, who had signalized himself, not only at the battle of *Agbrim* in *Ireland*, but likewise on several other occasions, and who, upon changing his religion, was now at the head of the *German* troops that were sent into *Spain*. All these difficulties made the world believe, that the positive orders of the Court of *France* had engaged their General in an enterprize, which would not turn to his honour. People were confirmed in this opinion by the vigorous and well-timed sallies of the Prince of *Hesse*, who disputed every inch of ground with the enemy, and so retarded the advancing of their works, that the Duke of *Vendosme* wrote to the *French* King, that, unless he was speedily reinforced, he should be obliged to abandon the siege ingloriously. Upon this the *French* King ordered all the troops in *Provence* and *Languedoc* to march that way with all expedition; and, these succours arriving in time, July 4. the *French* made a great attack, which lasted from twelve at night till three the next morning. They endeavoured three several times to pass the palisadoes;

it did utterly ruin them and left them at mercy, and, when the King took from them all they had, he kept them still in a dependence upon him, giving them employments in the army or militia that he set up.

After that, he procured of the States of his Kingdom an absolute authority to govern them as he thought fit, and according to law; but even this limited.

tation seemed uneasy, and their slavery was finished by another act, which he obtained, that he should not be obliged to govern by law, but by his meer will and pleasure: So successful was he, in the space of five years, to ruin all the families in his Kingdom, and to destroy their laws and liberties, and that by their own consent.

X x x x

1697. palissadoes; but the besieged repulsed them as often sword in hand, and pursued them a good way. Had the Prince of Hesse been seconded by *Don Francisco de Velez*, the Viceroy, the siege had certainly been raised; but the Viceroy (whether by a fate common to all the *Spaniards*, or from a jealousy, that the whole honour would accrue to a stranger, if the place should hold out) so entirely neglected to do his part, that he was surprized, and his small army routed. The *French*, flushed with this success, attacked the outworks, which they had been battering a long while with a great many cannon. This dispute was obstinate, and maintained with great courage and resolution on both sides; but at last the *French*, by the superiority of their numbers, made themselves masters of the covered-way, and afterwards advanced to the attack of two bastions, which, after having been twice taken and retaken, one of them remained in the possession of the assailants. The next day, the besieged endeavoured to recover the bastion of *San Pedro* they had lost, which occasioned a sharp encounter. The *French* were twice beaten from their post, but at last lodged themselves again; and, about the same time, the enemy sprung a mine under the bastion of *Portal Nuova* with so good success, that after several attacks they lodged themselves there likewise. Upon these bastions the Duke of *Vendosme* raised great batteries both of cannon and mortars, from which he fired so furiously upon the town, that he judged it could not hold out much longer. His conjecture proved true, for though the Prince of Hesse still maintained himself on part of those bastions, and was resolved to expect the last extremity in the castle; yet, the Court being unwilling to suffer that city to be entirely ruined by the enemy, since, in all probability, it would soon be restored by the peace, orders were dispatched to the Prince to capitulate, which he did on very honourable conditions, after nine weeks vigorous resistance; so that it remains undecided, whether the Duke of *Vendosme* gained more glory by taking, than the Prince of Hesse did by defending this place; for which service he was, not long after, made Viceroy of *Catalonia*. By this the *French* gained a great point. Hitherto the *Spaniards*, who contributed the least towards carrying on the war, were the most backward to all overtures of peace. They had felt little of the miseries of war, and thought themselves out of its reach. But now, *France* being master of so important a place as *Barcelona*, which cut off all their communication with *Italy*, they became as earnest for peace, as they had before been averse to it.

Nor was this all their danger: For Monsieur *Carthagen de Pointis*, having fitted out a squadron of men of war, at the charge of a Company, erected by Account of the French King's permission, in order to seize the taking of Spanish Plate-fleet, in the *West-Indies*, set sail from Carthagen. *Brest* (though at that time a strong English fleet was cruising off that place) towards the beginning of this year, and in fifty-five days arrived before *St Domingo*. Here he was considerably reinforced; and being also joined by the Buccaneers and Freebooters in these parts, and finding, that the Gal-

1697. leons were already got to the *Havana*, where he could not attack them, he proceeded to put his design upon *Caribagena* in execution. He received no small assistance in this project from one *Vener*, an Englishman, who had served the *Spaniards* many years, and who drew for him several plans of that town; by which *Pointis* judged, that there was a necessity of possessing himself, upon his first arrival, of a considerable post, called *Nuestra Señora de la Papa*; otherwise the *Spaniards* would have an opportunity to carry off whatever they were desirous to save. In order to this, *Pointis*, after concerting proper measures, went in a canoe to find a proper place for landing the men; but, to his surprize, the sea ran so high, though the weather was calm, that there was no possibility of landing the boats; and was, himself, like to be drowned. Hence he learned, which was confirmed by the relation of the inhabitants, that the sea, upon all this coast, in all seasons, is a natural, invincible rampart; and that *Caribagena* is approachable only by the lake, which makes the harbour. Finding this attempt impracticable, he bent his efforts against the fort of *Bocca Chica*; of which, in a short time, he made himself master, notwithstanding the difficulties of approaching it, and the cowardice of the Buccaneers in his service. The taking of this fort was soon followed by the surrender of that of *St Lazar*; after which *Caribagena* itself was invested, both by sea and land. The place was attacked and defended with a great deal of vigour; but, the Spanish succours not coming in time, and all things being now ready for an assault, the garrison thought fit to agree to a capitulation, whereby they were to march out through the breach, with all the usual marks of honour, and four pieces of cannon; but, for the rest, that all silver, without reserve, should belong to the conqueror; and that such of the inhabitants, as staid behind, should enjoy all they had, excepting their place.

In pursuance of these articles, the Governor May 9 marched out of *Caribagena*, and *Pointis* entered it; but, though *Pointis*, according to the agreement, was to have all the silver, how to come at it, was no small difficulty. At last, he betought himself of an expedient, ordering it to be published, that he would give the tenth to the proprietors of whatsoever they honestly brought him, and a tenth to them, who should inform him of any persons, that concealed their effects; to which he added his threats of immediate punishment on those who disobeyed; which had the desired effect upon the generality of the people. Neither were the churches and religious houses spared, being robbed and rifled of several massy images of gold and silver, and other rich ornaments; though, after all, the booty fell much short of *Pointis's* expectation; for, the town having taken the alarm, before his arrival, all the women, of any quality, with their jewels, the nuns, and an hundred and ten mules laden with gold, were gone a great way out of his reach; and, how basely soever the Buccaneers had served him in the expedition, they had their assigned proportion of the spoil, with which, nevertheless, some of them were not satisfied (1).
Though

(1) *Pointis* says, in his account, that they got eight millions of crowns; and the King of *France* allowed a tenth of the first million, and a thirtieth of all the rest; so, of the eight millions, the share of the Buccaneers did

not amount to above forty thousand; whereas they expected that the whole eight millions should have been divided but into four parts, and they to have had one, as being a fourth of the army. *Pointis's Account*, p. 68.

1697. Though the riches had been thus sent away, they gave it out, that they had found many millions of crowns there, which, at first, seemed incredible, and was afterwards known to be false; yet it was confidently asserted, at that time, to cover the reproach of having miscarried in the attempt, on which they had raised great expectations, and to which many undertakers had been drawn in.

The *French*, not thinking it advisable or possible to keep this place in their hands, ruined the fort of *Bocca Chica*, and put out to sea, standing for cape *Tuberon*; when an advice-boat from *Petit Guaves* informed them, that thirteen *English* men of war were arrived at *Barbadoes*, to look after them. This made *Pointis* alter his course for the Straights of *Bahama* till six at night, when he fell in with the *English*, who proved to be much stronger than he was informed, and who presently took one of his fly-boats, on board of which there was a considerable quantity of ammunition and provision. While this was doing, half the *English* fleet, which were got within reach of the enemy, seemed to decline fighting, till the rest, to the leeward, could come to the action; which gave the *French* an opportunity of getting before them. On the other hand, the advanced part of the *English* fleet having got the windward of the *French*, and within less than cannon-shot, *Pointis*, who saw the necessity of fighting, gave the signal for the engagement. But the *English* Admiral, *Nevill*, reckoning there was no safety for the *French*, but to go before the wind for the Straights of *Bahama*, slackened his way, proposing to get so much a-head of them, as to hinder their passage. Upon this the *French*, at the closing of the night, tacked about, and found the success of their working the next day, for they could reckon no more than fourteen ships following them in a line, and those not so high by far as the day before; which made the *French* continue the same road till they got within twenty leagues of *Carthagena*, and the next day got clear of the *English* fleet.

June 9. Having made so narrow an escape, the *French* sailed for *Newfoundland*, and watered at *Conception-Bay*. From hence they steered their course to that of *St John's*, where lay a squadron of *English* ships, under Commodore *Norris*, which was sent with some land forces to recover *Hudson's-Bay*. These ships might have fallen upon the *French*, and would probably have mastered them, as they were now extremely weakened by sickness: But, as *Norris* had no certain account of their strength, and being ordered upon another service, he did not think proper to hazard the attacking them; so they escaped this second danger, as they did afterwards a third from six *English* men of war, that attacked them in their passage from thence into *France*, where they arrived on the 19th of *August*. This was, as they confessed, more than themselves could have expected, considering the distress they were reduced to. On the other hand, not only Admiral *Nevill* died in the *West-Indies*, but most of the other Commanders; so that of all the Captains, who went out, only one returned; and such a mortality had raged among the seamen, that there were scarce sailors sufficient to bring home the ships; and, as this squadron in the bay of *Mexico* did very little service, except robbing and destroying some of the *French* colonies, so that, sent

to *Hudson's Bay*, found it quite abandoned by the *French*: So that both returned home inglorious.

These things occasioned the conduct of our affairs at sea to be much censured: However, our Admiralty declared themselves satisfied with the account, which the Commanders gave of their proceedings. But that Board was accused of much partiality. On all such occasions the unfortunate must expect to be blamed, and, to outward appearance, there was much room given, either to censure the orders, or the execution of them. The King, indeed, owned, that he did not understand those matters; and Admiral *Ruffel*, now made Earl of *Orford*, had both the Admiralty and the Navy Board in great dependance on himself; so that he was considered almost as much, as if he had been Lord High-Admiral. He was too much in the power of those, in whom he confided, and trusted them too far; and it was generally believed, that there was much corruption, as it was certain there was much faction, if not treachery, in the conduct of the Marine. Our miscarriages made people cry, that we must have a peace, for we could not manage the war to any good purpose; since, notwithstanding our great superiority at sea, the *French* conducted their matters so much better than we, that we were losers, even in that element, where we used to triumph most.

The successes of the *French* in *Flanders*, *Catalonia*, and the *West-Indies*, would in all probability have made them sole Masters of the peace, and given their Ambassadors a fair occasion to speak the language of *Nimeguen*, had not their expectations from *Poland* been miserably disappointed, where a great change of affairs had happened this year. Their King *John Sobieski*, after he had long outlived the fame he had got, by raising the siege of *Vienna*, died at last under a general contempt. He was going backwards and forwards, as his Queen's negotiations in the Court of *France* were entertained or rejected: His Government was so feeble and disjointed at home, that all their Dyets broke up upon Preliminaries, before they could, according to their forms, enter upon business: He was set on heaping up wealth, which seemed necessary to give his son an interest in the succeeding election. And indeed, upon his death, a great party appeared for the Prince, notwithstanding the general aversion to the matter; so that he was thought to be the only competitor, that could oppose the Prince of *Conti's* advancement to the Throne. But the Abbé *Polignac*, who managed the *French* King's affairs in *Poland*, confidently assured him, that the Prince of *Conti* would certainly carry the election, if he would but come thither in person, and send him a sufficient sum of money to bribe some Palatines, who opposed the *French* interest. Upon this encouragement *Conti* set out for *Poland*; and great remittances were made to the Abbé *Polignac*, which he lavished away with much ostentation. The *Polish* Nobility had resolved to make no haste with the election, and plainly set the Crown to sale, encouraging all candidates, who would bid for it. Their Primate, then a Cardinal, was the head of the Prince of *Conti's* party, while the Emperor did all he could to support the late King's son. But when he saw, that the *French* party was too strong for him, he was willing to join with

1697.

Remark on
our sea af-
fairs.

The election of a
King of
Poland.

1697. with any other candidate. The Duke of *Lorraine*, the Prince of *Baden*, and Don *Livio Odescalchi*, Pope *Innocent's* nephew, were all named; but, these being not likely to succeed, a negotiation was secretly managed with the Elector of *Saxony*, which succeeded so well, that he was prevailed on to change his religion, to advance his troops to the frontiers of *Poland*, to distribute eight millions of florins among the *Poles*, and to promise to confirm all their privileges, and, in particular, to undertake the siege of *Comenick*. He consented to all this, and, at a time when he was not at all suspected of having any thoughts of the Crown of *Poland*, took a journey in the end of the spring to *Vienna*, under the pretence of settling matters in relation to the campaign in *Hungary*, where it was given out he would command the Imperial army again this summer. But the event shewed, what his real design was, though it was carried on with great secrecy and address; for all of a sudden he left *Vienna*, and this was attended with various reports industriously spread abroad of some misunderstanding between the Emperor and him, of which no body could assign a cause. But, when people saw the Elector assemble a body of his troops, they entertained several suspicions; and the *Brandenburgers* so far took the alarm, as immediately to gather all the forces they could, to oppose any attempt, that might be made that way. The Elector's sudden march towards *Silisia* and the frontiers of *Poland*, quickly occasioned other speculations; and he declared himself a candidate a very few days before the election, being supported by the *Imperialists* in opposition to the *French* party. His party became quickly so strong, that though, upon the first appearance at the election, while every one of the competitors was trying his strength, the *French* party was the strongest, and was so declared by the Cardinal Primate, yet, when the other candidates saw, that they could not carry the election for themselves, they united in opposition to the *French* interest, and gave over all their voices to the Elector of *Saxony*, by which his party became much the strongest, and he was proclaimed the elected King. The Cardinal gave notice to the Court of *France* of what had been done in favour of the Prince of *Conti*, and desired, that he might be sent quickly thither, well furnished with arms and ammunition, but chiefly with money. But the party for the Elector of *Saxony* made more dispatch; he lay nearer, and had both his money and troops ready; so he took the oaths, that were required, and got the change of his religion attested by the Imperial Court. He made all the haste he could with his army to *Cracow*, and was soon after crowned, to the great joy of the Imperial party, but the inexpressible trouble of all his subjects in *Saxony*. The secular men there saw, that the supporting this elective Crown would ruin his hereditary dominions; and those, who laid the concerns of the Protestant religion to heart, were much more troubled, when they saw that *Houfe*, under whose protection their religion grew up at first, now fall off to Popery. It is true, the present family, ever since *Maurice's* time, had shewn very little zeal in that cause. The elected King had so small a share of religion in himself, that little was to be expected from him; nor was it much apprehended, that he would become a

bigot, or turn a persecutor. But such was the eagerness of the Popish Clergy toward the suppressing what they call Heresy, and the perpetual jealousies, with which they would therefore possess the *Poles*, were like to be such, in case he used no violence towards his *Saxon* subjects, as possibly might have great effects on him; so that it was no wonder, if they were struck with a general consternation upon his revolt. His electors, though a very young person, defended of the House of *Brandenburg*, expressed so extraordinary a measure of zeal and piety upon this occasion, that it contributed much to the present quieting of their fears. The new King sent a Popish Stadtholder to *Dresden*, but so weak a man, that there was no reason to apprehend much from any conduct of his. He also sent them all the assurances, that could be given in words, that he would make no change among them.

A very unusual accident happened at this time, which served not a little to his quiet establishment on the Throne of *Poland*. The *Muscovites*, after they had been for some years under the divided Monarchy of two brothers, or rather, of a sister who governed in their names, by the death of one of the brothers, came under one Czar. He entered into an alliance with the Emperor, against the *Turks*; and *Azoph*, which was reckoned a strong place, and commanded then the mouth of the *Tanais* or *Donne*, where it falls into the *Palus-Meotis*, after a long siege was taken by his army. This opened the *Euxine* sea to him, so that, in case he was furnished with men skilled in the building and sailing of ships, it appeared, that this might have consequences, that would very much distress *Constantinople*; and, in the end, prove fatal to that Empire. This was the state of the affairs of *Peter I.*, Czar of *Muscovy*, when, being sensible of the defects of his education, he resolved in order to correct them, and to qualify himself, for the great designs he was projecting, to go into the world, and be better informed. He intended to make a navigable canal between the *Valga* and the *Tanais*, by which he might carry both materials and provisions for a fleet to *Azoph*; and, when that communication was opened, he apprehended, that great things might be done afterwards. He therefore intended to see the fleets of *Holland* and *England*, and to make himself as much master of that matter as his genius could rise to. He sent an Embassy to *Holland* to regulate some matters of commerce, and to see if they would assist him in the war, which he was designing against the *Turk*. When the Ambassadors were set out, he settled his affairs in such hands, as he trusted to, and with a small retinue of two or three servants secretly followed his Ambassadors, and quickly overtook them. He discovered himself first to the Elector of *Brandenburg*, who was then in *Prussia*, looking on the dispute, that was like to arise in *Poland*, in which, if a war should follow, he might be forced to have a share. The Czar interested himself greatly in the matter, not only by reason of the neighbourhood, but because he feared, that, if the *French* party should prevail, *France* being in an alliance with the *Turk*, a King sent from thence would probably not only make a peace with the *Turk*, but turn his arms against himself, which would hinder all his designs for a great fleet.

The

The Elector of Saxony chosen, June 26.

1697.

The Czar travels to Holland, and England.

1697. The *French* party was strongest in *Lithuania*; therefore the *Czar* sent orders to his General, to bring a great army to the frontier of that Duchy, to be ready to break into it, if a war should begin in *Poland*; and it was said, that the terror of this had a great effect. From *Prussia* the *Czar* went into *Holland*, where, after his Ambassadors had been admitted to an audience with the *States-General* at the *Hague*, they had one of King *William* at *Utrecht*; which being over, the King and the *Czar* met in a small gallery, into which they entered both at the same time out of the adjoining rooms, and had a long conference together about the posture of affairs, wherein the *Czar* highly applauded the King's indefatigable endeavours, and constant aim to reduce *France* within it's antient limits.

Jan. 11. 1697-8. From *Holland* the *Czar* went over the next winter to *England*, where he staid several months. Bishop *Burnet* waited often on him; and was ordered, both by the King and the Archbishop and Bishops, to attend him, and offer him such informations of our Religion and Constitution, as he was willing to receive. As the Bishop had good interpreters, he had much free discourse with him. He found him a man of a very hot temper, soon inflamed, and very brutal in his passion. He raised his natural heat by drinking much brandy, which he rectified himself with great application. He was subject to convulsive motions all over his body, with which his head seemed to be affected. He wanted not capacity, and had a larger share of knowledge than might be expected from his education, which was but indifferent. A want of judgment, with an instability of temper, appeared in him too often and too evidently. He was mechanically turned, and seemed designed by nature rather to be a ship-carpenter than a great Prince. This was his chief study and exercise, while he staid in *England*. He wrought much with his own hands, and made all about him work at the models of ships. He told the Bishop, he designed a great fleet at *Azoph* to attack the *Turkish* Empire; but he did not then seem capable of so great a design, though his conduct afterwards, in his wars, discovered a greater genius in him than appeared at this time. He was desirous to understand our Religion, but he did not seem disposed to mend matters in *Miscovy*. He was indeed resolved to encourage learning, and to polish his people, by sending some of them to travel into other countries, and to draw strangers to come and live among them. How far this charaacter suited him will appear, when his actions come in course to be mentioned.

From *England* he went to *Vienna*, where he purposed to have staid some time, but was called home, sooner than he had intended, upon a discovery, or a suspicion, of intrigues managed by his sister; but the strangers, to whom he trusted most, were so true to him, that those designs were crushed before he came back. But on this occasion he let loose his natural fury on all whom he suspected. Some hundreds were hanged all round *Moscow*; and it was said, that he cut off many heads with his own hand; and so far was he from relenting, or shewing any tenderness, that he seemed delighted with it. But, after this digression, it is time to return to the Election of *Poland*.

A fleet was ordered at *Dunkirk* to carry the Prince of *Conti* to *Poland*; but an *English* Squadron. No. 23. VOL. III.

dron, which lay before that port, kept him in for some time. At last he got out, and sailed to *Dantzick*; but that city had declared for the new King, and therefore would not suffer him to land with all those, who came with him, and only consented to suffer himself to land with a small retinue. This he thought would not become him; and therefore landed at *Marientburg*, where he was met by some of the chief of his party, who pressed him to distribute the money, which he had brought from *France*, among them, and promised to return quickly to him with a great force. But he was limited by his instructions, and would see a good force, before he would part with his treasure. The new King sent some troops to disperse those who were coming together to serve him; and these had once almost seized on the Prince himself. But he acted after that with great caution, and would not trust the *Poles*. He saw no appearance of any force like to be brought to him, equal to the undertaking; and fearing, lest, if he should stay too long, he might be frozen up in the *Baltic*, he came back to *Dunkirk*. Notwithstanding this, the Cardinal Primate stood out still. The Court of *Rome* rejoiced at the pretended conversion of the new King, and owned him; but he quickly saw such a scene of difficulties, that he had reason to repent his embarking himself in such a dangerous undertaking. However, his election had some influence in disposing the *French* now to be more earnest for a peace; for, if they had got a King of *Poland* in their dependence, that would have given them a great interest in the northern parts, with an easier access, both to assist the *Turks* and the malecontents in *Hungary*.

The news of this election was no small mortification to the *French* Plenipotentiaries at *Ryswick*. But the treaty went on, and the *French*, who had daily conferences with the Ministers of the *States-General* and others of the Allies, renewed their offer of an equivalent for *Luxemburg* and *Strasburg*, which the Imperial and *Spanish* Ambassadors still rejected. About this time, the *Dutch* Plenipotentiaries complained aloud, and with some sort of indignation, of an unjust and false report, as if their Masters had underhand concluded a peace with *France*; and, the better to prove their sincerity, they openly dissuaded the Ministers of the Allies from consenting to a truce. To this, however, the Ministers were of themselves sufficiently averse, especially since the *French* had rejected the pretensions of the *Imperialists* and *Spaniards*, being unwilling to answer them before the Confederates gave their opinions concerning the proposal, which *France* had made, that the Plenipotentiaries of the Allies should treat on the foundation laid on the 10th of *February* last, and advance no other points, besides those, that had already been mentioned. The *Imperialists* made answer, that these articles were but preliminary ones, and not absolute; and that they were allowed of with this condition only, that, in case any point were found to be imperfect or faulty, the same should be amended by the succeeding treaties; and that they were desirous to know the answer of the *French* as to every point proposed by the Emperor and his Allies. The *Spaniards* were of opinion, that they ought to keep close to the points, that had been once agreed on; and that to do otherwise would

The treaty of peace carried on.

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only

The Prince of Conti sails from Dunkirk.

1697. only retard the negotiation: That, seeing the first preliminary point imported, that the treaties of *Westphalia* and *Nimeguen* should be the basis of this negotiation, according to the express consent of the King of *France*, it was consequently very evident, that those preliminary positions could not be the foundation of all pretensions, that the Allies could have upon *France*. That, if the preceding treaties had no effect at all, it was to no purpose, that they had made choice of a place to confer in; that the mediation of the King of *Sweden* had been desired; and that passports had been granted. Upon this the *French* Ambassadors dispatched a courier to their Master, on whose part the propositions of a truce and a free trade were again offered, as being the first step towards a peace. But, these being still rejected, they now replied to the answers made by the *Imperialists* and *Spaniards*, that they were so strictly limited to their instructions, that they durst not exceed or change any thing from the treaty of *Nimeguen*, as the basis proposed by the King their Master; and that consequently it was in vain for the Allies to require any thing beyond the articles of that treaty. This reply was far from satisfying the Allies, who gave the *French* to understand by the Mediator, that, their last declaration being directly contrary to what had been fully regulated, and absolutely agreed on in the preliminaries, it could have no other tendency, than to break off the treaty, or at least to draw it into length. The Mediator himself being of the same opinion, he laid the full pretensions of the Allies before the *French* Plenipotentiaries, who gave him for answer, that the regarding the negotiation ought with more reason to be charged upon the Allies, the last instrument, that had been presented on the Emperor's part, being conceived in such articles, which they foresaw *France* neither could nor ought to accept; and that the *Spaniards*, proposing the *Pyrenean* treaty for the basis of this, made the *French* insist upon that of *Nimeguen*. To this the Mediator replied, That he could not believe, that his most Christian Majesty was offended, that all the Allies had joined together in the last answer, since that affair was common to them all: That they were of opinion, that *France* would have declared the same thing, were she in the same condition, *Spain* found herself in, namely, that the peace of the *Pyrenees* should be renewed in it's full force. At the same time the Allies offered it as their opinion, that, for the avoiding of these difficulties and disputes, the *French* should answer each of their propositions apart; which was at length agreed to.

The last instruments presented by the *Imperialists* were not pleasing to divers of the Allies, who pretended, that they had other just complaints to make against *France*, in order to redress. The Elector of *Hanover's* Plenipotentiary insisting, that he ought to have a place in the Assembly, as an Electoral Minister, occasioned also some disputes; which being left to the decision of the Mediator, he gave it in favour of that Plenipotentiary. Soon after the *Imperialists* and the *French* gave in, respectively, their projects of peace; but, all the articles of the *French* being drawn, word for word, from the treaty of *Nimeguen*, the same were rejected by the Allies, as being too opposite to the interest of the Empire; and, because there was

1697. often mention made of the Allies of *France*, it being well known, that she had none in the war, unless the *Turks* were meant by it; it was insisted upon, that the *French* should more fully explain themselves, and give in a clearer plan. On the other hand, the *French*, in the beginning of *July*, required the Mediator to exhort the Allies to avoid delays, and apply themselves effectually to the terminating this tedious work. To this the Mediator answered, That he did not see how the Allies retarded the moving of those obstacles that lay in the way; but that their delays were occasioned by the *French* themselves, in lending those points, that were undecided to *Paris*, in order to consult their Master thereon. That the sincere intentions of the Allies were manifested from their having desired, that other extraordinary days should be appointed to hold their conferences, which the *French*, on their part, had declined; and that the Allies were not ignorant of the designs of the *French* Court, who had nothing in view but the treaty of *Nimeguen*. As soon as the Mediator had given an account of all this to the Allies, they resolved to consult together daily, in order to find out a way to shorten their business; and, in the first conference, it was concluded, that the *French* should answer to every point in difference, as proposed by the Allies; which, when the others came to know, they desired to be informed, according to what manner the Allies were willing to decide the first point, to the end that, having once seen the beginning of the treaty, they might be able to conjecture whether they had power enough to treat and conclude, without any further orders from their Master. But the *French*, at the next meeting, insisted, that nothing could add a greater weight to the business, than to treat according to the peace of *Nimeguen*, and to change some articles therein, when there should be occasion. The Mediator, at the request of the Allies, replied, That they were not to treat according to the treaty of *Nimeguen* only, but also according to that of *Westphalia*, since both together had been reciprocally proposed and accepted of in the preliminaries; and that, consequently, the Allies required, that the *French* should form a project, according to those two treaties; to which project the Allies would promise a speedy answer. The *French* required time to deliberate upon it; which, while they were doing, the Imperial Ambassadors promised to those of the Electors, that they would soon communicate to them all the articles, which they should put forwards, to the end that all differences between them might be adjusted.

After several consultations, the *French* declared, That they had not sufficient power to answer to the different proposals of the *Imperialists*; but that they would give in a project to the *Spaniards*, if they would accept of it, which the Mediator acquainted the Allies with; adding, that the *French* still pretended, they had no other power to treat, than according to the treaty of *Nimeguen*. Whereupon the Ministers of the Allies, in a particular conference, came to an unanimous resolution, never to consent to it, that treaty being contrary to the interests of almost all the Princes and States, that sent them. In the mean time the Electoral Ministers could not well digest the proposal of the *Imperialists*, that, in dignities and cessions, there should be no regard

1697. had to any other, except the Ambassadors of the highest characters; for they insisted, that they ought to be treated with upon an equal foot with the rest. Then the *French* declared, that they would use the Plenipotentiaries of the Electors in the same manner, as the Emperor's Ministers did, and honour the rest so, in all public affairs, as to give no occasion of complaints. As to the main of the treaty, the *Spaniards*, at last, consented that the *French* should give in their plan; to which they would return an answer. This they were prevailed with to do, upon an assurance from the Mediator, that the same should be made up of the treaties of *Westphalia* and *Nimeguen*, he having told the *French*, that the articles, which they should propose, ought to be regulated by those two treaties; by default whereof no advance could be made in the negotiation. Whilst the *French* Ministers were busy about framing their plan, the Elector of *Brandenburg's* Plenipotentiary very earnestly pressed them to procure a full power to treat with him, in particular, since his Master had formerly declared war against *France*; and the Deputies of the Circles of *Swabia* and *Franconia* insisted likewise, to have satisfaction made them by *France*, for the damages, which they had sustained, during the war; but all this to little purpose.

To quicken the slow advances of the treaty, the Ministers of *Sweden* and *Denmark* both declared to the *French*, That their Masters would be constrained to join their forces to those of the Allies, to cut off, by the sword, all the unnecessary difficulties, which *France* raised to protract the negotiations. The treaty, indeed, went on but slowly, till *Harlay*, the first of the *French* Plenipotentiaries, came to the *Hague*; who, as was believed, had the secret. He shewed a fairer inclination, than had appeared in the others, to treat frankly and honourably, and to clear all difficulties that had been started before. So that the *French*, on the 20th of *July*, gave in their plan of peace, founded on the treaties of *Westphalia* and *Nimeguen*; the main articles of which, as to the Empire, were, 'An offer to make void several re-unions, made on that side, by the Chambers of *Mentz* and *Besançon*, and the sovereign Council of *Brisac*, since the treaty of *Nimeguen*. To restore the City of *Strasburg*, or to give, as an equivalent for it, the city and castle of *Friburg*, and the towns of *Brisac* and *Philippsburg*, with the fort of *Kiel*, in the condition they were at present: To demolish the fortifications of *Huningen*, on the other side of the *Rhine*. To restore *Lorraine* to the Duke of that name, in the same manner as it was offered at the treaty of *Nimeguen*, that is, in the same condition it was possessed by Duke *Charles*, in 1670, and the city of *Nancy*, upon certain conditions; with the demolishing of divers places, such as *Mont-Royal*, *Traerbach*, &c. As for the *Spaniards*, the *French* offered to give them the city and country of *Luxemburg*, and the country of *Chinay*, or, in lieu of them, some other places, hereafter to be named, for which there was a blank left in the plan. That all re-unions, since the treaty of *Nimeguen*, should be made void: That the city and castle of *Dinant* should be delivered to the Bishop of *Liege*; and that

'all other places, taken on both sides, during the war, should likewise be restored.' The *Spaniards* seemed, in the main, to be satisfied with the *French* concessions; but the Imperial Ministers made a tedious, and, as some thought, an unreasonable answer to the plan; which the *French* did not much regard, their chief aim being to satisfy the rest, upon what terms they were willing to give them, in order to break the Grand Alliance, and by that means to preserve part of their acquisitions on the *Rhine*, since there was so little prospect of having any thing elsewhere. After the delivery of the plan of peace, the King of *France*, finding much time spent to little purpose, by carrying on a treaty in writing, ordered his Plenipotentiaries to agree to the proposals, which the Imperialists had made not long before, of treating by word of mouth; and though the 10th of *September* was the utmost the *French* would give, to accept their offers; yet it is remarkable, that, after their disappointment in *Poland*, they began to be more tractable than before.

Upon the 17th of *August*, an extraordinary conference was held at *Ryswick*, which lasted almost a whole day, and wherein the method agreed on of treating by word of mouth was first put in practice. Not many days after came the news of the taking of *Barcelona* by the *French*. This made the *Spaniards* very uneasy and very pressing to have the peace signed upon the conditions offered by *France*; and more especially since, by the memorial given in to the Mediator on the 1st of *September*, there had been an offer made to restore this place also to his Catholic Majesty upon a slight consideration of a few villages belonging to the chancellery of *Aeth* to be yielded to the *French*, for the conveniency of the trade of the inhabitants of *Tournay*. But, the more condescending the *French* seemed to be towards the *Spaniards*, the stiffer they became with the Empire, now positively insisting upon the keeping of *Strasburg*, and that the Emperor should rest contented with the equivalent, which, they said, would be more considerable to him, since he would have the intire sovereignty of those towns, that *France* quitted; whereas *Strasburg*, if restored, must have been set at its own liberty, as a free Imperial city. If the Imperialists were startled at this new project, they were not less surprized at the short time prefixed by *France* for their answer, which was the 20th of *September*; after which the *French* King would no longer be obliged to those offers. This was still the more mortifying to them, since they began now to be superior in force to the *French*, and to act offensively on the *Rhine*; not to mention their jealousies, lest some of the Allies should sign a separate peace, and leave them out; which occasioned some heats between the Confederates.

On the other hand, the *French* Plenipotentiaries were amazed at the profound silence of the Ministers of the Allies concerning their last memorial. But it seems the conclusion of the peace was to be owing to the same person, who had been the soul of the war, King *William*. For, while the negotiations at *Ryswick* were going on very slowly, it was so managed, that the Earl of *Portland* and Marshal *Boufflers*, when the Confederate army was incamped near *Brussels*, and the *French* army not far from thence,

met

1697. met together four times, by the order of their Masters, and conferred long together (1). At the last of these conferences, the two negotiators, after they had been some time in the open field, retired into an house in the suburb of *Hall*, where they had pen, ink, and paper, and in an hour adjusted several points, which the Plenipotentiaries at *Ryswick* would not perhaps have agreed upon in a year. The chief subject of those conferences was concerning King *James*. King *William* desired to know, how the *French* King intended to dispose of him, and how he could own him, and yet support the other. The *French* King would not renounce the protecting him by any article of the treaty; but it was agreed between them, that the *French* King should give him no assistance, nor give King *William* any disturbance on his account; and that he should retire from the Court of *France*, either to *Avignon* or to *Italy*. On the other hand, his Queen should have fifty-thousand pounds a year, which was her jointure, settled after his death; and that it should be now paid her, he being reckoned as dead to the nation. In this King *William* readily acquiesced. These meetings made the treaty go on with more dispatch, this tender point being once settled; and, on the 2d of *August*, the Earl of *Portland* and Marshal *Boufflers* signed the paper, which they had drawn up some days before; upon which the King left the army the next day, and went to *Dieren*; whence he dispatched the Earl of *Portland* to the *Hague*, to acquaint the Congress, 'that, as for what concerned his Majesty and his Kingdoms, all matters were so adjusted with *France*, that this would occasion no delay in the general peace; and therefore he earnestly pressed the other Allies, and particularly the Emperor, to contribute all that in them lay towards concluding so great a work.'

The interviews between the Earl of *Portland* and Marshal *Boufflers* occasioned divers speculations. On the one hand the Jacobites, who, against all reason, flattered themselves, that, tho' a treaty of peace was carried on at the King's own palace, yet he would be left out of it, saw by these conferences their hopes entirely baffled; and, on the other hand, a great many people, and even some of the King's best friends, began to suspect, that he had entered into a private agreement with the *French* King, in favour either of King *James* or his issue, upon account of King *William*'s having the peaceful enjoyment of his dominions during life, and being acknowledged as King of *Great-Britain* by his most Christian Majesty; which ill-grounded suspicion was three years after fully removed, by King *William*'s effectual promoting the settlement in the Protestant line. Deeper politicians went farther two years after, and pretended (as will hereafter be seen) that, in these conferences between the Earl of *Portland* and Marshal *Boufflers*, the first foundation was laid of the famous *Treaty of Partition*; and it is not improbable, but something of that kind was then propoed and considered.

The day appointed by *France* being come, when either peace or war was to determine the

fate of *Christendom*, the *English*, *Spanish*, and *Dutch* Plenipotentiaries, after a long conference with those of *France*, having adjusted all matters remaining in difference between any of them, respectively signed the treaty a little after midnight, and then complimented each other upon the finishing of that important negotiation. The Imperial and Electoral Plenipotentiaries, who, most of them, were all the while present in the hall, were so far from consenting to what was done, that, on the contrary, they required the Mediator to enter a protestation, 'That this was the second time, that a separate peace had been concluded with *France*, (meaning that of *Nimeguen* for one) wherein the Emperor and Empire had been excluded; and that the States of the Empire, who had been imposed upon through their own overcredulity, would not, for the future, be so easily persuaded to enter into confederacies.' The *Spanish* Plenipotentiaries, and particularly Don *Bernardo de Quiros*, by way of excuse, replied, that he had a long time been made acquainted with his Catholic Majesty's pleasure, not to delay the signing of the treaty, which had been agreed upon before; and, if he had obeyed those orders, the *French* would not have taken *Barcelona*. But that, having deferred the conclusion of that treaty at the persuasion of the Imperial Ministers, he had given the *French* time to make themselves Masters of that important place; which success emboldened their Plenipotentiaries to change their language, and thereby he had himself run into the hazard of incurring his Master's displeasure.

All this while King *James* made but an indifferent figure in his melancholy retirement at *St Germain's*. The *French* King's promise to him, and open declaration to all *Europe*, that he would never lay down arms till he had restored him to his Throne, had raised this Prince's hopes to a great height. But he found by sad experience, how little the promises of Sovereigns are to be relied on, when their own interest comes in competition.

After a tedious war, dubiously maintained, the *French* King, being exhausted both of men and money, thought it prudence to make peace, and restore to his neighbours all the conquests, which he had made upon them since the treaty of *Nimeguen*; which he was the more inclined to do, in hopes that, having disarmed and broke the Confederacy, he might recover all at the death of the King of *Spain*, who for many years had been in a declining state of health, and who, at the conclusion of the peace of *Ryswick*, was in so desperate a condition, that the *French* Court thought he could not live a month longer. On the other hand, the *French* King being sensible, that a treaty could not be set on foot, not only without owning King *William*, but also (as a consequence of that acknowledgment) without abandoning King *James*, he did not even insist, that a Minister from him should be admitted to the conferences at *Ryswick*; which proposal was unanimously rejected by the Allies; nor would the *French* Plenipotentiaries meddle with that Prince's manifesto. King *James*'s expectation

(1) Some Historians say, that the Earl of *Portland* desired Marshal *Boufflers* to confer with him; and others,

particularly *Burnet*, say, that *Boufflers* desired a conference with the Earl of *Portland*.

1697. The peace signed by England, Spain, and Holland. Sept. 20. N. S.

King James's interests left unprotected. Mem. of the treaty of Ryswick. I. 452.

1697. pection of the French King's protection being thus disappointed, and he finding, that his pardons as well as his threats had no effect upon his former subjects, he was persuaded to publish his manifesto, containing *A summary account of the reasons, that should engage the Confederate Catholic Princes to promote his Restoration, and a protestation against what was done at Ryfwick as null, in respect to the violation of his*

rights; with another memorial to the same purpose, addressed to the Protestant Confederate Princes and States; of which manifestoes no notice was taken by any of the Allies (1). As to his friends in England, they were so enraged to see him abandoned by the French King, that they could not forbear venting their bitter invectives against him, for which some of them were committed to prison and fined, the same being

1697.

(1) They were answered in a piece, printed at London, 1705, in quarto, under the title of, *A Memorial, drawn up by King William's special direction, intended to be given in at the Treaty of Ryfwick, justifying the Revolution, and the course of his Government; in answer to two Memorials, that were offered there in King James's name.* In the preface, we are informed, that, upon King James's presenting his two Memorials, it was thought necessary to prepare a Memorial, in answer to them; which was intended to be given, in King William's name, to the Ministers, that were then at the Hague. The Memorial was, upon this, drawn up, by his Majesty's own direction, he explaining himself upon every particular; and the draught was examined by him, and, by his orders, carried to some of the worthiest Ministers, that our nation produced in that age, and carefully revised and corrected by them. But, when it was resolved to translate it into Latin and French, in order to the communicating it, his Majesty had advice from the Hague, that King James's Memorials were so little considered there, that the offering an Answer to them would give them some credit; and that, without that, they had none at all. The draught was therefore ordered to be written over again, in another style; not in his Majesty's name, but as the Answer of a private hand to those Memorials; and so to be printed. Yet, before this could be done, another advice came, to let the matter quite alone, and to leave those Memorials to sleep in that neglect, under which they were fallen. The matter rested upon this; but, these papers being drawn up by such an authority, and containing such a full, though short, vindication of the Revolution, it was, afterwards, thought proper to publish them. The Answer to the first Memorial to King James begins with observing: 'That the King of Great Britain' does not wonder to see a Prince, who has, for so long a time, sought to take away his life, in the blackest methods, endeavour, now, likewise, to attack his honour, even in the undecentest expressions; of which the late Memorial is full. The late King, while he was in Ireland, did, himself, concert with one James, the way of murdering the King. But, so tender was his Majesty of the honour of a person so nearly related to him, that he gave order to suppress that matter; though the authentic proofs of it are yet extant, in letters, and other papers, taken in the late Earl of Tyrconnel's cabinet. Grandvill's confession is well known; and Sir John Fenwick did lately claim merit, by his diverting another design to murder the King, pursuant to a commission, that, though it was not come over, yet was affirmed to be signed by the late King. His having laid the design of murdering the King, a year ago, and his having sent over persons, and a commission, to that effect, have been so undeniably proved, that all Europe is still full of horror at it. At such practices, Heathens would be ashamed. The pursuing them, year after year, deserves severer words, than the King thinks fit to use, even after such a provocation; such regard is had to the high birth, and the rank, which that Prince once held in the world. The King had the least reason to have expected such practices from the late King, because, though he had him so long in his power, he did him no hurt, nor put him under any restraint. He refused to hearken to the advices, that many gave him, of securing his person, till a general peace

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should be made; or, at least, till Ireland should be reduced. Some, who offered those advices, are now in the late King's interest, and can, if they please, inform him of the truth of this matter. The late King, himself, desired to be attended by some of the Dutch Guards, when he went to Rochester, and sent to the Count de Salmes, to that effect; who immediately ordered it, without any direction from the King, who was not then come to London. When the King knew of it, he sent orders to those Guards to wait about the late King, in what manner he himself should command: And it was visible to those, who were about him, at that time, that he was all the while as much master of himself, as when he was served by his own Guards. The whole progress of affairs, as they passed between his Majesty and King James, is laid open; and it is remarked, that King William did not come to England on design to dethrone that King, but declaring a full purpose to leave the care and settlement of the nation to the Parliament. And, when some Lords were sent to him by the late King, to ask him, what it was, that he proposed, his answer was: That he desired, that the administration of the Government might be brought into a state conformable to the laws then in being; so that no persons, who were under legal incapacities, might continue in public offices or trusts; and that a Parliament might be called, and sit in full freedom, both armies being at an equal distance from it; that so proper remedies might be applied to all the distempers, into which those violent counsels had thrown the nation. By this, it appeared how firmly the King had adhered to his Declaration. During this negotiation, and after the late King had notice given him, what the King's demands were, he, upon reasons best known to himself, threw up all, and abandoned the Government, and left his army loose upon the nation, and the rabble upon the city of London, and withdrew himself: By which he did all that in him lay to cast these kingdoms into most violent convulsions, and exposed even his own friends to all the hardships, that might have been apprehended from enraged multitudes. For, if the providence of God, and the natural gentleness of the people of England, had not proved effectual restraints, this nation had become a scene of fire and blood; which the enemies of this kingdom persuaded the late King to venture on, rather than to stay, and suffer a Parliament to enquire into the causes of the miseries the nation was fallen under, and to secure their religion and property. Upon this, that part of the nation, which had, till then, adhered to the late King, finding themselves abandoned by him, desired, that the King would assume the administration of this forsaken Government; which he consented to do, till a convention of the States should be brought together, to give it a full and legal sanction. He did take a most particular care, that the elections should be carried on with all possible freedom, not only without violence and threatenings, but even without recommendations, or any sort of practice, how usual, and how innocent soever. The like care secured their liberty, when they met: Every man argued and voted in the great deliberations, then on foot, both with freedom and safety. Nor did the King speak to any person, or suffer any to speak in his name, to persuade, much less

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to

1697. being a violation of the late treaty between the Crowns of *England* and *France* (1).

The Jacobites were the more confounded at the news of it, because the Court of *France* did, to the last minute, assure King *James*, that they would never abandon his interests: And his Queen sent over assurances, to their party here, that *England* would be left out of the treaty, and put to maintain the war alone: Of which they were so confident, that they entered into deep wagers upon it; a practice little known among us before the war, but it was carried on, in the progress of it, to a very extravagant degree; so that they were ruined in their fortunes, as well as sunk in their expectations, by the peace; upon which, it was said, King *James's* Queen made a bold repartee to the *French* King, when he told her the peace was signed: She said, she wished it might be such, as should raise his glory, as much as it might settle his repose.

Nothing done by the treaty in favour of the French Protestants.

The most melancholy part of this treaty was, that no advantages were gained by it in favour of the Protestants of *France*, who were refugees in *England*, *Germany*, and *Holland*. King *William* having, on all occasions, declared himself their Protector, they expected, that he would also prove their Deliverer, and never conclude a peace with *France*, without obliging their Sovereign to restore them both to their estates, and

the free exercise of their religion in their own country. Upon this presumption several consultations were held in *London* by the *French* Ministers, and the most considerable persons among the refugees there, wherein it was debated, in what method they should make their applications to the Plenipotentiaries at *Ryswick*, and upon what terms they should agree to their restoration, which some among them looked upon as certain. The result of these assemblies being transmitted to Monsieur *Jurieu*, the head of the *French* refugees in *Holland*, he, with his usual zeal for the Protestant cause, addressed himself to King *William*, who directed the *Dutch* Plenipotentiaries to open that matter at a distance to the *French* Ambassadors. The *Dutch* Ministers followed the King's orders; but the *French* King, to whom this overture was communicated, expressing an insuperable averfeness to it, and urging, that, as he did not pretend to prescribe to King *William* any rules about his subjects, so he expected the same liberty as to his own, which he looked upon as the great prerogative of a Sovereign; the matter was no farther insisted upon. As the case of the *French* Protestants was no part of the cause of the war, so it did not appear, that the Allies could do more for them than thus recommend them to the *French* King, who was so far engaged in a course of superstition and cruelty, that the condition of the

to threaten those, who seemed still to adhere to the late King's interest. So strict was he in observing the promises he had made in his *Declarations*. It was thought a remissness, and a hazarding the public too much, to interpose or move so little in those matters, as he then did. The Convention came to a full resolution, and judged, that the late King had broke the original contract, upon which this Government was at first founded, and, after that, had abandoned it; so that it was necessary for them, being thus forsaken by him, to see to their own security. And, as they judged, that the late King's right to govern them was sunk, so they did not think it was necessary or incumbent on them to examine that, which the whole nation, in general, as well as the King, in particular, had just reason to call in question, concerning the *Birth* of the pretended *Prince of Wales*. When the late King had quite dissolved the tie of the nation to himself, they thought they had no further concern upon them to inquire into that matter; and therefore they thought it fit to let it remain in that just doubtfulness, under which the late King's own method of proceedings had brought it. Besides that, a particular care had been taken by the late King, to cause all those, who had been in the management of that matter, or were suspected of having a share in the artifices about it, to be carried over into *France*; so that it was not possible to come at those persons, by the interrogating of whom truth might have been found out. The King expressed no ambitious desires of mounting the Throne. The addresses of both Houses, and the state of *Europe*, which seemed desperate without a mighty support from *England*, determined him in that matter. But, as he can appeal to God of the sincerity of his intentions, who alone knows them, so he has an infinite number of witnesses, who saw and can justify his whole conduct in the progress of that Revolution, if it were fit for him to appeal to them.

In the Answer to the second Memorial of King *James*, it is observed in justification of the Revolution, that, nothing was done in the progress of it, but that, which he made inevitable by some act or other of his own. It went not upon false suggestions, nor

barely upon the pretences of redressing particular grievances, or some doubtful oppressions, much less on the ambitious designs of his Majesty, that are so often and so maliciously represented as the true causes of the Revolution. It was the late King's open throwing off the restraint of law, and his setting about a total subversion of the constitution, that drove the nation to extreme courses. The oaths of Allegiance can be understood only in the sense limited by law, and so they cannot be conceived to bind subjects to a King, who would not govern them any longer, unless he might be allowed to do it against law. A Revolution so brought about, carries in it no precedent against the security of Government, or the peace of mankind. That, which an absolute necessity enforced at one time, can be no warrant for irregular proceedings any other time, unless it be where the like necessity shall require the like remedies. But, since the late King thinks fit to reflect on the oaths of subjects, he ought also to remember the oath, which he himself swore at his coronation to defend the Church of *England*, and to maintain the laws; to neither of which he shewed any regard in his whole Government, but set himself to overturn both. The many alterations, that have been made in the succession to the Crown of *England*, upon occasions, that were neither so pressing nor so important as those of late were, should have obliged those, who penned this Memorial, to be more reserved and less positive in affirming things so contrary to the known history of this Kingdom. These revolutions were confirmed by laws, which were not afterwards upon succeeding changes repealed, for they continue still in force; nor was the Crown of *England* ever reckoned to be such a property to those, who held it, that they might use it or dispose of it at pleasure, as the Memorial seems to suppose.

(1) Particularly *Tom Brown*, upon which the Lord *Derby* wrote those rhymes:

If you order *Tom Brown*
To be whipp'd thro' the town,
Tate, *Southern*, and *Crow*
Their pens will lay down, &c.

1697. the French Protestants became worse by the peace; the Court being more at leisure to look after them, and to persecute them, than they thought fit to do, during the war.

Though the Imperialists were not a little concerned at the proceeding of their Allies, yet they thought it advisable to agree to a cessation of arms; and expresses were immediately dispatched to the respective armies upon the Rhine, to discontinue all acts of hostility. However, before Prince Lewis of Baden had notice of it, he had made himself master of the castle of Eberenburg, and was preparing to lay siege to Kirm. But what was still more mortifying to the Imperial Ministers, was, that advice had not come a few days sooner, of the great victory obtained at Zenta over the Turks, by the Emperor's forces, which would, in all probability, have made Spain and the rest less eager to sign the peace, and the French less stiff with regard to the Imperialists.

This victory was obtained by Prince Eugene of Savoy, who commanded the Imperial army in Hungary. He was a brother of the Count de Soissons, who, apprehending that he was not like to be so much considered, as he thought he might deserve in France, went and served the Emperor, and grew up, in a few years, to be one of the greatest Generals of the age.

The Grand Seignior came to command his armies in person, and lay encamped on both sides of the Theiss, having laid a bridge over the river; Prince Eugene marched up to him, and attacked his camp, on the west side of the river, and, after a short dispute, he broke in and was master of the camp, and forced all, who lay on that side, over the river; in this action many were killed and drowned; he followed them cross the Theiss, and gave them a total defeat: Most of their Janizaries were cut off, and the Prince became master of all their artillery and magazines: The Grand Seignior himself narrowly escaped, with a body of horse, to Belgrade; this was a complete victory, and was the greatest blow the Turks had received, in the whole war. At the same time, the Czar was very successful on his side against the Tartarians. The Venetians did little on their part; and the confusions in Poland made that Republic but a feeble Ally: So that the weight of the war lay wholly on the Emperor. But though he, being now delivered from the war with France, was more at leisure to prosecute this, yet his revenue was so exhausted, that he was willing to suffer a treaty to be carried on, by the mediation of England and Holland; and, the French being now no longer concerned to engage the Porte to carry on the war, the Grand Seignior, fearing a Revolution upon his ill success, was very glad to hearken to a treaty, which was carried on all this winter, and was finished the next year at Carlowitz, from which place it takes its name.

Not many days after the conclusion of the truce between the Empire and France, several Ambassadors of the Allies waited upon King William at Lee, where it was consulted what precautionary measures could be taken to prevent the violation of the peace lately concluded; and it was whispered, that an offensive and defensive Alliance was entered into, or rather renewed, between the Confederates. Now the Ambassadors of the Empire happening to complain again, how much they were wronged by a precipitate treaty, they were answered, That they ought

to impute it to themselves, as having been often advised to put in their demands without delay, and not to retard the negotiation; and that they should not have flattered themselves, that more advantageous terms could have been obtained, since the French still insisted upon the first, from which they would never recede. The Imperialists, seeing their expostulations had no effect, bent their thoughts upon adjusting the remaining points in controversy with France. The principal difference seemed to be about Strasburg; and, since they could not obtain the restoration of it, they insisted to have the equivalent for it somewhat enlarged; as also that, besides Landau, all the places taken by France on that side, since the treaty of Nimueguen, should be yielded up, and fort Louis resigned to the Duke of Lorraine. But the French Plenipotentiaries answered, that they had no power to exceed their orders, and therefore could by no means comply with these demands.

At length, the Emperor considering that the treaty of Brisac and Friburg (the equivalent offered by the French for Strasburg) were places belonging to his hereditary dominions, consented to the exchange; and all other matters being concerted, and the German Princes finding they could struggle no longer, the treaty was signed by all, two days before the time limited by France was expired.

A new piece of treachery against the Protestant Religion broke out, in the conclusion of the treaty of Ryswick. The Ambassadors of the Protestant Princes being met together, at the House of the Elector of Mentz's Plenipotentiary, they named four Deputies, who delivered a memorial to the Mediator; wherein they demanded, that at Strasburg, and other cities of Alsatia, which belonged to France, the Lutheran religion should be tolerated, and enjoy all those rights and immunities, as in the year 1624. To this the French demanded eight days to answer. But, what misunderstanding soever there might be, between the French and Imperial Plenipotentiaries, as to other points, they agreed, or rather combined together, to have a clause inserted, in the VIth article of the treaty between the Empire and France, that the Roman Catholic religion, in the places to be delivered up, should remain in the same state, in which it was at that time, without any notice taken of the Protestants. By this means several churches were to be condemned, that otherwise, according to the laws of the Empire, and in particular of those dominions, were to be restored to the Protestants. The Elector Palatine accepted of this condition very willingly, being bigotted to a high degree: But some of the Princes, the King of Sweden in particular, as Duke of Deux-ponts, refused to submit to it: And a strong declaration was published by the Ministers of the Protestant Princes against this proceeding, as contrary to the laws of the Empire, to the peace of religion, in 1555; to the treaty of Westphalia, and to the preliminaries of the present treaty of Ryswick. But it was all in vain, for this affair had been secretly concerted among the whole Popish party, who are always firm to the interests of their religion, and zealous for them; whereas the Protestant Courts are too ready to sacrifice the common interest of their religion to their own private advantage. King William was troubled at this treacherous motion; but he saw no inclination

1697.

Truce between the Empire and France.

Sept. 11.

Sept. 11.

The treaty of Ryswick. Vol. IV.

The affairs of the Protestant Princes neglected. Mem. of the treaty of Ryl. Vol. IV.

The treaty between France and the Empire carried on.

1697. in any of the Allies to oppose it with the zeal, with which it was pressed on the other hand. The importance of the thing, sixteen churches only being condemned by it, was not such, as to deserve, that he should venture a rupture upon it. And it was thought, the Elector Palatine might, on other accounts, be so obnoxious to the Protestants, and need their assistance and protection so much, that he would be obliged afterwards to restore these churches thus wrested from them. The King therefore contented himself with ordering his Plenipotentiaries to protest against this, which they did in a formal act, that they passed.

Reflections
on the
peace.

By this peace King William concluded the great design of putting a stop to the progress of the French arms, which he had constantly pursued from his first appearance on the stage in the year 1672. There was not one of the Allies, who complained, that he had been forgot by him, or wronged in the treaty; nor had the desire of having his title universally acknowledged raised any impatience in him, or made him run into this peace with any indecent haste. The terms of it were indeed still too much to the advantage of France; but the length and charge of the war had so exhausted the Allies, that the King saw the necessity of accepting the best conditions, that could be got. It is true, France was more harassed by the war, yet the arbitrary frame of that Government made their King the Master of the whole wealth of his people; and the war was managed on both sides between them and us, with this visible difference, that every man, who dealt with the French King, was ruined by it; whereas, among us, every man grew rich by his dealings with the King; and it was not easy to see, how this could be either prevented or punished. The regard, that is shewn to Members of Parliament among us, makes, that few abuses can be enquired into or discovered; and the King found his reign grow so unacceptable to his people by the continuance of the war, that he saw the necessity of coming to a peace. The States-General were under the same pressure; they were heavier charged, and suffered more by the war than the English. The French got indeed nothing by a war, which they had most perfidiously begun. They were forced to return to the peace of Nimeguen; Pignerol and Brisac, which Cardinal Richelieu had considered as the keys of Italy and Germany, were now parted with. And all that base practice of claiming so much, under the head of re-unions and dependencies, was abandoned. The Duchy of Lorraine was also entirely restored. It was generally thought, that the French King intended to live out the rest of his days in quiet; for his parting with Barcelona made all people conclude, that he did not intend to prosecute the Dauphin's pretensions upon the Crown of Spain after that King's death by a new war; and that he would only try how to manage it by negotiation. The military men

in France generally complained of the peace as dishonourable and base; and the whole nation, not entering into the views of their Monarch, were so little pleased with it, that they made very severe reflections on Messieurs Harlay, Crecy, and Callieres, their Plenipotentiaries, whom they traduced in their lampoons, which were publicly sung in Paris, and all over the Kingdom of France; whilst the courage, resolution, and wisdom of King William, to which the accomplishment of that peace was owing, were every where celebrated.

The King, having regulated with the States-General the number of forces, which they thought necessary to be kept on foot the next year, embarked for England, on the 13th of November, and the next morning safely landed at Margate, and, on the 15th, lay at Greenwich. The day following, he was received by the city of London, in a sort of triumph, with all the magnificence that he would admit. Some progress was made in preparing triumphal arches, but he put a stop to it. He seemed, by a natural modesty, to have contracted an antipathy to all vain shews; which was much increased in him by what he had heard of the gross excesses of flattery, to which the French had run, beyond the examples of former reigns, in honour of their King, who having shewn too great a pleasure in these, they had been so far pursued, that the wit of that nation was, for many years, chiefly employed in them; for they saw, that mens fortunes were more certainly advanced by a new and lively invention in that way, than by any service or merit whatsoever. This, in which the French King seemed to be too much pleased, rendering him contemptible to better judges, gave King William such an aversion to every thing that looked that way, that he scarce bore even with things that were decent and proper.

During the negotiations of peace, especially towards the conclusion of them, the discourse in England was general, what should be done with the army, when the war was over, and almost as general was the opinion, that it should be disbanded. As the King was but too sensible how the generality stood affected to the keeping up an army, he ordered many of his troops to be disbanded, and others to be sent into Ireland, soon after the peace (1). But, perceiving that the French were very slow in evacuating the places that were to be restored by the treaty, and were not beginning to reduce their forces, he put a stop to the disbanding; and, though he declared what he intended to do, yet he made no haste to execute it, till it should appear how the French intended to govern themselves. The King thought it was absolutely necessary, to keep up a considerable land force: He knew the French would still maintain great armies; and that the pretended Prince of Wales would certainly be assisted by them, if England should fall into a feeble and defenceless condition: The King

Consultations about a standing army

(1) This was done, pursuant to a plan proposed by the Earl of Galway, as appears from an original letter, written with the King's own hand to that Earl.

See, Oct. 18, 1697.

The peace being now made and ratified, it must be considered, what forces to keep on foot. I much ap-

prove the project you sent me, of keeping in Ireland twenty battalions of infantry, four regiments of dragoons, and eighteen troops of horse, and reducing the pay of the officers. I have imparted this project to none but Lord Portland, whom I am going to send to England, and with whom you must correspond about this matter, and let me know what public orders will be

1697. King of Spain was also in such an uncertain state of health, so weak and so exhausted, that it seemed necessary, that England should be in a condition to bar France's invading that Empire, and to maintain the rights of the House of Austria. But, though he explained himself thus in general to his Ministers, yet he would not descend to particulars, to tell how many he thought necessary; so that they had not authority to declare, what was the lowest number the King insisted on.

Papers were writ on both sides, for, and against a standing force (1): On the one hand, it was pretended, that a standing army was incompatible with public liberty, and, according to the examples of former times, the one must swallow up the other: It was proposed, that the militia might be better modelled, and more trained; which, with a good naval force, some thought, would be an effectual security against foreign invasions, as well as it would maintain our laws and liberties at home. On the other side, it was urged, that, since all our neighbours were armed, and the most formidable of them all kept up such a mighty force, nothing could give us a real security, but a good body of regulated troops: Nothing could be made of the militia, chiefly of the horse, but at a vast charge; and, if it was well regulated, and well commanded, it would prove a mighty army; but this of the militia was only talked of, to put by the other; for no project was ever proposed to render it more useful; a force at sea might be so shattered, while the enemy kept within their ports (as it actually happened at the Revolution) that this strength might come to be useless, when we should need it most; so that, without a considerable land force, it seemed the nation would be too much exposed. The word, *standing army*, had an odious sound in English

ears; so the popularity lay on the other side; and the King's Ministers suffered generally in the good characters, they had hitherto maintained, because they studied to stop the tide, that ran so strong the other way.

The Parliament met, on the 3d of December, 1697, and the King opened the Session with the following speech.

‘ My Lords and Gentlemen,

‘ THE war, which I entered into by the advice of my people, is by the blessing of God, and their zealous and affectionate assistance, brought to the end we all proposed, an honourable peace; which I was willing to conclude, not so much to ease myself from any trouble or hazard, as to free the Kingdom from the continuing burden of an expensive war.

‘ I am heartily sorry my subjects will not at first find all that relief from the peace, which I could wish, and they may expect. But the funds intended for the last year's service have fallen short of answering the sums, for which they were given; so that there are considerable deficiencies to be provided for.

‘ There is a debt upon the account of the fleet and the army. The revenues of the Crown have been anticipated by my consent for public uses, so that I am wholly destitute of means to support the civil list; and I can never distrust you will suffer this to turn to my disadvantage, but will provide for me during my life in such a manner, as may be for my honour, and for the honour of the Government.

‘ Our naval force being increased to near double what it was at my accession to the Crown, the charge of maintaining it will be pro-

be necessary to be given for the execution of this affair. My design is, to disband most of the regiments of foot, and dragoons, now in Ireland; and to send thither some of those that are in Flanders. I also intend to send thither your regiment of horse, and the three French regiments of foot, incorporating some officers, who have served in Piedmont, of the four regiments which are on the Rhine, and which I am going to reform, and to take all the French Protestant soldiers, and put them into the three abovementioned regiments. Be always assured of the continuation of my friendship.

W. R.

I think to reduce Wolsely's regiment to three troops, and yours to six, to remove all jealousy in England.

This letter, and several others, written in French with the King's own hand (which will all be inserted in their proper places) are now in the hands of the author, and were found among Mr Addison's papers after his death.

About five weeks after, the King writ the following letter to the Earl of Galway.

Kensington, Nov. 26, 1697.

I refer you to what Lord Portland will write to you about the forces, by which you will learn my intentions. I assure you, I am very much troubled to find things here run so high against the poor refugees. This has struck me; but you know, these sorts of things pass here very easily. Be ever assured of my esteem.

W. R.

I hope you'll be able to put an end very soon to the Parliament of Ireland.

Numb. XXIV. Vol. III.

(1) Particularly the following ones. *An argument shewing, that a standing army is inconsistent with a free Government, and absolutely destructive to the Constitution of the English Monarchy.* Mr Trenchard was thought to have the chief hand in this piece, which was printed in 1697, in 4to.

The second part of an argument shewing, that a standing army is inconsistent with a free Government, and absolutely destructive to the Constitution of the English Monarchy. With remarks on the late published list of King James's Irish forces in France. Printed in 1697, in 4to.

A Letter balancing the necessity of keeping a Land-force, in times of peace, with the dangers, that may follow on it. Printed in 1697, in 4to. This piece has been generally ascribed to the Lord Sommers, but it is doubtful, whether upon sufficient grounds. It is one of the best tracts, which were written on that side of the question.

The author begins with declaring, that he is far from the thought of a standing army; but that the case at that time was, ‘ Whether, considering the circumstances, that we and our neighbours are now in, it may not be both prudent and necessary for us to keep up a reasonable force from year to year; the state of affairs both at home and abroad being every year to be considered in Parliament, that so any such force may be either increased, lessened, or quite laid aside, as they shall see cause. If, says he, we were in the same condition, in which we and our neighbours were an age ago, I should reject the proposition with horror. But the case is altered; the whole world, more particularly our neighbours, have now got into the mistaken notion of keeping up a mighty force; and the powerfullest of all these happens to be our next neighbour, who will very probably

1697. 'proportionably augmented; and it is certainly necessary, for the interest and reputation of England, to have always a great strength at sea.

'The circumstances of affairs abroad are such, that I think myself obliged to tell you my opinion, that England cannot be safe without a land-force; and I hope we shall not give those, who mean us ill, the opportunity of effecting that under the notion of a peace, which they could not bring to pass by a war.

'I doubt not but you, Gentlemen of the House of Commons, will take these particulars into your consideration in such a manner, as to provide the necessary supplies, which I do very earnestly recommend to you.

My Lords and Gentlemen,

'That, which I most delight to think of, and am best pleased to own, is, that I have all the proofs of my people's affection, that a Prince can desire; and I take this occasion to give them the most solid assurances, that, as I never had, so I never will, nor can have, any interest separate from theirs.

'I esteem it one of the greatest advantages of the peace, that I shall now have leisure to

'rectify such corruptions or abuses, as may have crept into any part of the Administration during the war, and effectually to discourage profaneness and immorality. And I shall employ my thoughts in promoting trade, and advancing the happiness and flourishing estate of the kingdom.

'I shall conclude with telling you, that as I have, with the hazard of every thing, rescued your religion, laws, and liberties, when they were in the extremest danger; so I shall place the glory of my reign in preserving them intire, and leaving them so to posterity.'

This speech had various effects in the House of Commons; but no part of it gave more offence than that, wherein the King told them, that in his opinion a standing land-force was necessary. The Commons carried the jealousy of a standing army so high, that they could not bear the motion, nor did they like the way the King took of offering them his opinion in that point. This seemed a prescription to them, and might bias some in the counsels they were to offer the King, and be a bar to the freedom of debate: And therefore, as the managers for the Court had no orders to name any number, the House came to a resolution of paying off *The debt* *banding* *the army* *and* *Dec* *Pr. H.* *111.76*

'probably keep great armies; and we may appear too inviting, if we are in such an open and unguarded condition, that the success of the attempt may seem to be not only probable, but certain. England is an open country, full of plenty, every where able to subsist an army; our towns and cities are all open, our rivers are all fordable; no passes nor strong places can stop an enemy, that should land upon us; so that the whole nation lies open to any army, that should once come into it.' To this it might be answered, 'Can an army be brought together, with a fleet to bring it over, and we know nothing of it? These things require time, and we cannot be supposed to destitute of intelligence, as not to know of such preparations. In such a case our fleet will cover us, while our militia may be exercised, and marched where the danger is apprehended.' 'This, replies the author, may seem plausible, and will no doubt work on such, as do not consider things with the attention, that is necessary. But do we not remember, that we were lately twice almost surprized; once from *la Hogue*, and again from *Calaix*? We must not expect, that God will always work miracles for us, if we were wanting to ourselves. If, in a time of war and jealousy, we were so near the being fatally over-run, without either warning or intelligence; it is much more possible to see such designs laid in a time of sloth and quiet, when we are under no fears nor apprehensions; and this may be so managed, that the notice we may have of it may come too late for us to be able to prevent or resist it. And what will our intelligence signify, if we are in no condition, either to hinder the descent, or to withstand the force, that may be sent against us? Absolute Governments, where all depends on the will of the Prince, and where men are ruined, who fail either in performing what is expected from them, or in keeping the secrecy, that is enjoined them, can both contrive and execute things in another manner, than can be conceived by those, who have the happiness to live in free Governments. Troops may have such orders for marches and counter-marches, that those, who are on the place, shall not be able to judge what is intended, till it is not possible to hinder it. Cross winds may make this come yet later to those, who have a sea between them. Orders may be given

'to many different persons in many different places, who shall know nothing of one another till they meet in a general rendezvous. It is true, we must suppose, that we shall have good fleets abroad; but one would not put so great a thing as the safety of a nation to such a hazard, nor depend upon a single security, when that is liable to accidents. The same wind, that may bring over a fleet and army to invade us, may keep our ships in port; so that it shall not be possible for them to look out; or, if they should have a favourable minute to get out, it may so shatter them, that they shall not be able to defend either our seas or ports. This may well be supposed, for it really happened, when the King landed first in England: The late King had then a powerful fleet, which, if it could have engaged the *Dutch*, would have been probably too hard for them, especially considering the transport fleet, that they guarded. But the East-wind, that brought over the King, kept them in the river, till the *Dutch* had passed them; and, when they got out, a storm stopped and shattered them so, that, without being able to come to any action, they were laid up. And would any man hazard the nation upon such a contingency? The author then considers the last thing in reserve, which is our *Militia*; and observes, the difference there is between troops, that have been long trained, who have learned the art, and are accustomed to the discipline of war, and the best bodies of raw and undisciplined multitudes. The whole method of war is now such, that disciplined troops must prove a very unequal match to much greater numbers of men, who yet perhaps, upon half their practice, might prove too hard for them. I know it will be urged, that our militia may be so trained and modelled, as to be made more capable of service than perhaps they are at present. This is a work of time, a project, that depends upon so many particulars, and may be subject to so many slips in the execution, that it must be confessed a nation is much exposed, if its safety and preservation must depend upon such uncertainties. We have troops, that have passed through a long apprenticeship, and to our cost have learned that unhappy trade, which is now become so universal, that it is thereby made necessary. We must either be preserved by it, or perish by it. Many gallant

Gentle-

1697. and disbanded all the forces that had been raised since the year 1680 (1). In vain was it urged, that the nation was still unsettled, and not quite delivered from the fear of King James: That the friends of that abdicated Prince were as bold and as numerous as ever, and himself still protected by the French Kings, who, having as yet disbanded none of his troops, was consequently as formidable as before: That, if the army was intirely disbanded, the peace, which was obtained at the expence of so much blood and treasure, would be altogether precarious, and not only England, but all Europe lie once more at the mercy of that ambitious Monarch, an inveterate enemy to King William, the Protestant religion, and the liberties of Christendom, whom the necessity of his affairs, not his inclination, had reconciled. Notwithstanding these and many other arguments, the vote passed, which brought

the army to less than eight thousand men. The Court was struck with this; and then tried, by an after-game, to raise the number to fifteen thousand horse and foot. If this had been proposed in time, it would probably have been carried without any difficulty; but the King was so long upon the reserve, that now, when he thought fit to speak out his mind, he found it was too late. So that a force, not exceeding ten thousand horse and foot, was all that the House could be brought to. This gave the King the greatest distaste of any thing, that had befallen him in his whole reign. He thought it would derogate much from him, and render his alliance so inconsiderable, that he doubted, whether he could carry on the Government, after it should be reduced to so weak and so contemptible a state. He said, that, if he could have imagined, that, after all the service he should have done the

'Gentlemen have broke the course of their studies, and the other methods of life they were in. It will not only be a hardship put upon them, but it will be the rendering ourselves naked and defenceless, if, after all the reputation, that we have risen to in war, we should sink into an unbecoming remissness in peace, and, upon the remote and uncertain fears of danger, that will probably never happen, expose ourselves to those, which we may certainly look for, as soon as we have put ourselves out of a capacity of resisting them.' He then proceeds to the last and strongest objection, which is, that this force will grow upon us, and continue among us, and have such an influence within doors, that it will maintain itself in the House of Commons; or, if that should fail, it will turn them out of doors, and quickly find ways to subsist, to grow upon the ruins of liberty and property. 'This,' replied he, is a large field, and history is so full of instances this way, that it will be easy to open copiously on the subject. From the Praetorian cohorts down to our modern armies, enough can be gathered to give a very frightful representation of a standing army. Who doubts it? But all the rhetoric, that his head will afford, is wrong applied in this case. It is not to be supposed, but that once a year a Parliament must have this matter a-fresh under consideration. They will see how the state of affairs varies either at home or abroad; and whether the forces are brought under such a management, that there is just cause of jealousy. And I leave it to you to judge, whether it is possible in so short a time to model and influence it, as to prepare them to invade their Country, and to destroy our Constitution. What Caesar, with all his genius, could not work his army to, but, after ten years conduct and success, can give small encouragement to others to attempt to bring about in one year. Perhaps you are more afraid of a secret influence than of open violence from them. The short of this is, you are afraid the House will be corrupted. I confess it is hard to answer this: Jealousy is stubborn and incurable; melancholy, when it grows to be a disease, raises many imaginary fears. They, who are haunted with that sullen humour, neither know what they are afraid of, nor why. Possible accidents are ever before them; and the thinking of these perpetually ruins their health, fours their humour, and makes them neglect all their present and certain concerns, while they are ever dreaming of what will probably never happen. We must consider our present danger, and the likeliest ways of securing ourselves from it, without amusing ourselves with what may possibly be brought about at some distance of time. Our Representatives do well to secure our Constitution by the most effectual means they can think of; but, after all, we must trust England to an House of Commons, that is, to itself. Whenever the fatal time comes, that this nation grows weary of liberty, and

'has neither the virtue, the wisdom, nor the force to preserve its Constitution, it will deliver all up, let all the laws possible, and all the bars imaginable, be put in the way to it. It is no more possible to make a Government immortal, than to make a man immortal. I do not deny but several inconveniences may be apprehended from a standing force, and therefore I should not go about to persuade you to it, if the thing did not seem indispensably necessary to our preservation. I would not have us venture upon present and certain ruin, because that, which must preserve us now from it, may, at some time hereafter, have ill effects on our liberty. They cannot be considerable, as long as England is true to itself; and, whenever the nation has lost that noble sense of liberty, by which it has been so long preserved, it will soon make fetters for itself, though it should find none at hand ready made.'

A letter from the author of the argument against a standing army, to the author of the balancing letter, printed in 1697, in 4to.

Some reflections on a pamphlet lately published, intitled, An argument, shewing, that a standing army is inconsistent with a free Government, &c. printed in 1697, in 4to.

The militia reformed; or, an easy scheme of furnishing England with a constant land-force, capable to prevent or to subdue any foreign power, and to maintain perpetual quiet at home, without endangering the public liberty, printed in 1697-8, in 4to.

A discourse concerning militias and standing armies, with relation to the past and present Governments of Europe, and of England in particular, printed in 1697, in 4to.

A short history of standing armies in England, 3d Edition 1698, in 4to.

A brief reply to the history of standing armies in England, with some account of the authors, printed in 1698, in 4to.

An argument, shewing, that a standing army, with consent of Parliament, is not inconsistent with a free Government, &c. London 1698, in 4to.

A confutation of a late pamphlet, intitled, A letter, balancing the necessity of keeping a land-force, &c. London 1698, in 4to.

(1) The horse, dragoons, and foot on the English establishment at the peace of Ryswick were as follow:

Horse and dragoons.	Troops and mil. comp.	Com. offic.	Non-com. offic.	Pri. men.	Total num. bers.
Three troops of horse-guards, — — —	3	48	15	600	663
One troop of Dutch guards, — — —	1	15	5	200	220
One troop of horse grenadiers, — — —	1	11	20	180	211
Earl of Oxford's regiment, — — —	9	40	45	531	616
Earl of Portland's Dutch regiment, — — —	9	42	54	603	699
Lumley's regiment, — — —	9	40	45	531	616

1697. the nation, he should have met with such returns, he would never have meddled in the affairs of it; and that he was weary of governing a nation, that was so jealous, as to lay itself open to an enemy, rather than trust him, who had acted so faithfully during his whole life, that he had never once deceived those, who trusted him. This, and a great deal more to the same purpose, he said to Bishop Burnet; but he saw the necessity of submitting to that, which could not be helped.

The Earl of Sunderland restores from Burnet.

During these debates, the Earl of Sunderland had argued with many upon the necessity of keeping up a greater force. This was in so many hands, that he was charged as the author of the counsel, of keeping on foot a standing army; he was therefore often named in the House of Commons with many severe reflections, for which there had been but too much occasion given during the two former reigns. The Tories pressed hard upon him, and the Whigs were so jealous of him, that he, apprehending that, while the Tories would attack him, the others would defend him but faintly, resolved to prevent a public affront, and resigned the office of Lord Chamberlain, not only against the intreaties of his friends, but even the King's earnest desire, that he would continue about him. Indeed, upon this occasion, the King expressed such a concern and value for him, that the jealousies were increased by the confidence, which the Court saw the King had in him. During the time of his credit, things had been carried on with more spirit and better success than before. He had gained such an ascendancy over the King, that he brought him to agree to some things, that few expected he would have yielded to. He managed the public affairs in both Houses with so much steadiness and so good a conduct, that he had procured to himself a greater measure of esteem, than he had in any of the former parts of his life; and the feeble and disjointed state things fell into, after he withdrew, contributed

not a little to establish the character which his Administration had gained him.

Pursuant to their resolution, the Commons granted a supply for disbanding the army, and ordered the sum of 250,000*l.* to be given as a gratuity to such officers and soldiers, as were to be disbanded (1). Provision was also made for half-pay to Commission-officers being Englishmen; and a bill was ordered to be brought in, that the disbanded soldiers might exercise their trade in any town or corporation in the Kingdom.

The Commons, after having resolved the disbanding of the army, under pretence of providing for the security of the Kingdom, ordered a bill to be prepared for regulating the militia, and making them more useful; but, as it has been observed, this was no more than a pretence, for nothing was done towards such a regulation, nor any act passed for that purpose.

To raise the sums for disbanding the army, and paying their arrears, and making good all deficiencies, amongst other aids, a tax of three shillings in the pound was laid upon land, which was to be assessed on every county, in proportion to the rates of the first four shillings aid granted in 1691, by which means any future deficiency of this fund was prevented (2). It was also resolved by the Commons, that the fourth part of the clear value of all the beneficial grants from the Crown in England and Ireland, and all the forfeited estates which had been restored by the Crown, since the Restoration, should be applied to the use of the public. But there were so many petitions against this, that no progress was made in the bill for it.

As it was true, that the revenues of the Crown (as the King took notice in his speech) were anticipated for public uses, the Commons did at last resolve to grant what he had so earnestly desired ever since his advancement to the throne, namely, a revenue for life. Accordingly, a bill

Horse and dragoons.	Troops and Com. Comp.	Com. mil. offic.	Non-com. offic.	Private men.	Total number.
Sir David Collier's,	13	44	104	780	928
Sir Charles O'Hara's	13	44	104	780	928
Colliers's,	13	44	104	780	928
					224 778 1790 15078 17656
Thus, exclusive of the Dutch, the army in England, officers and all, was but					
horse and dragoons,	—	—	—	—	5957
Foot,	—	—	—	—	10000
Total horse and foot, — — — 20047					

Foot.	Troops and Com. Comp.	Com. mil. offic.	Non-com. offic.	Private men.	Total number.
Earl of Romney's 4 battalions,	28	99	222	2240	2563
Lord Cutt's 2 battalions,	14	51	112	1120	1383
The Dutch Blue Guards, 4 battalions,	26	96	222	2240	2764
The Earl of Orkney's Scots regiment,	26	96	222	1560	1604
Schuyler's,	13	44	104	780	928
Chesnut's,	13	44	104	780	928
Tracy's,	13	44	104	780	928
Erle's,	13	44	104	780	928
Seamans's,	13	44	104	780	928
Crane's,	13	44	104	780	928
Island's,	13	44	104	780	928

(1) To every foot-soldier and non-commissioned officer, fourteen days subsistence.

Six days full pay to each private trooper and non-commissioned officer.

(2) Besides this land-tax, a duty was laid upon all coal and culm, over and above the duties already payable. The poll or capitation tax was continued for one year longer; and a duty laid upon all coals imported from Scotland, or other parts beyond sea. The duties upon stamped vellum, parchment, and paper were doubled: The duties upon coffee, tea, chocolate, and spices were continued; as also the duty payable by hawkers and pedlars for the term of three years, to commence from the expiration of the present duties upon

1698. passed for a further subsidy of tonnage and poundage, towards raising the yearly sum of seven-hundred thousand pounds, for the service of his Majesty's household, during his life. This is now called the *new subsidy*, and is much the same with the *old subsidy*, of which an account has been given*. It was designed to grant for the civil list no more than six hundred thousand pounds; but as it had been promised at the treaty of *Ryswick*, that, King *James* being now as dead to *England*, his Queen should enjoy her jointure, which was fifty thousand pounds a year; and, as it was intended to settle a Court about the Duke of *Gloucester*, who was then nine years old, to enable the King to bear these expenses, this large provision was made for the civil list. But, by some great error in the management, though the Court never spent so little, yet payments were ill made, and, by some strange consumption, all was wasted. It is even said, that though the King had thus obtained an increase of a 100,000 *l.* to the civil list, on account of King *James's* Queen's pension, and the Duke of *Gloucester's* household, that he never paid the Queen one penny, nor allowed the Duke of *Gloucester* above 15,000 *l.* a year; nay, so frugal was the King, that, though he kept the Duke by women's hands, some time after the revenue was granted, he refused to advance one quarter of this allowance to buy plate and furniture; so the Princess was forced to be at that expence herself.

Candell of the Duchy of Marlborough,
p. 129.

New East-India Company created.
Pr. II. C. III. 85.
Burnet.

While the Commons were raising the supplies for the next year, the affair of the *East-India* trade, which had been depending so many years, was revived. The old Company having offered to advance 700,000 *l.* at four *per cent.* for the service of the Government, in case the trade to *India* might be settled on them, exclusive of all others, the House seem'd inclined to embrace their proposal; when another number of Merchants, of whom Sir *John Ward*, Sir *Francis Eyles*, Sir *Gilbert Heathcote*, and Mr *Samuel Shepherd* were the chief, and whose scheme was approved by Mr *Montague*, Chancellor of the *Exchequer*, proposed to the House to raise two millions, upon the security of a good fund, to pay the interest at eight *per cent.* on condition the trade to *India* might be settled on the subscribers, exclusive of all others. They also proposed, that these subscribers should not be obliged to trade in a joint stock; but, if any Members of them should afterwards desire to be incorporated, a Charter should be granted to them

for that purpose. The House judged this new overture, not only to be more advantageous to the Government, but likewise very likely to settle this controverted trade on a better foundation than it was on before. A bill was therefore brought into the House, for settling the trade to the *East-Indies* on those, who should subscribe the two millions, according to the limitations beforement'd, and the following resolutions (1): First, That every subscriber might have the liberty of trading yearly to the amount of his respective subscription, or might assign over such his liberty of trading to any other person. Secondly, That his Majesty be empowered to incorporate such of the subscribers, as should desire the same. Thirdly, That the powers and privileges for carrying on the *East-India* trade should be settled by Parliament. Fourthly, That the subscribers should enjoy the eight pounds *per cent.* and liberty of trading to the *East-Indies*, exclusive of all others, for the term of ten years, and until the same should be redeemed by Parliament. Fifthly, That every person subscribing five hundred pounds have a vote, and no person to have more votes than one. Sixthly, That all ships, laden in the *East-Indies*, should be obliged to deliver in *England*. Seventhly, That no person, who should be a Member of any Corporation trading to the *East-Indies*, should trade otherwise than in the joint stock of such Corporation, of which he was a Member. Eighthly, That five pounds *per annum*, *ad valorem*, upon all returns from the *East-Indies*, be paid by the importer, to be placed to the account of the subscribers, towards the charge of sending Embassadors, and other extraordinary expences (2). And, ninthly, That over and above the duties now payable, a further duty of one shilling and ten-pence *per pound weight* be laid upon all wrought silks imported from *India* and *Persia*, to be paid by the importer. Against this bill, the old *East-India* Company presented a petition, to which the Commons had so much regard, as to offer them to settle this trade upon them, if they would accept it on the same terms and limitations, on which the others were contented to take it. But the Members of the old Company, imagining they should be too hard for the new in *India*, and make them weary of a losing bargain, rejected the offer. However, the old Company at last offer'd to advance the two millions; but it was now too late; for the party was formed against

1698.

May 29.

upon them; a further duty was laid upon salt; and the duties upon all lustrings and alomodes imported were doubled; the time was enlarged for purchasing annuities upon the several acts of Parliament, for granting the same; and lastly, an act passed for raising a sum not exceeding two millions, upon a fund for payment of annuities after the rate of eight *per cent.* *per annum*, redeemable by Parliament.

(1) The fund for paying the interest of eight *per cent.* for these two millions, was a duty upon salt, and an additional duty upon stamped vellum, parchment, and paper.

(2) This article refers to a part of the scheme proposed to the Ministry; which was, that his Majesty would be pleased to send an Embassador Extraordinary to the Great Mogul, in whose dominions the *East-India* Company had their chief settlements and factories.

Numb. 24. Vol. III.

ries, to notify the establishment of this new Company, and desire his protection and favour. The Gentleman, pitched upon for this employment, was Sir *William Norris*, Member of Parliament for *Liverpool*, who had a very noble allowance for his equipage and table; but the old Company, who were in possession of the settlements and factories, so managed matters in *India*, by their factors and agents, that not only the Viceroy on the coasts, but the Emperor himself, received very ill impressions of the conduct and designs of the new Company; and, when Sir *William Norris* arrived there, it was three or four months before he could procure the necessary passes and convoys for the Court at *Agra*, of which at last he had audience, but to very little purpose, being in no wise equal in benefit to the charges of the embassy only, and the Embassador died in his return homewards.

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(1) The

1698. against them, and their offer had no other effect, but to raise a clamour against this proceeding, as extremely rigorous, if not unjust. For tho' the King had reserved a power to himself, by a clause in the old Company's Charter, to dissolve them upon three years notice, and consequently (it was urged) if such notice was given, no injustice was done them, yet the clause (it was answered) reserving that power, was to be considered only as a threatening, to oblige them to good conduct; and it was not usual to dissolve a Company, by virtue of such a clause, when no fault was objected. The Commons, however, passed the bill in favour of the new adventurers, whose example, after hearing the arguments on both sides, was followed by the Lords. After which the bill received the Royal assent (1).

Pursuant to this act, the Commissioners, appointed by the King for taking subscriptions towards the raising of two millions, and for settling a new *East-India* Company, laid open their books at *Mercers-Hall*, the 14th of July; and such was the zeal, which people of all ranks, and even foreigners, shewed upon this occasion, that, in two or three days, the whole sum, and something above it, was subscribed. And, very probably, two millions more had been subscribed, had not the books been shut before the distant Corporations, private men in remote counties, and Merchants beyond sea, could remit their Commissions for the sums, which they intended to subscribe. The dispatch of so great a work in so few days, after the nation had borne so chargeable a war for so many years, surprized all the world. And as it greatly mortified all

those, who were assured, that the King would be disappointed of this supply; so it gave the neighbouring nations an astonishing image, both of the opulence of *England*, and the strength of the Government.

However, this proceeding threw the old Company, and all concerned in it, into the hands of the Tories, which made a great breach and disjoining in the City of *London*. And it is certain, that this act, together with the inclinations, which those of the Whigs, who were in good poits, had expressed, for keeping up a greater land-force, contributed to the blasting of the reputation, which they had hitherto maintained, of being good patriots, and was made use of throughout *England* by the Tories, to disgrace both the King and them. To this, another charge of an high nature was added, that they robbed the public, and applied much of the money, that was given for the service of the nation, both to the supporting a vast expence, and to the raising great estates to themselves. This was sensible to the people, who were uneasy under heavy taxes, and were too ready to believe, that, according to the practice in King *Charles's* time, a great deal of the money, that was given in Parliament, was divided among those, who gave it. These clamours were raised and managed with great dexterity by those, who intended to render the King, and all, who were best affected to him, so odious to the nation, that by this means they might carry such an election of a new House of Commons, as that by it all might be overturned. It was said, that, the Bank of *England*, and the new *East-India* Company, being in the hands

(1) The old Company followed the bill to the House of Lords, where they were heard by their Counsel, Sir *Thomas Powell* and Sir *Bartholomew Shower*. Those readers, that are desirous to know more of this matter, may find it in the representation that was made to the Lords, to the following effect:

'That this bill invaded their property, and ruined many families. That, in the Charters granted them by Queen *Elizabeth*, King *James I.*, King *Charles I.*, and King *James II.*, it was suggested, that their Corporation was for the honour of *England*, for the increase of navigation, and the advance of trade. That the said Charter contained a grant of the trade to *East-India* to the Company, exclusive of all others. That by some of them they were constituted the Lords proprietors of *Bombay*, and the island of *St Helena*. That by these grants they were induced to think they had a right in law to the trade, at least that they should have an uncontroverted title to the lands, and that on this presumption, and relying on the public faith and credit of the Great Seal of *England*, they had expended above a million in fortifications, and acquired revenues of 44,000*l.* per annum, and many settlements and privileges. That, in the year 1691, the House of Commons had made a resolution, That the *East-India* trade should be carried on in a joint stock, exclusive to all others. That their Company was confirmed and settled by three Charters granted by his present Majesty on the 7th of October, and 17th of November 1693, and 28th of September 1694. That, upon the security of these Charters, the Company consented to a new subscription. That there was a new subscribed 744,000*l.* and the money brought in during the sitting of the Parliament; and that nothing was done, said, or offered against his Majesty's Charter of regulations; so that upon the public faith (at least tacitly given) seven hundred and eighty-one new adventurers, of whom

many were widows and orphans, did subscribe a large part of their substance to support this trade, during a hazardous war, for the profit and honour of *England*: And that the new adventurers thought they might without any hazard subscribe on the security of a Charter, which was so plainly designed by his Majesty to preserve the *East-India* traffic, then in danger of being lost. That, on the 10th of June, after the bill now depending before their Lordships was brought in, the Company did agree to submit their present stock to a valuation of 50*l.* per cent. viz. 20*l.* per cent. for their dead stock, and 30*l.* per cent. for their quick stock, which they were contented to warrant at the said sums; and upon these terms they offered to open their books for new subscriptions, in order to raise the two millions: That afterwards, to ascertain the payments of the said two millions, they had a general Court on the 20th of June, in which they agreed to an immediate subscription by private adventurers of 200,000*l.* to be paid at the first payment, subject to make good the subsequent payments; which subscription was accordingly made. That it has been the constant practice in farms, bargains, and offers of the like nature, not to close with a new proposal, till the first bidder be asked, whether he is able to advance further? And that, notwithstanding their Charters, and the right they had to the trade, they were early told their proposal should be opposed, though they offered the two millions in question. And lastly, That the bill allowed foreigners, as well as the King's subjects, to subscribe to the two millions, whereby they would be let into the secrets and mysteries of this trade, which might produce effects very pernicious to the general interest of the nation. To this the Counsel for the new subscribers replied, That in the recital of their Charters, the old Company had omitted to give an account of the proviso inserted therein, viz. That the respec-

of Whigs, they would have the command of all the money, and by consequence of all the trade of *England*; and this raised the great opposition to the new Company in both Houses of Parliament. The King was very indifferent in the matter at first; but the greatness of the sum, that was wanted, which could not probably be raised by any other project, prevailed on him.

Besides the *East-India* trade, the Commons took into consideration that of the *African* Company, which had long wanted a due regulation. And, upon account of the necessity of keeping up forts and castles for the defence of *English* factories on the coast of *Guinea*, there being no regular Government among those barbarous people, on whose protection they might safely rely, the Parliament made a bill to settle the Company, and to enable them to maintain all such forts, as they now had in their possession, or should hereafter purchase or erect for the preservation of their trade; and enacted at the same time, that any of the subjects of this realm, as well as the Company, might, after the 24th of *June*, trade from *England*, or after the 1st of *August*, from any of his Majesty's plantations in *America*, to the coast of *Africa*, between Cape *Mount* and the Cape of *Good Hope*, both the Company and the free Traders or Interlopers, answering a duty of ten per cent. of the value of the goods exported thither from *England*, or from his Majesty's *American* plantations, towards the maintenance of the forts and settlements.

Notwithstanding the severe laws, that were in force against such as transport *English* wool to foreign parts, who are commonly called *Owlers*, yet many of them, encouraged by the powerful

incentive of gain, continued their clandestine practices to the great detriment of the nation, and profit of the *French*, who had lately set up a considerable woollen manufacture in *Picardy*. The Parliament therefore, the more effectually to obviate that evil, made many prudent provisions in an act for explanation and better execution of former acts against transportation of wool, fullers earth, and scouring clay.

The Parliament likewise, this Session, applied themselves with great diligence to discover and punish such offenders, who carried on a fraudulent and secret commerce with *France*, and, to the great damage of the *Royal Lustring Company* of this Kingdom, had, for divers years past, surreptitiously brought in great quantities of *French* alamoses and lustrings. The first occasion of this discovery was a pafs from the Admiral of *France* for an *English* ship, that served at once for the *ovling* and *smuggling* trades; which pafs, at the breaking out of the late conspiracy, was intercepted at the Post-office, together with all the letters, which at that time were either coming from *France*, or sending thither. This pafs had a long time remained useless in the hands of the Secretary of State, by reason it was granted on a supposititious name; but, the same being communicated to Mr *Hilary Reneu*, an eminent *French* Protestant Merchant, who was the chief manager and promoter of the Lustring Company, and who, upon several occasions, had done signal services to the Government, he, by this help, and other concurring indications, at last found out the smugglers, and, having caused their books to be seized, petitioned the House of Commons, in the name of the *Royal Lustring Company*,

five Kings, that granted them, reserved a power to make them void upon three years warning. That the King by his Charter could not grant the trade to the *East-Indies*, exclusive of all others; and that several recoveries had been made against them at law for prosecuting such a pretended right. That, as the Crown has not a power to grant such a right, so his present Majesty had not in fact granted any such right exclusive. That, when they mention'd the resolution of the Commons in 1691, they omitted their other resolution, That it was lawful for all persons to trade to the *East-Indies*, unless restrained by act of Parliament. Neither did they take notice of the two addresses made by the House of Commons to the King in 1691 and 1692 to dissolve the Company. That, on the 14th of November 1692, Sir *Eduard Seymour* delivered to the Commons a message, importing, 'That his Majesty had required the *East-India* Company to answer directly, whether they would submit to such regulations, as his Majesty should judge proper and most likely to advance the trade? And the Company having agreed to it, and declared their resolution in writing, his Majesty had commanded a Committee of his Privy-council to prepare regulations; which they did, and offered them to the Company; but that, notwithstanding their declaration of submission, they rejected almost all the material particulars, so that his Majesty finding, that what possibly the House of Commons might have expected, and indeed was necessary to preserve this trade, could not be perfected by his own authority alone; and that the Company could not be induced to consent to any such regulations, as might have answered the intentions of the House of Commons, and that the concurrence of the Parliament was requisite to make a complete and useful settlement of this trade, he had directed all the proceedings in this matter to be laid before them, and recommended to them the preparing such a bill, in order to pass into an act of

Parliament, as might establish this trade on such foundations, as were most likely to preserve and advance it.' It was also urged against the old Company, that, their Charter being become void by their non-payment of the tax imposed upon them by Parliament, they obtained a new Charter, the 7th of October 1693, by indirect means, having that year paid eighty odd thousand pounds out of the Company's stock for special service. That this Charter was contested before the Queen and Council by those they called *Interlopers*, upon the hearing whereof it was unanswerably proved, that the King had not, by law, a power to grant the trade to some persons exclusive of others, and that the Company's affairs were then in such a condition, that it would be a plain cheat to others, that should come in upon their stock. That however, law and reason failing, they had recourse to other methods, and great sums of money were distributed (as it was acknowledged before a Committee of both Houses of Parliament) to get another Charter; but that those, who were concerned to advise his Majesty in point of law, were so just to their trust, as to take care, that no right of trade, exclusive of others, was granted; and also that the Company should submit to such alterations, restrictions, and qualifications, as the King should make on the 29th of September 1693, following; and so, on the 17th of November 1693, a new Charter of regulations was made, and another, the 28th of September 1694, wherein, amongst other things, was this proviso; That if it should appear to the King, his heirs, and successors, that the said two Charters, or any other Charters heretofore granted, should not be profitable to the King, his heirs, and successors, or to this realm; that then and from thenceforth, upon and after three years warning to be given to the said Company by the King, &c. the same should cease, be void, and determine. That it appeared by the proceedings of the House of Commons in 1694, how this Charter was obtained; which had more in it of private promises than

1698. Company, that these books, letters, and other papers, in which the contrivances to ruin the Luftring manufacture in this Kingdom appear, might be laid before the House and examined. The Commons received this petition, and referred the matter to the Committee of trade, at the head of which was then Sir Rowland Gwyn, who, with unwearied application and industry, made a full discovery of the smuggling traders, to which they themselves gave no small handle, by the ill contrived and incoherent metaphors, under which, in their correspondence with their agents in France, they endeavoured to conceal their unlawful practices; as, for instance, when they said, *That the cart* (meaning the ship) *would not set out, because of the contrary winds.* Sir Rowland having made his report of the whole matter to the House of Commons, it was resolved on the 20th of April, 'That the manufacture of lustrings and alamodes, set up by the Luftring Company, had been very advantageous and beneficial to the Kingdom, by employing great numbers of the poor, and preventing the exportation of our coin, for purchasing those commodities. That there had been a very destructive trade carried on with France, during the war, for importing alamodes and lustrings contrary to law, whereby the King had been defrauded of his customs, and our own manufactures greatly discouraged. That the same vessels, which imported alamodes and lustrings, exported great quantities of our wool. That thereby intelligence had been carried into France, during the war, and the enemies of the Government had been conveyed from justice out

of this Kingdom (particularly Cardell Goodman) and had had frequent opportunities of returning hither to carry on their pernicious designs. That by the intercepted letter, wherein the French King's passport was inclosed, compared with Mr John Goudet's handwriting, and the copy of the said letter entered in Mr Goudet's copy-book of letters, and by Mr Goudet's seal, wherewith the passport letter was sealed, it did appear, that the said passport was procured and paid by the said Mr Goudet and Company. That the said passport was sent back, in order to be renewed, the time, for which it was granted, being expired. That Goudet, Longueville, and Barreau were partners, during the time this smuggling trade was carried on. That Mr Stephen Seignoret, Mr Baudouin, and Mr Santini were also partners, and had imported great quantities of French alamodes and lustrings. That Mr Peter de Hearce dealt with several persons in France for French silks, and other commodities from France, under several fictitious and counterfeit names. That John du Maistre, Peter Baraillau, Diana Mason, John Auriol, Isaac Auriol, John Pancier, John Guggier, and several others, had been concerned in the smuggling trade. That a bill be brought in for the encouragement of the Luftring Company, and the more effectual preventing the fraudulent importation of lustrings and alamodes, and the exportation of wool and fullers earth. That John Goudet, David Barreau, Peter Longueville, Stephen Seignoret, René Baudouin, Nicholas Santini, and Peter de Hearce (to whom were afterwards added John

than public faith: That it was not to be wondered, that the Parliament took no notice of the matter, whilst the new subscribers paid in their money, when it was considered, that, according to Sir Basil Firebra's depositions, there were several contracts, some to the value of 60,000*l.* on account of procuring a new Charter, and others to the value of 40,000*l.* on account of procuring an act of Parliament. That by such means the matter might be overlooked for a while, but it was not long before the Parliament took public notice of it; and, if the greater affairs of the nation had not been so urgent, and the Session been so near an end, perhaps the Company might have had justice done them, and had been passed complaining of any imaginary injustice done them now. That therefore it was plain, that it was not for the profit and honour of the nation, and to support the trade, that the new subscribers came in; but that they were deluded into it by a Charter obtained by indirect ways, and by the hopes of an act of Parliament to confirm it, to be obtained in the same manner. That the trade would have been much better preserved, and more to the honour of the nation, if no such underhand practices had been carried on. That if some persons, thinking themselves to have a greater reach than others, or being deceived by the old Company's making his Majesty believe their stock to be worth 750,000*l.* and by afterwards sharing 325,000*l.* of the new subscribers money among themselves, only the persons failing them, who promised to get an act of Parliament, or by losses at sea, or by what other means soever it were, happened to fail in their expectation, no body was answerable for it but themselves; especially since they had warning enough by the transactions before the Council. It was alleged farther, that, in the reigns of Edward III. and Queen Elizabeth, upon petition a parliament of patents granted for monopolies, most of them were immediately revoked, and

the rest left to the law. That, in King James I's time, an act of Parliament passed to make void a Charter for the sole trade to Spain, and another against all monopolies. That though the patents for some trades with joint stocks (whilst the trades, for which they were granted, were in their infancy) have been permitted for the settling of a trade, and till the first adventurers have reaped some reasonable compensation for their first undertaking and adventures, yet afterwards, when those trades have increased and become great, the wisdom of the nation has always thought fit to open a way for the Kingdom to receive a general benefit thereby. That it never was esteemed a breach of the public faith, or a derogation either from the credit of the Great Seal, or from the honour of our Kings, to have their patents annulled by Parliament, when the grants were thought by that Grand Council of the nation not to be profitable, or to be against the common right of the subject, and that no King or Queen thought themselves bound in honour or conscience not to pass an act of Parliament to make void such patents. That the King, being busied in the many arduous affairs of the Kingdom, cannot be supposed to know always what he might legally grant, and is oftentimes deceived in his grants; and for that reason they are often annulled by the ordinary course of law; and so might this Company's patent have been; for, all persons having a right by law to trade to the East-Indies, unless excluded by Parliament, the King by his Charter could not grant to the Company any new right to the trade, besides the privileges of an incorporated body; but that the Commons justly bearing an high veneration to his present Majesty, who had run so great hazards, and performed so glorious achievements for the honour and good of the nation, had notwithstanding taken care in this bill, that nothing should interfere with his Majesty's patent. That by this patent the old Company had indeed power to trade

1698. *John Pierce, John du Maitre and John Auriol* be impeached before the Lords of high crimes and misdemeanors, and be taken into the custody of the Serjeant at Arms attending this House. That the rest of the smugglers be prosecuted by Mr Attorney-General and Mr Solicitor-General. And lastly, that Mr Hilary Renew, for the great service done this Kingdom in promoting the manufacture of alamoses and lustrings, and discovering the fraudulent importation thereof, and exportation of wool, deserved the countenance and protection of the Government: And that a bill for naturalizing him and his family be permitted to pass this House gratis.

The impeached smugglers having put in their answer to the articles exhibited against them, and the Committee of the House of Commons made their replications, a great dispute arose between both Houses of Parliament; the Lords insisting, that the trials should be at the bar of their House, where the Committee of the Commons must have stood; and the Commons, on the other hand, insisting upon their having a convenient place appointed for the managers of the impeachments against the prisoners, whereby they might be better enabled to make good their charge against them. This gave occasion for a conference, which being ineffectual to accommodate the matter, the Commons resolved, that they would be present at the trials, as a Committee of the whole House, in regard the affair was of great consequence to the trade of the Kingdom. Whereupon the Lords acquainted the Commons, that they would proceed, on the Monday following, upon the trials at *Westminster*, where seats would be provided for both houses. All this while the persons accused had conceived no small hopes of impunity from the disagreement between the Lords and Commons, but, when they saw that matter adjusted, eight of them confessed themselves guilty. Whereupon the Commons went up to the bar of the Lords House, and their Speaker in their name having demanded judgment against the offenders, the Lords imposed a fine of ten thousand pounds upon *Stephen Seignores*; of three thousand pounds on *René Boudouin*; of fifteen hundred pounds on *John Goudet* and *Nicolas Santini*; of one thousand pounds on *Peter de Hearce*, *John Pierce*, and *John du Maitre*; and of five hundred pounds on *David Barreau*; and ordered, that they should

be imprisoned in *Newgate*, until they had paid their respective fines; and the Commons addressed the King, that those fines might be appropriated to *Greenwich Hospital*, which he ordered accordingly.

Another sort of offenders were this Session *Falsely* animadverted upon by the Commons, but had the good fortune to escape with impunity. The *Excise* bills were at this time of very great use in the nation, by supplying the scarcity of money, during the recoining of the silver species. Now because there was an interest of seven pounds twelve shillings *per ann.* allowed upon the second issuing of these bills out of the *Excise*, after they had been paid in, on any of the King's taxes, whereas at their first issuing out of the *Excise* they bore no interest, this encouraged several of the King's officers, both in the *Excise*, the Customs, and the Excise, to contrive together to get great sums of money by false indorsements on these *Excise* bills, before they had circulated about, and been brought into any branch of the King's revenue. The most considerable persons, who had carried on this unwarrantable practice, were Mr *Charles Duncomb*, Receiver-General of the Excise; Mr *John Knight*, Treasurer of the Customs; Mr *Bartholomew Burton*, who had a place in the Excise-office; and Mr *Reginald Marriot*, one of the Deputy-tellers of the *Excise*; which last, to procure his pardon, compounded to accuse the rest. Upon a full proof of the matter, *Duncomb* and *Knight*, who were Members of the House of Commons, were first expelled the House, and committed prisoners to the Tower; *Burton* sent to *Newgate*, and bills ordered to be brought in to punish them. The bill against Mr *Duncomb*, when by a fine of near half his estate, which was computed at 400,000*l.* (1), was set upon him, quickly passed the House of Commons, notwithstanding the opposition that was made to it, particularly by Sir *Thomas Trevor* the Attorney-General. But, being sent up to the House of Lords, and the House being equally divided, the Duke of *Leeds* gave his casting vote for rejecting the bill. But, Mr *Duncomb* being set at liberty by the order of the House of Lords, without the consent of the Commons, the latter repented it to that degree, that they caused him to be remanded to the Tower of London, where he continued till the end of the Session. The bills against *Knight* and

trade to the *East-Indies*, and other privileges, but without any express clause to exclude others, or any covenant (as was in the former Charters from the Crown) that his Majesty would not grant licence to others, to trade thither, during the continuance of the said Charter; so that even, according to the Charters themselves, all other subjects of *England* had a right to trade to the *East-Indies*, and many actually traded thither without any hindrance. That, though the old Company talked to much of their dependence on the security of their Charters, yet they themselves were convinced, that their right was not well founded, since they had formerly laid out so much money to get an act of Parliament to confirm their Charters, and had lately offered to lend 700,000*l.* to the Government, to have the trade to themselves, exclusive of all others. As to their offering afterwards to raise two millions, it was answered, That they made no such offer with an intention that it should take effect, but only as an amusement to gain time, and so to

baffle the bill; for, when they agreed to submit their stock to a valuation of 50*l.* *per cent.* they knew very well, that others did not value it, at any thing near so much. And as to their subscribing 200,000*l.* subject to make good the subsequent payments of the two millions, that it was only to obtain what they had been so long aiming at, *viz.* an act of Parliament *exclusive*, for the sum of 200,000*l.* whereby the King would be defeated of a much more considerable loan; others delivering in subscriptions for about 1,200,000*l.* And, lastly, that the old Company heretofore thought it an advantage to admit foreigners into their trade; and that many were actually now in the present Company, though they were pleased to argue against it.

(1) He had a little before purchased the great manor of *Helmby* in *Yorkshire*, of the trustees for *George Villiers* late Duke of *Buckingham*, at 95,000*l.* and paid down the money, when the want of coin was the most complained of.

1692. and Burton had the same fate; and so all the noise this sort of forgery had made, in town and country, was hushed on a sudden, and no more heard of it.

The Commons, this year, designed to apply part of all the forfeited estates to the use of the public; in order to which, they inquired into the grants made by King Charles II and King James II, and ordered a bill to be brought in to make them void. Afterwards they examined the grants made by King William in Ireland; and, because a grant was found made to Mr Raylton, which Mr Mountague, Chancellor of the Exchequer, owned to be for his benefit, a warm debate arose; and Mr Mountague's enemies moved, *That he should withdraw*; which passing in the negative, it was resolved by a great majority, *That it was the opinion of this House, that the Honourable Charles Mountague, Chancellor of the Exchequer, for his good services to this Government, did deserve his Majesty's favour.*

The next day, the Commons in a body presented an address to the King, wherein 'they with great joy and comfort remembered the testimonies, which his Majesty had given them of his sincerity and zeal for the Reformed Religion as established in this Kingdom; and in particular they acknowledged the late declaration, which his Majesty had made from the Throne, *that he would effectually discourage profaneness and immorality*; which, chiefly by the neglect and ill example of too many, were (like a general contagion) diffused and spread throughout the Kingdom, to the great scandal and reproach of the Protestant Religion, and to the dishonour and prejudice of his Majesty's Government. Therefore, in concurrence with his Majesty's pious intentions, they most humbly desired, that his Majesty would issue out his Royal proclamation, commanding all Judges, Justices of the peace, and other Magistrates, to put in speedy execution the good laws, that were now in force, against profaneness and immorality, giving encouragement to all such, as did their duty therein. And, since the examples of men in high and public stations have a powerful influence upon the lives of others, they most humbly besought his Majesty, that all vice, profaneness, and irreligion might in a particular manner be discouraged in all those, who had the honour to be employed near his Royal Person, and in all others, who were in his Majesty's service by sea or land; and that his Majesty would upon all occasions distinguish piety and virtue by marks of his favour. They further besought his Majesty to give effectual orders for the suppressing all pernicious books and pamphlets, which contained impious doctrines against the Holy Trinity, and other fundamental articles of the Protestant faith, tending to the subversion of the Christian Religion; and that his Majesty's proclamation might be ordered to be read at least four times in the year in all Churches and Chapels, immediately after divine service; and at the assizes and quarter sessions of the peace, just before the charge is given.' The King's answer was, *That he could not but be very well pleased with an address of this nature, and he would give immediate directions in the several particulars they desired. But that he could wish that some more*

effectual provision were made for the suppressing those pernicious books and pamphlets, which their address took notice of. And on the 28th of February was published a proclamation for preventing and punishing immorality and profaneness; and the House of Lords, to express their zeal for so good a design, prepared and passed a bill for the more effectual suppressing atheism, blasphemy, and profaneness, to which, after several conferences, the Commons gave their concurrence.

It is remarked, that the divisions among the Clergy, at that time, was one great encouragement to the profane. There were manifestly two different parties among them; one was firm and faithful to the present Government, and served it with zeal; these did not envy the Dissenters the ease, that the toleration gave them; they wished for a favourable opportunity of making such alterations, in some few rites and ceremonies, as might bring into the Church those, who were not at too great a distance from it. Others took the oaths indeed, and concurred in every act of compliance with the Government, but they were not only cold in serving it, but were always blaming the Administration, and aggravating misfortunes; they expressed a great esteem for Jacobites, and, in all elections, gave their votes to those, who leaned that way: At the same time, they shewed great resentments against the Dissenters, and were enemies to the toleration, and seemed resolved never to consent to any alteration in their favour. The bulk of the Clergy ran this way, so that the moderate party was far out-numbered. Profane minds had too great advantages from this, in reflecting severely on a body of men, that took oaths, and performed public devotions, when the rest of their lives was too public and too visible a contradiction to such oaths and prayers.

About the same time, was formed the Society for the reformation of manners, which took its rise in the following manner.

In the reign of King James II, the fear of Popery was so strong, as well as just, that many persons in and about London began to meet often together, both for devotion and for their further instruction. Things of that kind had been formerly practised only among the Puritans and Dissenters; but those were of the Church, and came to the Ministers to be assisted with forms of prayer and other directions. They were chiefly conducted by Dr Beveridge and Dr Horneck. Some disliked this, and were afraid it might be the original of new factions and parties; but others thought, that it was not fit nor decent to check a spirit of devotion, at such a time. It might have given scandal, and it seemed a discouraging of piety, and might be a means to drive well meaning persons over to the Dissenters. After the Revolution these societies grew more numerous, and, for a greater encouragement to devotion, they got such collections to be made, as maintained many Clergymen to read prayers in so many public places, and at so many different hours, that devout persons might have that comfort at every hour of the day. There were likewise constant Sacraments every Sunday, in many Churches; and there were both greater numbers and greater appearances of devotion at Prayers and Sacraments, than had been observed in the memory of man. These societies resolved to inform the magistrates

Division among the Clergy. Burnet.

Society for the reformation of manners. Burnet.

istrates

1698. trates of swearers, drunkards, profaners of the Lord's-day, and of lewd houses, and threw in the part of the fine, given by law to informers, into a stock of charity. From this they were called *Societies for the reformation of manners*, and were encouraged by some Magistrates, tho' treated roughly by others.

A Society for propagating Religion in foreign parts. Kennet. There was also about the same time another design laid, and chiefly managed by an active Divine, Dr Thomas Bray, for propagating the Gospel in foreign parts, by sending our Missionaries, Catechisms, Liturgies, and other books for the instruction of the people, too ignorant and profane, in our *West-India* colonies and plantations. He had taken great pains to promote this undertaking, and had procured the contributions of many persons, to enable him to proceed in the burden and growing expences of it. And, to take all opportunities of establishing a

March 3. fund for this project, upon the second reading of a bill in the House of Commons, *for the better discovery of estates given to superstitious uses*, the Doctor presented a petition to the House, praying, that some part of these estates might be set apart for the propagation of the Reformed Religion in *Maryland, Virginia*, and the *Leeward Islands*; or else that some other provision might be made for that purpose.

The Earl of Macclesfield's case.

The Earl of Macclesfield, to vindicate the honour of his family, was forced now to publish the shame of his marriage-bed, and to prefer a bill in the House of Lords, to be divorced from his wife. It seems his Lady, about ten years before, being weary of living with the Earl's father, under whose care her husband had left her, during his absence beyond sea, retired to her mother the Lady *Mason's* house. The Earl, being returned home, and resenting this step of his Lady, which he had made without his privacy, instead of recalling her, suffered her to live in a state of separation; during which, it is no wonder, she was tempted to break her matrimonial vows, since her husband did not perform his. Accordingly, about the end of the year 1696, she was delivered of a daughter. The death of this child, before the Earl had heard any thing of the matter, with the belief, that this might be a sufficient warning against liberties, that carried such visible effects with them, restrained him from attempting public satisfaction; and besides, at the solicitation of his wife's relations, who undertook for her conduct for the future, he consented to allow her 500*l.* a year for a separate maintenance. This treaty was scarce concluded, when, the Earl being informed of his Lady's being delivered of a second child, he commenced a suit in the Spiritual Court for such a divorce, as might be given by that law. But, being disappointed in his prosecution, through the dilatoriness of Ecclesiastical proceedings, he applied himself to his Peers for a remedy, which nothing but a Parliament could give; all the relief, which he could expect from a sentence in *Dolors Commons*, being no more than that state of separation, in which he and his Lady had long lived. He alledged, That it is evident, that the divine law admits of second marriages in such cases, and that there had been acts of Parliament for them, as well as for bastardizing spurious issue: That those canons, which have prohibited second marriages in like cases, were so manifestly an effect of the Popish doctrine of marriage being a

Sacrament, and of the avarice of the Court of *Rome*, to get money for dispensing with them, that, in the reformation of Ecclesiastical laws, prepared and intended in the time of *Edward VI.* in pursuance of an act of Parliament of *Henry VIII.* there was express liberty given by those canons to marry again, which, by virtue of that act of Parliament, would have become a general law, or at least have occasioned one. That whatever objection might be against such a general law from the temptation, which it might give ill people to seek groundless dissolutions of marriages; yet, upon extraordinary cases, such as this was, such relief had been granted; and, where it had been denied, either the fact had not been fully proved, or the parties had cohabited, or, after the grounds of dissatisfaction, had been reconciled. That, if in such a concurrence of circumstances, as were in his case, he must still be thought to have a wife, and the children, she had, must be looked upon as his, from the common presumption, till contrary proof, in that they were born within the four seas; besides that it could not but be too great an encouragement to women, to make an ill use of a separate maintenance, which is provided for in most marriage-settlements, it would be a most unreasonable hardship upon him, that the standing law, which is designed to do every man right, should, by the rigour of the letter, be to him the cause of the greatest wrong; and that, for his wife's fault, he should be deprived of the common privilege of every freeman in the world, to have an heir of his own body, to inherit what he possessed, either of honour or estate; or that his only brother should lose his claim to both, and have his birthright sacrificed to the Lady Macclesfield's irregular life.

While this affair was depending in the Spiritual Court, the Lady Macclesfield insisted upon her innocence, and her agents industriously spread a report, that the Earl her husband had been surprized into a private meeting with her, by a woman of intrigue. But, this story being confuted by the Earl's positive evidence to the contrary, she gave up that point, and only endeavoured to make her husband the author of the miscarriages. She alledged, that the late Earl of Macclesfield, her father-in-law, had turned her out of doors: That the present Earl, notwithstanding the obligation she had laid upon him, by petitioning King *James* for his life, had maliciously secluded her from bed and board. And therefore, if the Lords thought fit to pass this bill of divorce, she demanded her fortune to be refunded, both because a divorce dissolves the whole frame of the marriage contract, and because it were the highest injustice, that a man, who was guilty of making his wife commit adultery, should be rewarded out of the same wife's fortune. This affair occasioned great debates in the Upper House; some Peers representing the danger of granting divorces; and others, amongst whom Dr *Burnet*, Bishop of *Salisbury*, spoke the longest, shewing the necessity and lawfulness of such extraordinary proceedings in some particular cases. Upon the whole matter, the Lords passed a bill for dissolving the marriage between Charles Earl of Macclesfield and Anne his wife, and to illegitimate her children; but with a proviso, that the Earl should refund her fortune. This bill being sent down to the Commons, the parties concerned March 5. were

1698. were both heard by their Counsel; but, notwithstanding the Lady Macclesfield's opposition, the bill was read the third time, and passed without any amendment, and received the Royal assent.

Molyneux's case of Ireland, com-
plained of.
Pr. H. C.
III. 83.

On the 21st of May, a complaint was made to the Commons of a printed book, intitled, *The case of Ireland's being bound by acts of Parliament in England stated*, written by William Molyneux of Dublin, a Gentleman of eminent parts and learning. In this book, the authority of the Parliament of England being denied to be binding to Ireland, a Committee was appointed, to inquire into the author of it, and what proceedings had been in Ireland, that might occasion it. Upon the report of the Committee, it was unanimously resolved, 'That the book was of dangerous consequence to the Crown and People of England, by denying the authority of the King and Parliament of England, to bind the Kingdom and People of Ireland; and the subordination and dependence, that Ireland has and ought to have upon England, as being united and annexed to the Imperial Crown of this realm; and that a bill, intitled, *An act for the better security of his Majesty's Person and Government*, transmitted under the Great Seal of Ireland, whereby an act of Parliament made in England was pretended to be re-enacted, and alterations therein made, and divers things enacted also, pretending to oblige the Courts of Justice, and the Great Seal of England, by the authority of an Irish Parliament, had given occasion and encouragement to the forming and publishing the dangerous positions contained in this book.' After which, the Commons in a body presented an address to the King, wherein having represented the case, they humbly besought him, 'That he would give effectual orders to prevent any thing of the like nature for the future, and the pernicious consequences of what was passed, by punishing and discountenancing those, who had been guilty thereof: That he would take all necessary care, that the laws, which direct and restrain the Parliament of Ireland in their actions, be not evaded, but strictly observed; and that he would discourage all things, which might in any degree lessen the dependence of Ireland upon England.' To this the King answered, *That he would take care, that what was complained of, might be prevented and redressed, as the Commons desired.*

Bill of a-
gainst the
author
of a libel
on the
Irish and
English
Parliament.

This Session likewise, upon complaints made, that the woollen manufacture was carried on in Ireland, to the great prejudice of that staple

trade in England, the Commons took care to stop the progress of that law. The bill entered upon a bill for that purpose, but it terminated at last in an address to the King, importing, 'That being very sensible, that the wealth and power of this Kingdom do in a great measure depend on the preserving the woollen manufacture, as much as possible, in-tire to this Realm, they thought it became them, like their ancestors, to be jealous of the establishment and the increase thereof elsewhere, and to use their utmost endeavours to prevent it. That they could not without trouble observe, that Ireland, which is dependent on, and protected by England in the enjoyment of all they have, and which is so proper for the linen manufacture, the establishment and growth of which would be so enriching to themselves, and so profitable to England, should of late apply itself to the woollen manufacture, to the great prejudice of the trade of this Kingdom, and so unwillingly promote the linen trade, which would benefit both nations. That the consequence thereof would necessitate his Majesty's Parliament of England to interpose, to prevent this mischief, unless his Majesty, by his authority and great wisdom, should find means to secure the trade of England, by making his subjects of Ireland to pursue the joint interest of both Kingdoms. Wherefore they implored his Majesty's protection and favour in this matter; and that he would make it his Royal care, and injoin all those, whom he employed in Ireland, to use their utmost diligence to hinder the exportation of wool from Ireland (except it be imported hither) and for the discouraging the woollen manufacture, and the increasing the linen manufacture in Ireland; to which the Commons of England should always be ready to give their utmost assistance.' To this address his Majesty made answer, 'That he should do all that in him lay, to promote the trade of England, and to discourage the woollen, and encourage the linen manufacture in Ireland (1).'

Pursuant to this address, the Earl of Galway, and the other Justices, in their speech to the Parliament in Ireland, September the 27th, recommended to them a bill for encouraging the manufactures of linen and hemp: *The settlement of which, say they, will contribute much to prosper the country, and will be found more advantageous to this Kingdom than the woollen manufacture, which being the settled, stated trade of England,*

(1) About this time, the King writ the following letter to the Earl of Galway.

Kennington, July 16, 1698.

Tho' I have largely explained to the Chancellor of Ireland my sentiments about the Irish affairs, I am willing however to write to you, to tell you, that it was never of such importance to have at present a good Session of Parliament, not only in regard to my affairs of that Kingdom, but especially of this here. The chief thing that must be tried to be prevented, is, that the Irish Parliament takes no notice of what has passed in this here, and that you make effectual laws, for the linen manufacture, and discourage as far as possible the woollen. These are the two most materi-

al points, you have to accomplish; and the third the necessary supply for the maintenance of the army, of which you know the importance, and to try to get as much as you can, since, after this Session, I should be very glad not to be obliged, this good while, to have another Parliament in Ireland. I have sent orders for embarking at Ostend the five French regiments, and instead of my own regiment of dragoons of Espingero, I will send you two regiments of foot, which will be much the same as to expence. Blauways will write to you about the establishment and appointment of the pay of the forces. I must tell you, I am well satisfied with the Chancellor of Ireland. At his first coming here to the Parliament, he committed a great oversight, which has got him many enemies, and all the Ministry here

1698. from whence all foreign markets are supplied, can never be encouraged here for that purpose; whereas the linen and hempen manufactures will not only be encouraged, as consistent with the trade of England, but will render the trade of this Kingdom both useful and necessary to England. And the House of Commons in Ireland fell in so far with the Lords Justices sentiments, as to say, in their address of thanks to them, *We shall heartily endeavour to establish the linen manufacture, and to render the same useful to England, as well as advantageous to this Kingdom. And we hope to find such a temperament, with respect to the woollen trade here, that the same may not be injurious to England.* It was however continually inculcated by the disaffected, how much more beneficial to that Kingdom the woollen manufacture would be than the linen, and what a hardship it was upon the people of Ireland, to be deprived of the privilege of working up their own wool, and sending the cloth where they pleased. These suggestions were industriously spread about, upon all occasions, by the factious, in order to inflame the minds of the people, and so foment divisions among them, tho' it was evident, that the *English* could not indulge them in that trade, without the ruin of their own at the same time.

Address in
behalf of
London-
derry.
Pr. H. C.
III. 90.

The city of *Londonderry*, some time before the address, about the woollen affair, presented a petition to the Commons of *England*, setting forth their early and singular services and sufferings by the defence of that city against a long and cruel siege, (which eminently contributed to the destroying the designs of the enemies of these Kingdoms;) and shewing that thereby not only the greatest part of the city and suburbs was demolished, but also that their disbursements upon this occasion, for fortifying, providing arms and ammunition, raising and subsisting forces, and other public losses, did amount to a very considerable sum of money, of which they gave in an account. And, that as they had willingly exposed themselves, and their all, for the public interest and service, so they had patiently, these eight years, lain under their losses, in hopes at the end of the war to be so considered, as they should no longer remain a poor ruinous spectacle to all, a scorn to their enemies, and a discouragement to his Majesty's well affected subjects: And praying the Commons to recommend their case to his Majesty for his Royal favour, in order to their relief in the Kingdom of *Ireland*. Upon this the Commons, addressed the King, that he would be pleased to make some compensation to the city of *Londonderry*, which, for its eminent sufferings and services, so highly deserved to have some special mark of his favour, for a lasting monument to posterity. The King promised to take it into consideration, but nothing was done in the affair, at least at that time.

June 28.

Here are much incensed against him, as well as the Whig-party; but, in *Ireland*, it is just the contrary, it is the Tories: So he'll find it hard to behave in such a manner, as not to be involved in difficulties. If bad success attends you in the Parliament, it is certain that the blame will here be laid on him. I thought it necessary to inform you of this circumstance, that you

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Not many days after, the King came to the House of Peers, and, having given the Royal assent to several bills, closed the Session with the following speech.

My Lords and Gentlemen,

I Cannot take leave of so good a Parliament, without publicly acknowledging the sense I have of the great things you have done for my safety and honour, and for the support and welfare of my people. Every one of your Sessions hath made good this character. The happy uniting of us in an association for our mutual defence; the remedying the corruption of the coin, which had been so long growing upon the nation; the restoring of credit; the giving of supplies in such a manner for carrying on the war, as did by God's blessing produce an honourable peace; and after that, the making such provisions for our common security, and towards satisfying the debts contracted in so long a war, with as little burden to the Kingdom, as is possible, are such things, as will give a lasting reputation to this Parliament, and will be a subject of emulation to those, who shall come after.

Besides all this, I think myself personally obliged to return my thanks to you, Gentlemen of the House of Commons, for the regard you have had to my honour, by the establishment of my revenue.

My Lords and Gentlemen,

There is nothing I value so much, as the esteem and love of my people; and, as for their sakes I avoided no hazards, during the war, so my whole study and care shall be to improve and continue to them the advantages and blessings of peace.

And I earnestly desire of you all, in your several stations, to be vigilant in preserving peace and good order, and in a due and regular execution of the laws, especially those against profaneness and irreligion.

Then the Parliament was prorogued, and two July 5, days after dissolved, having now late it's period of three years, in which (as the King said in his speech) great things had been done; the whole money of *England* was recoined; the King secured in his Government; an honourable peace was made; public credit was restored; and the payment of public debts was put on sure funds.

The chief conduct of affairs lay now in a few hands. Among these the Lord *Sommers* ^{his} *W. R.* was most eminent in the House of Lords; for, as he was one of the ablest and most incorrupt Judges, that ever presided in *Chancery*, so his great capacity for all affairs made the King consider

may take your measures accordingly. Be always assured of my esteem. *W. R.*

I shall set out in two days for *Holland*. I send you back the Prince of *Conti's* letter, and approve much of your answer to him. I had not an opportunity to let you know it before.

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1698.
The Par-
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Pr. H. C.
III. 90.

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1698. sider him beyond all his Ministers; and he well deserved the confidence, that the King expressed for him on all occasions. In the House of Commons, Mr *Mountague*, the Chancellor of the *Exchequer*, had gained such a visible ascendancy over all, who were zealous for the King's service, that he gave law to the rest, which he did always with great spirit, but sometimes with too assuming an air. The fleet was in the Earl of *Orford's* management, who was both Treasurer of the navy, and at the head of the Admiralty. He had brought in many into the service, who were very zealous for the Government; but a spirit of impiety and dissoluteness ran through too many of them, so that those, who intended to cast a load upon the Government, had too great advantages given by some of those. The Administration at home was, otherwise, without exception, and no grievances were complained of. Sir *William Trumbull* had been removed, on the 5th of *December* 1697, from the post of Secretary of State, which was conferred on Mr *James Vernon*, who had formerly been Secretary to the Duke of *Monmouth*, and since the Revolution chief Clerk to the Duke of *Shrewsbury*, under whom he had for several years managed all the affairs of the Duke's office (which the Duke could not attend, because of his ill state of health) and was afterwards advanced to the place of Secretary to the Lords Justices, during the King's absence, which employment he had discharged to the King's satisfaction.

The King, on the 21st of the same month, having received letters from the King of *France* and the *Dauphin*, acquainting him with the Duke of *Burgundy's* marriage, appointed the Duke of *St Albans*, one of the Lords of his Bed-chamber, to return the compliment, who, in a few days, set out for *France*.

The Earl of *Clancarty*, who had married one of the Earl of *Sunderland's* daughters, and who, during the war, had made his escape from the Tower of *London*, and fled into *France*, presumed, about this time, to return into *England*, both under the benefit of the peace, and chiefly under the protection, which he expected from his father-in-law. On the last day of *December*, he arrived at *London*, and went directly to his Lady; but he was not a little surprized, when, the next morning, upon information given to the Government by his brother-in-law, the Lord *Spencer*, a Messenger was sent with a warrant to carry him prisoner to *Newgate*, as being attainted for high-treason. However, the Earl of *Sunderland* interceding for him, the King contented himself with banishing the Lord *Clancarty* his dominions.

On the 5th of *January*, through the carelessness of a laundress, a fire broke out at *Whitehall*, by which all the body of the palace, with the new Gallery, Council-chamber, and several adjoining apartments, were intirely burnt down; that famous piece of architecture, the Banqueting-house, for which the King was so particularly concerned, that he sent messenger upon messenger from *Kensington* for it's preservation, hardly escaping the violence of the flames.

Five days after the Earl of *Portland* set out on his embassy to *France*, and in eleven days reached the capital city of that Kingdom, having in his way thither been received with extraordinary civility and respect. Four days after his arrival at *Paris*, he was magnificently en-

tertained at supper by the Duke de *Crammont*, 1698. with the Marshals de *Villeroy* and *Boufflers*, the Dukes of *Valentinois*, *Clermont*, and *Requelme*, Count *Tallard*, whom the French King had named to the Embassy of *England*, and several other persons of the principal quality in *France*. And the next day he was admitted to a private audience of the King, as also of the *Dauphin*, the Dukes of *Burgundy*, *Anjou*, and *Berry*, Monsieur, Madame, and the Dukes of *Burgundy*, by all whom he was severally received with great marks of distinction, and afterwards entertained at dinner by the Marquis de *Torcy*, Secretary of State for foreign affairs. The Duke of *St Albans* having had at the same time audience of leave, returned to *London*. It is remarkable, that the Duke having brought from *France* extraordinary rich suits of clothes, both for himself and his Duchess, in which they appeared on the Princess of *Denmark's* birth-day, the House of Lords being apprehensive, that their example would be followed by the rest of the Ladies and Courtiers, to the advancement of the French, and the detriment of the English manufactures, they addressed the King to discourage the wearing French stuffs, and the sumptuousness of apparel.

On the 27th of *February*, the Earl of *Portland* made his public entry with such extraordinary splendor, as had never been seen at the Court of *France* since the Duke of *Buckingham's* embassy, when he came to demand in marriage for King *Charles I. Mary Henrietta* of *France*. He was accompanied by the Lords *Cavendish*, *Hastings*, *Pajon*, *Raby*, and *Woodstock*, his son, Mr *Fielding*, Colonel *Stanhope*, Mr *Charles Boyle*, Mr *Prior*, Secretary to the embassy, and several other English Gentlemen; and, attended by a Gentleman of the horse, twelve pages, fifty-six footmen, twelve led horses, four coaches with eight horses, and two chariots with six, was received by the Duke of *Boufflers*, and conducted to the Hotel reserved in *Paris* for the entertainment of foreign Embassadors, and thro' multitudes of spectators, who were astonished at the grandeur and opulence of the English. Two days after, he was admitted to his first public audience, which, for a distinguishing mark of honour, he had in the King's bed-chamber, and even within the rails round the bed, where the King stood, with the Dukes of *Burgundy*, *Anjou*, and *Berry*, his grandsons, and the Count de *Toulouse*, his natural son, the Duke d'*Aumont*, and the Marshal de *Neailles*. The Lord *Portland* having made his speech in French, and delivered his Credentials, the King answered him in very obliging terms, both in relation to his Master and himself; and then he presented to the King the English Noblemen and Gentlemen of his retinue; which being over, he had audience of the *Dauphin* and the rest of the Royal family. And not only in imitation, but by express directions, of the French King, all that Court shewed the English Embassador most singular marks of honour and respect.

Some time after his public audience he went to *Versailles*, and staid there four days, being lodged in the Hotel de *Bouillon*. The first day he was treated by the Marshal de *Boufflers*, who, in the afternoon, went with his Excellency into the gardens, and shewed him the water-works. The next day he was invited to dine with Monsieur de *Livry*, Master of the King's Household; and

Whitehall
burnt.

The Earl
of Port-
land's em-
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1698. and after dinner had a long conversation with the King in the gardens, the fountains playing all the while. Here it is by some thought, that the project for a partition of the *Spanish* Monarchy was opened by the *French* King (1).

The French King won't renounce King James.
King James passed his time very indifferently all that while at *St Germain's*; for, besides the honours which were done to the Embassador of the Prince, who possessed his abdicated Throne, and which could not but be a sensible mortification to him, he was informed, that the Lord *Portland* insisted upon the removing of him to a greater distance from the *French* King's presence; promising, in his Master's name, to give him and his Queen an honourable pension, which would ease that King of the great charge he was at in maintaining him and his family, ever since they had taken sanctuary in his dominions. After the conclusion of the late treaty of peace, wherein his concerns were wholly overlooked, King James seemed to be absolutely abandoned; and therefore concluding, that the Earl of *Portland's* demand would be complied with, he was resolved to retire to *Avignon*, and began already to inform himself, if he could live conveniently there; but he was agreeably surprized, when he heard, that the *French* King would never give ear to the *English* Embassador's proposal.

In this interval the Earl of *Manchester* being arrived at *Paris*, in his return to *England* from his embassy to *Venice*, he and the Earl of *Portland* went to *St Cloud*, on the 5th of May, to visit the Duke of *Orleans*, and in the evening to *Versailles* to wait on the King, and were received at both places with great respect. Four days after they both had the honour to dine with the *Dauphin* at *Meudon*; and the next day the Earl of *Portland* had his public audience of leave of the Royal Family, King *William* having named the Earl of *Jersey* to succeed him as Embassador Extraordinary to *France*. There being a review of the troops of the Household in the plain of *Archers*, where the King, the *Dauphin*, the young Princes of *France*, and divers persons of quality were present, the Embassador went thither also; but would perhaps have refrained going, if he had known, that King James and the titular Prince of *Wales* had likewise been there. The Prince, by his Father's directions, endeavoured to join conversation with the Lord *Woodstock*, but the Earl of *Portland*, his father, perceiving it, ordered his son to avoid him, as he did himself all those who belonged to the Court of *St Germain's*; though it was reported, that King James had caused it to be insinuated to him, that he never pretended to make his Lordship answerable for the ill usage, which he received from the person, whom he represented. At this review King James himself did all he could to engage the Lord *Cavendish*, and the other *English* Noblemen, to accost him; but they all imitated the Earl of *Portland*, who on the 4th of *June* went to *Versailles*, and had a private audience of the King

in his closet, where he took his last leave; as he did afterwards of the *Dauphin*, and of the Duke and Dukes of *Orleans* at *St Cloud*. The King sent the Earl the usual present of his picture set with diamonds, but with this difference, that the stones were worth three times as much as those of other gifts of that kind. Besides this, he presented him with all the prints engraved at the *Lowvre*, consisting of twelve large Folio's. In return of which the Earl made him a present of nine very fine *English* horses, and soon after, on the 8th of *June*, he left *Paris*, and went to *Chantilly*, an house belonging to the Prince of *Condé*, where he was entertained in a splendid manner till the 11th, when he took leave of that Prince; and, proceeding on his journey in his return to *England*, arrived at *Kensington* on the 19th. Thus ended this famous embassy, which cost King *William* fourscore thousand pounds to little purpose, it being remarked, that no Embassador was ever more honoured or less successful than the Earl of *Portland*, who could obtain nothing, either as to the removal of King James, or in favour of the Protestants of *France*, against whom the persecution, which in many places had been interrupted, during the war, began now to rage afresh with redoubled violence. As for the Earl himself, he was so far from gaining any thing by his embassy, that on the contrary he found at his return, that Mr *Keppel* was become a great favourite. *Keppel* was the son of *Pallant* Lord of *Keppel* in *Guelderland* by a daughter of *Opdan*, one of the chief Lords of the States of *Holland*. He was raised from being a page of honour into the highest degree of favour that any person had ever attained about the King. He was now made Earl of *Albemarle*, and soon after Knight of the Garter, and by a quick and unaccountable progress he seemed to have engrossed the Royal favour so intirely, that he disposed of every thing in the King's power. He was a cheerful young man, who had the art to please, but was so much given up to his pleasures, that he could scarce submit to the attendance and drudgery, that were necessary to maintain his post. He never had yet distinguished himself in any thing, though the King did it in every thing. He was not cold nor dry, as the Earl of *Portland* was thought to be, who seemed to have the art of creating many enemies to himself, and not one friend. But the Earl of *Albemarle* had all the arts of a Court, was civil to all, and procured many favours. The Earl of *Portland* observed the progress of this favour with great uneasiness. They grew to be not only incompatible, as all rivals for favour must needs be, but to hate and oppose one another in every thing, by which the King's affairs suffered much. The one had more of the confidence, and the other much more of the favour. The King had heaped many grants on the Earl of *Portland*, who, upon his return from his embassy, could not bear the visible superiority in favour, that the other was grown up to; so he took occasion,

(1) During his stay at *Versailles*, there happened a passage between Mr *Prior*, the Secretary of the embassy, and one of the *French* King's Officers, which deserves to be related. As the Officer was conducting Mr *Prior* about the apartments, among other curiosities, he shewed him those fine pieces of *Le Brun*,

which represent the *French* King's victories; and asked him, Whether King *William's* actions were also to be seen in his palace? No, Sir, replied Mr *Prior*, the monuments of my Master's actions are to be seen every where but in his own house.

1698. cation, from a small preference, that was given him, in prejudice of his own post, as Croom of the Stole, to withdraw from the Court, and laid down all his employments. The King used all possible means to divert him from this resolution, but without prevailing on him. He consented to serve the King still in his affairs, but he would not return to any post in the Household; and not long after was employed in the negotiation, set on foot for the succession to the Crown of Spain.

On the 19th of March 1697-8, Count Tallard, the French Ambassador, arrived at London, and soon after accompanied the King to Newmarket, where he was not a little surprized to see the vast concourse of Nobility and Gentry, and the great sums of money lost or won, at the races.

France reaped but small benefit from the peace as to her commerce, which continued almost as dead as in time of war. It is true, some English and Dutch came to Bourdeaux and Roan, in order to take in wine and paper, and brought other commodities to be sold there. But the tariff not being regulated between all the parties, and the treaty of Ryswick mentioning only, that, in relation to Holland, it should be put upon the same foot, as it was agreed in 1664, which was not yet done; and in respect to England, that Commissioners appointed by both Kings should meet at London, three months after the ratification, to determine all differences; this, together with the loss of at least 20 per cent. by the money, which the French King, to supply his present necessities, had raised to an extravagant rate, obliged most of these ships to return home, without either selling or buying any thing. Upon this, the States-General sent Deputies to the King of France to demand the regulation of the tariff, pursuant to the late treaty. But, the trade of Holland being far less advantageous to France than that of England, by reason the Dutch use to import more of their own commodities into that Kingdom than they export of the growth of it from thence, and that, on the contrary, the English were accustomed, before the war, to send great sums of money yearly into France, not only for wines, paper, stuffs, linnen, hats, and silks, but also for abundance of things of less importance, the purchase of which could not be made with what they imported thither of the growth and manufacture of England; so the Court of France at first resolved to keep up the tariff as high as possible with the Hollanders, while they designed to lower it with the English. But, Monsieur Philippeaux d'Herbault being sent over hither as Commissary-General from the French King, for regulating the commerce between the two nations, he found insuperable difficulties in his Commission, not only because of the high duties laid by the Parliament on all French goods, and which were already appropriated to several uses, but also because the English had by this time learned to be without the commodities of the product of France, supplying themselves, for the most part, with wine from Italy, Spain, and Portugal; with linnen from Holland and

Spain; and with paper, flannel, &c. by the manufactures of the same countries.

About this time, the King sent the Lord of the Duke of Chazler, who was in the tenth year of his age, and gave manifest proofs of an excellent genius. The Duke of Marlborough, who was restored to favour, was made his Governor (1), and at the same time sworn of his Majesty's Privy-council. The Bishop of Exeter, having under him Mr Wallis, Chaplain, and Dr Pratt to assist him in this office, did all he could to bring the Duke to himself, having hitherto had no share in the Prince's favour or confidence. He was not without some uneasiness at some things, in the King's conduct, and, though he was a glorious instrument of many great things to the King, he had not yet carried matters further than that he was giving his enemies handles to weaken his Government.

He was so much engaged in the service, that he was not able to engage deeper in such a constant attendance, for so many years, as this employment required. But the King would trust that care with him, and the Princess gave him such encouragement, that he resolved not only to submit to this, but to give himself wholly up to it. He took to his own province the instructing the young Prince in the principles of Religion, and the rules of virtue, and the giving him a view of history, geography, politics, and government. At the same time, he resolved to look very exactly to all the Masters, that were appointed to teach him other things.

Scotland was now in a sort of ferment, occasioned by the opposition their African and East-India Company met with in the prosecution of their scheme, for settling a trade to Africa, and a colony in America. The Company had endeavoured by their agents to get subscriptions in Holland, and with encouragement from private persons in all those places. The English and Dutch India and African Companies took the alarm, and a stop was put to the subscriptions, the Scotch Company taking. The King was even prevailed with to permit his Minister at Hamburgh to present a memorial to the Senate against it. Upon this the Scots India Company laid open their grievances before the Parliament, now assembled at Edinburgh, the Earl of Mar being the King's Commissioner. That whereas the wisdom of the King and Parliament had thought fit, by two several solemn acts and letters patents under the Great Seal of Great Britain, to incorporate their Company with such power, privileges, and immunities, as were necessary for carrying on any such new undertaking in that manner, as they should think fit; and, for that end, to enfranchise such foreigners, as would become partners with them, and to enter into treaties of commerce with any in any

(1) When the King delivered the young Prince to him, he said, *My Lord, I am sure you cannot want a complement.*

1698. " amity with his Majesty for that effect; that
 " those of their number, who were then intrust-
 " ed with the management of that affair, did
 " think it most natural to make the first offer
 " of sharing their said privilege with their coun-
 " trymen, and other neighbours in *England*, as
 " living under the same Monarchy; and that
 " they not only readily embraced the offer, but
 " in nine days subscribed 300,000*l.* sterling,
 " as the one half of the capital stock then pro-
 " posed, and actually paid in the first fourth
 " part thereof, part in specie, part in bank
 " notes, payable upon demand. That both
 " Houses of Parliament of *England* taking um-
 " brage at those proceedings, had not only joint-
 " ly addressed his Majesty for frustrating the
 " ends of the said acts, but the House of Com-
 " mons had also appointed a Committee to ex-
 " amine what methods were taken for obtain-
 " ing the said acts of Parliament for establish-
 " ing their company; who were the subscribers
 " thereunto, and who were the promoters and
 " advisers thereof; with power to send for per-
 " sons, papers, and records: And that pursuant
 " thereto the said Committee had given orders
 " to summon not only the *English* subscribers,
 " but even some persons residing then in *Scot-*
 " *land*, as by the said address, votes of the
 " House of Commons, and copy of the said
 " summons did appear. By all which, together
 " with some other measures then taken, their
 " friends in *England* were, to their great loss,
 " disappointment and retardment, forced to
 " relinquish their enterprise. That, notwith-
 " standing that discouragement, not only most
 " of the Nobility, Gentry, and Merchants, and
 " the whole body of the Royal Boroughs, had,
 " upon the inducement and public faith of the
 " said acts of Parliament and letters patents,
 " contributed as adventurers in raising a far
 " more considerable joint stock, than any was
 " ever before raised in the Kingdom for any
 " public undertaking or project of trade what-
 " soever; which made it of so much the more
 " universal a concern to the nation. But they
 " had also all the promising hopes of foreign
 " aid, that their hearts could wish, especially
 " at *Hamburg*, where the Merchants of that
 " city entered into contract with their Deputies,
 " to join at least 200,000*l.* sterling with them;
 " till, to their great surprise and loss, the *Eng-*
 " *lish* Ministers there had, under pretence of a
 " special warrant from his Majesty, put a stop
 " thereto, by giving in a memorial to the Se-
 " nate of that city, not only disowning the au-
 " thority of the acts of Parliament and letters
 " patents, but also threatening both Senate
 " and Inhabitants with the King's utmost dis-
 " pleasure, if they should countenance or join
 " with them in any treaty of trade or commerce;
 " which memorial they prayed might, for the
 " better information of his Grace and the Es-
 " tates, be read in Parliament. That, after the
 " memorial was by the Senate transmitted to
 " the *Commerci* or body of Merchants of that
 " city, they, to assert their own freedom, had
 " advised and prevailed upon their (the *Scots*)
 " Deputies and Agents, who were there for
 " the time, to open books in the Merchants
 " hall, where for some days they signed con-
 " siderable sums, pursuant to their contract,
 " though under condition to be void, if they
 " Numb. XXV. Vol. III.

" should not procure some declaration from the 1698.
 " King, that might render them secure from
 " threatenings and other insinuations contained
 " in the memorial. That as the reasonable
 " (nay, and unquestionable) prospect, which
 " they had of a powerful assistance from *Ham-*
 " *burgh*, and several other places (if not ob-
 " structed) had induced them to prepare a
 " far greater equipage at first, than otherwise
 " they would have done; so the rendering these
 " measures abortive had not only weakened
 " their stock, lessened their credit, retarded
 " their first expedition, and disheartened many
 " of their partners at home, but even slackened
 " their resolution and power from prosecuting,
 " at that time, several other branches of so-
 " reign and domestic trades and improvements,
 " which they had in view, if they had not met
 " with such obstructions and discouragements
 " from time to time. That, though their Com-
 " pany was more immediately and sensibly
 " touched in many respects by such proceedings
 " than any other, yet they humbly conceived
 " also, that the honour and independency of the
 " nation, as well as the credit and authority of
 " the Parliament, was struck at through their
 " sides. That they could not as countrymen,
 " and in duty to that collective power, which
 " gave their Company first a being, but inform
 " his Grace, his Majesty's High Commissioner,
 " and the estates of Parliament, of the premises,
 " to the end that the Great-council of the na-
 " tion (then assembled) might do therein, as
 " they in their profound wisdom and discretion
 " should think fit. That, as to what concerned
 " their Company in particular, they should
 " humbly beg leave to suggest farther, that, the
 " ships being then at sea on their intended
 " voyage, the former treatment, which their
 " Company met with in *England* and elsewhere,
 " might give them just grounds to suspect, that,
 " if, either through multiplicity of public af-
 " fairs, or otherwise howsoever, his Grace and
 " the estates of Parliament should neglect the
 " taking present notice of such umbrage, the
 " enemies of their Company would be there-
 " by encouraged either directly or indirectly to
 " pursue their former designs of ruining (if pos-
 " sible) all their measures. Therefore they de-
 " sired his Grace and the estates of Parliament,
 " to take the premises into their serious con-
 " sideration, to vindicate their Company's repu-
 " tation abroad, by supporting the credit of the
 " acts of Parliament and letters patents, by
 " which the same was established, and where-
 " in the honour of the nation was so much con-
 " cerned: To take effectual measures for re-
 " pairing the great loss and damages, which
 " they had already sustained through the un-
 " warrantable treatment above-mentioned, as
 " well as for preventing the like for the time
 " to come; and withal to continue to them
 " the privileges and exemptions mentioned in
 " the acts of Parliament and letters patents,
 " for some longer time, in consideration of the
 " time already elapsed without execution, and
 " their stock lying dead without improvement,
 " by reason of these obstructions."

The Parliament, having maturely weighed this
 petition, thought fit, by way of address, hum-
 bly to represent to his Majesty, on the 5th of
 August, " That having considered a representa-
 5 E " tion

1698.

"tion made to them by the Council-General of the Company trading to *Africa* and the *Indies*, which mentioned several obstructions, that they met with in the prosecution of their trade, particularly by a memorial presented to the Senate of *Hamburg*, by his Majesty's Resident in that city, tending to lessen the credit of the rights and privileges granted to the Company, by an act of the then present Parliament: They therefore laid before his Majesty the whole nation's concern in that matter; and they did most earnestly intreat, and most assuredly expect, that his Majesty, in his Royal wisdom, would take such measures, as might effectually vindicate the undoubted rights and privileges of the Company, and support the credit and interest thereof: And as they were in duty bound to return his Majesty most hearty thanks for the gracious assurance his Majesty had been pleased to give them, of all due encouragement for promoting the trade of that Kingdom; so they were thereby encouraged humbly to recommend to the more especial marks of his Royal favour the concerns of the Company, as that branch of their trade, in which they and the nation, which they represented, had a more peculiar interest."

The Company having thus engaged the Parliament to espouse their interest, they seconded their address by a petition to the King, dated the 10th of *August*, and importing, "That whereas the Parliament had, by their address, been pleased to recommend the concerns of the Company to his Majesty, for supporting the credit and interest thereof, which had already suffered in a great measure, by reason of the several obstructions, which they had met with in the prosecution of their trade, particularly by a memorial given in to the Senate of *Hamburg*, by his Majesty's Minister there; these encouraged them, with all humility, to lay before his Majesty, that, as the memorial was given in to the Senate of *Hamburg* in a most solemn and public manner, so they humbly conceived, that the effects thereof could not be taken away, but by some intimation made to the Senate, that they might enter into commerce with them as freely and securely in all respects, as they might have done, before the giving in of the memorial. That, in consideration of the damages sustained by the Company, his Majesty would be pleased, for their encouragement, as a gracious mark of his Royal favour, to bestow upon them the two smallest of the frigates then lying useless in *Brunt-Island Harbour*: And that in regard of the time lost, by reason of these obstructions, his Majesty would be graciously pleased to continue the privileges granted by act of Parliament to the Company, of being Custom-free for such longer time, as his Majesty should think fit."

This affair occasioning great heats and discontents in the Parliament, the Commissioner put a stop to their proceedings, towards the beginning of *September*, and adjourned them to the 5th of *November*.

During this interval, there being two letters sent from Mr. *Steuenson*, the Company's Agent at *Hamburg*, to the Court of Directors of the Company, concerning the *Hamburg* memorial, this occasioned another letter from the Directors

of the Company to the Lord *Seafeld*, who was appointed Secretary of State, wherein they declared, "That they had, by order of the Council-General of their Company, the copies of two letters received from their Company's Agent at *Hamburg* to his Lordship; upon the reading whereof the day before, at a meeting of the Council-General, they were not a little surprized at the contents, considering the many repeated assurances they had formerly by letters and word of mouth, and even in Parliament, that the King had given orders to his Minister at *Hamburg*, with relation to the memorial given in to the Senate of that city against their Company: But, after some reasoning thereupon, and considering how far his Lordship's frank undertaking, when in *Scotland*, as well as the station he was in, did engage his best endeavours to procure the Company justice, and vindicate the Company's rights in that matter, they had ordered them (the Court of Directors) to transmit the said copies to his Lordship, and expected his Lordship's answer to that and their late petition to his Majesty, before they remonstrated any further with relation thereunto." Upon this the Secretary acquainted the Court of Directors, by a letter sent to Sir *John Sebau*, their President, *That he would take the first convenient opportunity he could have, to represent the matter to the King; but could not yet expect to have it, his Majesty being very much employed in the affairs of the English Parliament.*

The King having appointed the Lords Justices to govern in his absence, of whom the Earl of *Marlborough* was one, he set out the 20th of *July* for *Holland*, where he landed the next day. Before his departure from *England*, news came from *Spain*, that their King was dying. This alarm had been often given before, but it came much quicker now. The *French*, upon this, send a fleet to lie before *Cadix*, which came thither at the time that the galleons were expected home from the *West-Indies*; and it was apprehended, that, if that King had died, they would have seized on all that treasure. A fleet was sent from *England* thither to secure them; but it came too late to have done any service, if it had needed. This was much censured; but the Admiralty excused themselves, by saying, that the Parliament was so late in fixing the Funds for the fleet, that it was not possible to be ready sooner than they were. The King of *Spain* recovered for that time, but it was so far from an entire recovery, that a relapse was still apprehended. When the King therefore went to *Holland*, he left sealed orders behind him, of which some of his Ministers declared, they knew not the contents till they were opened. By these the King ordered sixteen thousand men to be kept up. For excusing this, it was said, that, though the Parliament had, in their votes, mentioned only ten thousand land-men, to whom they had afterwards added three thousand marines, and had raised only the money necessary for that number, yet no determined number was mentioned in the act itself. And therefore, since the apprehension of the King of *Spain*'s death made it advisable to have a greater force ready for such an accident, the King resolved to keep up a force somewhat beyond that which the House of Commons had consented to. The leaving these orders sealed made the whole blame to be

1698.

Dec. 3.

The King
got aboard
July 20.The King
of Spain's
ill State of
health.

1698. be cast singly on the King, as it screened the Ministers from a share in this counsel: And Ministers have been more than once known to put the advices, that they themselves gave, in such a manner on their Master, that, in executing them, the Kings have taken more care to shelter their Ministers, than to preserve themselves.

Negotiations for the Partition treaty.

Aug. 6.
N. S.

The King, upon his arrival at *Holland*, having assisted at the assembly of the *States-General*, and given audience to several public Ministers, particularly to the Envoy of *Lorrain*, who notified to him the marriage of the Duke his Master, with Mademoiselle, daughter of the Duke of *Orleans*, he went to *Loe*, attended by the Earls of *Essex*, *Portland* and *Selkirk*, and several other persons of Quality. He had not been long there, before he was waited upon by Count *Tallard*, who had orders not to suffer him to cool upon the proposal made by the *French King* to the Earl of *Portland*, concerning the succession of the Crown of *Spain*; which overture King *William* had communicated to the Lord Chancellor *Sommers* before he left *England*. The *French Ambassador* having pressed him for an answer, the Earl of *Portland*, by the King's order, wrote a letter to Mr. Secretary *Vernon*, wherein it was mentioned, that, Count *Tallard* having declared, that an accommodation might be found in relation to the *Spanish* succession, the King had founded *France* upon the conditions; which were in substance, That the Electoral Prince of *Bavaria* should have the Kingdom of *Spain*, the *Indies*, and the *Low-Countries*, and all that depended upon the *Spanish* dominions, except *Naples* and *Sicily*, *Sardinia*, the province of *Guipuzcoa* on this side of the *Pyrenees*, *Fontarabia*, and *St. Sebastian*, *Final*, and the places in *Tuscany*, of which *Spain* stood possessed; in consideration of which, *France* was absolutely to renounce the right, which it pretended to the succession of *Spain*. And as for *Milan*, it was to be given to the Archduke *Charles*, the Emperor's second son.

At the same time the King himself sent the following letter to the Lord Chancellor *Sommers* :

“ **I** Imparted to you, before I left *England*,
 “ that in *France* there was expressed to my
 “ Lord *Portland* some inclination to come to an
 “ agreement with us, concerning the succession
 “ of the King of *Spain* ; since which Count *Tal-*
 “ *lard* has mentioned it to me, and has made

“such propositions, the particulars of which
“my Lord *Portland* will write to *Vernon*, to
“whom I have given orders not to communicate
“them to any other besides yourself, and to
“leave to your judgment to whom else you
“would think proper to impart them; to the
“end that I might know your opinion upon
“so important an affair, and which requires the
“greatest secrecy. If it be fit this negotiation
“should be carried on, there is no time to be
“lost, and you will send me the full powers un-
“der the Great Seal, with the names in blank
“to treat with Count *Tallard*; I believe this
“may be done secretly, that none but you and
“*Vernon*, and those to whom you shall have
“communicated it, may have knowledge of it,
“so that the Clerks, who are to write the war-
“rant and the full powers, may not know what
“it is. According to all intelligence, the King
“of *Spain* cannot outlive the month of *October*,
“and the least accident may carry him off every
“day. I received yesterday your letter of the
“9th; since my Lord *Warton* cannot at this
“time leave *England*, I must think of some
“other to send Ambassador to *Spain*; if you
“can think of any one proper, let me know it,
“and be always assured of my friendship.”

WILLIAM R.

Mr. Secretary *Vernon* having sent the Earl of *Portland's* letter to the Lord *Sommers*, who was then at *Tunbridge* for the benefit of the waters, the Chancellor immediately returned the letter to Mr. *Vernon*, and desired him to communicate the contents of it to the Earl of *Orford*, Mr. *Mountague*, and the Duke of *Surrey*; which he thought the best way of executing the King's commands; at the same time telling them know, bow strictly his Majesty required, that it should remain an absolute secret; which caution made Mr. *Vernon* impart it to the Duke of *Surrey* only, as he afterwards acquainted my Lord *Sommers*.

Some time after Mr. *Mountague* and Mr. Secretary *Vernon* going down to *Tunbridge*, the Lord Chancellor and they debated this important affair; and his Lordship wrote a letter to the King, dated the 28th of *August*, acquainting him with the result of their consultation (1.) But, before this letter reached the King, the first treaty of Partition was signed. The persons.

(1) The Lord Sommers's letter was as follows :

S I R,

“ Having your Majesty’s permission to try if the
“ waters would contribute to the re-establishment of
“ my health, I was just got to this place when I had
“ the honour of your Commands; I thought the best
“ way of executing them would be to communicate
“ to my Lord *Orford*, Mr. *Mountague*, and the Duke
“ of *Surrey* (who before I left *London*, had agreed
“ upon a meeting about that time) the subject of my
“ Lord *Portland*’s letter, at the same time letting them
“ know how strictly your Majesty required, that it
“ should remain an absolute secret.

“ Since that time Mr. *Mountague* and Mr. Secre-
“ tary are come down hither, and upon the whole
“ discourse three things have principally occurred, to
“ be humbly suggested to your Majesty.

“ First, That the entertaining a propofal of this
“ nature feems to be attended with very many ill con-
“ fequences, if the *French* did not act a fincere part ;

“ but we were soon at ease, as to any apprehension of
“ this sort, being fully assured your Majesty would not
“ act but with the utmost nicety, in an affair where-
“ in the glory and safety of *Europe* were so highly con-
“ cerned.

“ The second thing considered was the very ill prospect of what was like to happen upon the death of the King of *Spain*, in case nothing was done previously towards the providing against that accident, which seemed probably to be very near: The King of *France* having so great a force in such a readiness, that he was in a condition to take possession of *Spain*, before any other Prince could be able to make a stand. Your Majesty is the best judge whether this be the case, who are so perfectly informed of the circumstances of parts abroad.

“ But, so far as relates to *England*, it would be want
“ of duty not to give your Majesty this clear account,
“ that there is a deadness and want of spirit in the
“ nation, univerſally fo, as not at all to be diſpoſed to
“ the thought of entering into a new war, and that
“ they ſeem to be tired out with taxes to a degree,
“ beyond

1698.

*The King's
letter to
the Lord
Sommers.
Aug. 15.*

1698. sons commissioned by King William, were the Earl of Portland and Sir Joseph Williamson, who was afterwards winked at when this affair came under the consideration of the Parliament, while the Lord Sommers for his faithful advice was impeached. By this Treaty it was agreed :

The first treaty of Partition.

I. That the peace of *Ryswick* should be confirmed.

II. That in consideration of the ill state of the King of Spain's health, and for preserving the publick peace, in case the said Prince should die without issue, the kingdom of Naples and Sicily, with the places then depending upon the Spanish Monarchy, situated on the coast of *Tuscany*, or the adjacent islands, comprehended under the name of *Santo Stefano, Porto Hercole, Orbitello, Telamone, Portofongo, Piombino*, the Marquisate of *Final*, the province of *Guipuscoa*, particularly the towns of *Fontarabia* and *St. Sebastian*, and especially the *Port Passage*; and likewise all places on the French side of the *Pyrenees*, or the other mountains of *Navarre, Alava, or Biscay*, on the other side of the province of *Guipuscoa*, with all the ships and galleys, and other appurtenances belonging to the galleys, should be given to the Dauphin, in consideration of his right.

III. That the Crown of Spain, and the other kingdoms and places both within and without Europe, should descend to the Electoral Prince of *Bavaria*, of whom his Father, the Elector, was to be a Guardian and Administrator till he came of age.

IV. That the Duchy of *Milan* should be restored and allotted to Archduke Charles, the Emperor's second son.

This Treaty was to be communicated to the

Emperor and the Elector of *Bavaria* by King 1698. William and the States-General; and, if they did not agree to it, then the proportion of the party not agreeing should remain in sequestration, till things could be brought to an accommodation: And in case the Electoral Prince of *Bavaria* should come to inherit his share, and yet die before his Father without issue, the Elector was to succeed him in those dominions, and his heir after him. The Duchy of *Milan* likewise, upon the Archduke's refusal to accept it, was to be sequestered to, and governed by the Prince of *Vaudemont*, and after him by his son, Prince Charles of *Vaudemont*.

Soon after the conclusion of this treaty, the King took a Review of the Dutch troops near *Arnhem*, and then went to *Zell*, to visit the Duke of that name. Here he was received with extraordinary respect as he had been at all places, through which he past in his way thither, and waited upon by several neighbouring Princes and Princesses, particularly the Electress of *Hanover*, with the Electoral Prince and Princess his sister. Mr. *Stepney*, Envoy Extraordinary to the Elector of *Brandenburg*, attended the King likewise with letters from that Prince; and, at his return to *Lea*, the Duke of *Bavaria* came to pay his acknowledgments to him for the care he had taken of his interest in the late treaty of Partition.

Whilst the French King was negotiating the treaty of Partition, the Marquis of *Harcourt*, his Ambassador in Spain, was playing another sort of game at *Madrid*. The Queen of Spain, who was nearly related to the King of the Romans, and consequently intirely in the interest of the house of *Austria*, foreseeing the designs of the French King, had early concerted Measures with Count of *Harrach*, the Imperial Minister, to dis-appoint them. She had not only got her creatures into

“ beyond what was discerned, till it appeared upon the occasion of the late elections; this is the truth of the fact, upon which your Majesty will determine what resolutions are proper to be taken.

“ That which remained was the consideration what would be the condition of Europe, if the proposal took place: Of this we thought ourselves little capable of judging, but it seemed, that, if Sicily was in the French hands, they will be intirely masters of the Levant trade; that, if they were possessed of *Finan*, and those other sea-ports on that side, whereby *Milan* would be intirely shut out from relief by sea, or any other commerce, that Duchy would be of little Signification in the hands of any Prince; and that, if the King of France had possession of that part of *Guipuscoa*, which is mentioned in the proposal, besides the ports he would have in the Ocean, it does seem he would have as easy a way of invading Spain on that side, as he now has on the side of *Catalonia*.

“ But it is not to be hoped, that France will quit its pretences to so great a succession, without considerable advantages; and that we are all assured, your Majesty will reduce the terms as low as can be done, and make them, as far as is possible in the present circumstances of things, such as may be some foundation for the future quiet of *Christendom*; which all your subjects cannot but be convinced is your true aim. If it could be brought to pass that England might be some way a gainer by this transaction, whether it was by the Elector of *Bavaria*, (who is the gainer by your Majesty's interposition in this treaty) his coming to an agreement to let us into some trade to the Spanish plantations, or in any other manner, it would wonderfully endear your Majesty to your English subjects.

“ It does not appear, in case this negotiation should proceed, what is to be done on your part, in order to make it take place: Whether any more be required than the English and Dutch should sit still, and France itself to see it executed. If that be so, what security ought to be expected, that if, by our being neutrals, the French be successful, they will confine themselves to the terms of the treaty, and not attempt to make further advantages of their success?

“ I humbly beg your Majesty's pardon that these thoughts are so ill put together: These Waters are known to discompose and disturb the head, so as almost totally to disable one from writing: I should be extremely troubled, if my absence from London has delayed the dispatch of the Commission one day. You will be pleased to observe, that two persons (as the Commission is drawn) must be named in it, but the powers may be executed by either of them. I suppose your Majesty will not think it proper to name Commissioners that are not English, or naturalized, in an affair of this nature.

“ I pray God give your Majesty honour and success, in all your undertakings. I am, with the utmost duty and respect,

S I R,

Your Majesty's most dutiful and

most obedient subject and servant.

P. S. The Commission is wrote by Mr. Secretary, and I have had it sealed in such a manner, that no creature has the least knowledge of the thing, besides the persons named.

1698. into the Council, but likewise procured the Viceroyalty of *Catalonia* to be bestowed on the Prince of *Hesse d'Armstadt*, and the Government of *Milan* on Prince *Vaudemont*, who had both upon many occasions signalized their zeal for the *German* interest. It was proposed to make Prince *Eugene* Viceroy of *Navarre*, but the opposition that met with in the *Spanish* Councils, not only prevented it, but gave too plain indications of the influence of *France* in the Council of *Spain*. The Duke of *Medina Celi* was now Viceroy of *Naples*, and it was thought advisable to continue him there, by reason of his being one of the most considerable Grandees of *Spain*, and most beloved of the people, and who consequently might obstruct the designs of the *German* party, if he came home disgusted. This was the situation of the *Spanish* affairs, when the *French* Ambassador arrived at *Madrid*. His instructions were, if he saw no possibility to get the succession of that Kingdom settled upon one of the *Dauphin's* sons, he should endeavour at least to hinder it from devolving on any of the Emperor's children, on whom it was settled by the will of *Philip IV.*, the King of *Spain's* father. To add weight to the Ambassador's instances, and awe the *Spaniards* into a compliance, he caused sixty thousand of his best troops to file off towards the frontiers of *Catalonia* and *Navarre*, and sent a considerable number of his ships of war and galleys into several ports of *Spain*. The Marquis *d'Harcourt* followed his instructions with great application. He told those, whom he found inclinable to act in concert with him in so important an affair, that *Philip IV.* had exerted his power too far, in disposing of his Crown against the laws of nature and the constitution of the Realm. That the succession lawfully belonged to his daughter's children, and not to his relations four degrees removed. That the *Dauphin*, son to *Maria Theresia*, the present King of *Spain's* sister, had three sons: And, if the *Spaniards* would fix their eyes upon the second of them, the Duke of *Anjou*, to be their King, he being still as pliable as wax, they might easily mould him to the customs and manners of their country: That, if they were averse to this overture, the Electoral Prince of *Bavaria* being grandson of a daughter of *Spain*, the King of *France* would rather approve of him to succeed in the *Spanish* Monarchy, than any of the Emperor's children; unless, as the *Poles* had done, to cut off the pretensions of foreign Princes, they would chuse a Sovereign among themselves; in which the King of *France* would protect them, since he never intended to unite *Spain* to his own Kingdom, but only to keep it from falling into the hands of the House of *Austria*, which was already grown too powerful by the late conquests in *Hungary*. The Queen of *Spain* having a watchful eye upon the *French* Ambassador, who made it his business to thwart her designs in favour of the Emperor, soon discovered his practices; and therefore, under pretence that the air of *Madrid* was prejudicial to the King's health, she carried him to *Toledo*, without allowing any foreign Ambassador to follow him thither. *Harcourt* quickly penetrated into the design of the Queen's journey, and judged very rightly, that, being there sole Mistress of the King, he might easily prevail with him to ratify King *Philip* the IV's will. He was confirmed in this apprehension by Count

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Harrach's being no more to be seen at *Madrid*; and, supposing he was gone to *Toledo*, he went immediately thither himself, under pretence of a memorial, which he pretended to have received from his Master, with positive orders not to communicate it to any besides his Catholic Majesty. The Queen was extremely surprized at the unexpected arrival of the *French* Ambassador, and caused the King to acquaint him, that he had left the Cardinal of *Corduba* (one of the Queen's creatures) at *Madrid*, to take care of foreign affairs, during his absence, to whom he might have communicated his memorial, and that he only came thither to recover his health, and not to trouble himself with business. This pretended memorial was, it seems, to offer to the King of *Spain* the *French* King's assistance to raise the siege of *Ceuta*, which the Queen was too wise to let the King accept, since by that means the *French* would have got, what she was endeavouring to prevent, a footing and interest in *Spain*. *Harcourt*, after this unsuccessful journey, be thought himself of another stratagem, and, being returned to *Madrid*, so powerfully worked upon the ambition of Cardinal *Portocarrero*, that he engaged him in the interest of *France*.

While these things past in *Spain*, the *French Alliance* were not less busy to strengthen themselves, by an alliance with the Crown of *Sweden*, ^{between France and Sweden.} which at length was concluded at *Stockholm* on the ninth of *July*. It was declared in the second article, that "the aim and intention of this treaty was to preserve and secure the common peace by such means, as should be judged most proper and convenient."

In this manner did the *French* King amuse the foreign Courts with his pretended endeavours to preserve the tranquility of *Europe*, when he was meditating how to break it, upon the first news of the King of *Spain's* death, which was hourly expected at the Court of *France*. For, to say nothing of the motions of his land and naval forces, already mentioned, he caused a great camp to be formed at *Compiègne*, the pretence of which was to instruct the Duke of *Burgundy* in the art of war; but which gave no small umbrage to the neighbouring Princes and States, who looked upon it as designed to make a sudden irruption into the *Spanish Netherlands*. However, the unexpected recovery of the King of *Spain's* health, as it disappointed the hopes of the *French* King, so it dispelled the fears of the rest, at least for this year.

King *William's* journey to *Zell* gave the Court of *France* as much uneasiness as the camp of *Compiègne* gave the Allies, though it is certain, ^{The Peace witz.} the King's chief view was to cement the union of the Princes of *Germany* by a match between the King of the *Romans* and the Princess of *Hanover*, which was now agreed on, and soon after compleated; and by removing the apprehensions, which some Members of the Empire were under, of the growing power of the Emperor; which the King did effectually, in concert with the *States-General*, by putting a stop to the *Hungarian* war, which had continued for above fifteen years. The armies on both sides were indeed considerable in number and strength this summer; but yet there seemed no great disposition in either for action, but rather an inclination in the contending parties to set up a treaty under the mediation of the Lord *Paget*, the *English*, and Mr. *Colliers* the *Dutch* Ambassador;

1698. *ambassador*; who towards the middle of *August* arriv'd in the *Turkish* camp near *Belgrade*, and by their good offices the place of conference was agreed upon to be between *Peterwaradin* and *Salankemen*; the Emperor's and the Confederate Ministers being to reside at *Carlowitz*, the Sultan's at *Salankemen*, and the Mediators between the two places. It was on the seventh of *November* when the Mediators delivered to the *Turkish* Plenipotentiaries the preliminary articles, which were in substance, that each party should retain what he possessed. And the five following days were spent in preparing matters, upon which they were to enter into conference. And now there arose a great dispute about precedence. The *Turks* insisted upon the first place, which was claimed by the Emperor's Ambassadors, next to whom the *Polish* Plenipotentiary demanded to sit; which was refused by the *Russian* and all the rest, except the *Venetian*, who insisted upon the seat next to the *English*. This dispute had like to have had very ill consequences, if *Maurocordato*, one of the *Turkish* Plenipotentiaries, had not found out the following expedient. He proposed the erecting of a round building, with as many doors as there were Ambassadors, each door looking towards the country from whence they severally came, and that tents should be placed round the building, from whence on the first day of conference, the Ambassadors should come forth with an equal pace, and enter the room, all at the same time, and, saluting one another, take the seat next to them. The Mediators Secretaries, and those of the Imperial Embassy, were placed behind; and the *Turkish* Secretary sat down before the floor. The conference was opened with the pronouncing of these words, *God grant an happy peace*, and lasted from half an hour after ten till three in the afternoon, when the Mediators and Plenipotentiaries went out in the same order, as they entered. The conferences were renewed in the same manner the three successive days with good success. But some debates arising about the giving up of *Tekely* and the *Holy Sepulchre*, the dismantling of *Caminieck*, and the surrendering of another place upon the *Black Sea*; besides the quitting of *Azoph* to the *Muscovites*; and chiefly about the regulation of the limits between the two Empires and the *Venetian* and *Turkish* territories; the Plenipotentiaries sent expresses to their respective Masters, which wasted a great deal of time. However at length the *Imperialists* and *Poles* concluded their part of the treaty, on the 26th of *January* 1698-9, and perhaps would have done it sooner, but in some sort of compliance with the *Venetians*, who did not sign theirs till the middle of the next month. As for the Articles between the Czar of *Muscovy* and the Sultan, they contained only a truce for two years, and so were soon agreed upon and signed, on the 25th of *December* 1698. By this peace the Emperor preserved his late acquisitions, and greatly enlarged his territories. The *Poles* had the important place of *Caminieck* restored to them with other advantages: The *Muscovites* were gainers by the keeping of *Azoph*. And the *Venetians* had all the *Morea*, and several fortresses in *Dalmatia*, yielded up to them: So that it was computed, that the *Turks* lost the best half of their dominions in *Europe*. Thus the long war between the Emperor and the *Turks*, which had brought both sides by

turns very near the last extremities, was at last concluded by the direction and mediation of the King of *England*.

By this time the new King of *Poland* having brought the Cardinal Primate, who had all along adhered to the Prince of *Conti*, to acknowledge his title, and composed the troubles of *Lithuania*, a universal peace seemed now to be settled throughout *Christendom*.

There was now a Parliament chosen, and the elections fell generally on men, who were in the interests of the Government. Many of them had indeed some popular notions, which they had imbibed under a bad Government, and thought they ought to keep them under a good one. So that those who wished well to the public, apprehended great difficulties in managing them. The King himself did not seem to lay this to heart so much as was fitting. He staid long beyond sea; and cross winds hindered his return to *England* so soon as he had intended; upon which the Parliament was prorogued for some weeks after the Members were come up. Even this soured their spirits, and had too great a share in the ill humour, that appeared among them.

The King arrived in *England*, the 3d of *December*; and, the Parliament being met three days after, and the Commons having chosen Sir *Thomas Littleton* for their Speaker, the Session was opened by the King with the following speech:

My Lords and Gentlemen,

"I Have no doubt but you are met together with hearts fully disposed to do what is necessary for the safety, honour and happiness of the Kingdom; and that is all I ask of you. In order to this, two things principally seem to require your consideration. The one is, what strength ought to be maintained at sea, and what force kept up at land for this year. All, that I shall observe to you on this head, is, that the flourishing of trade, the supporting of credit, and the quiet of the people's minds at home, will depend upon the opinion they have of their security. And, to preserve to *England* the weight and influence it has, at present, on the councils and affairs abroad, it will be requisite, *Europe* should see, you will not be wanting to yourselves. The second thing I shall mention to you, as of great consequence, is the making some farther progress towards a discharging the debts which the nation has contracted, by reason of the long and expensive war. In this the public interest, as well as justice, is concerned; and I think an *English* Parliament can never make such a mistake, as not to hold sacred all Parliamentary Engagements.

Gentlemen of the House of Commons,

"I do earnestly recommend these things to you, that you may provide such supplies, as you shall judge necessary for these several occasions.

My Lords and Gentlemen,

I think it would be happy, if some effect-

The Ottoman Hist.
p. 420.

A new Parliament.
Burnet.

The King's speech to his fourth Parliament.
Dec. 9.
Pr. H. C. III. 91.

1698. "tual expedient could be found for employing
"the poor, which might tend to the great in-
"crease of our manufactures, as well as remove
"a heavy burden from the people.

"I hope also you will employ your thoughts
"about some good bills for the advancement
"of trade, and for the future discouragement of
"vice and profaneness.

"The things I have mentioned to you being
"of common concern, I cannot but hope for
"unanimity and dispatch."

*The forces
diminished
by
Burnet.
Kennet.*

It appears by this speech, how necessary the King thought it to keep up a good naval and land-force. For though he had taken measures to secure the *Spanish* succession, and preserve the tranquillity of *Europe*; yet he was apprehensive, that, if *England* was intirely disarmed, it would be too great a temptation to the ambition of *France*, to break through all treaties and engagements, in order to invade the Monarchy of *Spain*. But the Commons were so far from being of the King's mind, that they highly repented his keeping up an army beyond the votes of the last Parliament, without duly considering the occasion for his so doing; and this repentment was increased by the King's own management in the affair. The Ministers represented to him, that they would carry the keeping up a land-force of ten or twelve thousand, but that they could not carry it further. He said, so small a number was as good as none at all; therefore he would not authorize them to propose it. On the other hand, they thought they should lose their credit with their best friends, if they ventured to speak of a greater number. So that, when the House of Commons took up the debate, the Ministry were silent, and proposed no number; upon which those, who were in the contrary interest, named seven thousand men; and accordingly it was resolved, "That all the land-
"forces of *England*, in *English* pay, exceeding
"seven thousand men (and those consisting of
"his Majesty's natural born Subjects) be forth-
"with paid and disbanded; and that all the
"forces in *Ireland*, exceeding twelve thousand
"men (and those natural born subjects, to be
"maintained by that Kingdom) be likewise
"forthwith disbanded." They ordered a bill to be brought in upon these resolutions, which was eagerly pursued, and soon brought to perfection. This gave the King great uneasiness; for, by these resolutions, not only the army was to be reduced to an inconsiderable number, but that number was to consist of natural born subjects, by which means the *Dutch* Guards (of whom the King was intirely fond) were to be sent away, as well as the regiments of the *French* Refugees were to be cashiered. The King seemed not only to lay this much to heart, but even to sink under it. He tried all that was possible to struggle against it, when it was too late; it not being so easy to recover things in an after-game, as it was to have prevented this misunderstanding, which was like to arise between him and his Parliament. It was furnished, that he was resolved not to pass the bill, but that he would abandon the Government, rather than hold it with a force, that was too small to preserve and protect

it. Yet this was considered only as a threatening, so that little regard was had to it. However, it appears from an original letter of the Lord Chancellor *Sommers* to the Duke of *Shrewsbury*, that the King had actually formed such a design; from which no remonstrances, which that Lord could then use, could prevail on him to desist. For his Majesty was resolved to go to the Parliament, on the 4th of *January*, and to make the following speech:

*The King
resolves to
abandon
the Go-
vernment.*

"I Came to this Kingdom, at the desire of
"this nation, to save it from ruin, and to
"preserve your religion, your laws, and liberties;
"and for that end I have been obliged to
"maintain a long and burdensome war for this
"Kingdom; which, by the grace of God, and
"the bravery of this nation, is at present ended
"in a good peace; under which you may live
"happily and in quiet, provided you will con-
"tribute to your own security, in the manner I
"had recommended to you at the opening of
"the Sessions. But seeing, to the contrary,
"that you have so little regard to my advice,
"and that you take no manner of care of your
"own security, and that you expose yourselves
"to evident ruin, by divesting yourselves of the
"only means for your defence, it would not be
"just nor reasonable, that I should be witness
"of your ruin, not being able to do any thing
"of myself, it not being in my power to de-
"fend and protect you, which was the only
"view I had in coming into this country.
"Therefore, I am obliged to recommend to
"you to chuse and name to me such persons,
"as you shall judge most proper, to whom I
"may leave the administration of the Govern-
"ment in my absence; assuring you, that, tho'
"I am at present forced to withdraw myself
"out of the Kingdom, I shall always preserve
"the same inclination to its advantages and
"prosperity. And when I can judge, that my
"presence will be necessary for your defence, I
"shall be ready to return, and hazard myself
"for your security, as I have formerly done;
"beseeching the great God to bless your deli-
"berations, and to inspire you with all that
"is necessary for the good and welfare of the
"Kingdom."

By what means the King was diverted from executing this resolution, does not appear; but the bill for reducing the army passed with some opposition in the House of Commons; and in the House of Lords a feeble attempt was made against it, but this was rather a reproach than a service to the Government, it being faintly made, and ill defended. When the Bill was ready, the King came, on the 1st of *February*, to the House of Lords, and, instead of the foregoing speech, made that which follows; wherein, he shews his reasons for passing the disbanded-bill, and at the same time expostulates a little upon the hardness of it (1).

My Lords and Gentlemen,

"I AM come to pass the bill for disbanded
"the army, as soon as I understood it was
"ready for me.

"Though
"Pr. H. C.
"III. 93.

(1) The title of the bill was, An act for granting an aid of 800,000 *l.* for the effectual disbanning of the army.

1697-9.

" Though in our present circumstances there appears great hazard in breaking such a number of the troops; and though I might think myself unkindly used, that those Guards who came over with me to your assistance, and have constantly attended me in all the actions, whom I have been engaged, should be removed from me; yet it is my fixed opinion, that nothing can be so fatal to us, as that any distrust or jealousy should arise between me and my people, which I must own would have been very unexpected, after what I have undertaken, ventured, and acted for the restoring and securing of their liberties.

" I have thus plainly told you the only reason, which has induced me to pass this bill; and now I think myself obliged, in discharge of the trust reposed in me, and for my own justification, that no ill consequences may lie at my door, to tell you as plainly my judgment that the nation is less too much exposed.

" It is therefore incumbent upon you to take this matter into your serious consideration, and effectually to provide such a strength, as is necessary for the safety of the Kingdom, and the preservation of the Peace, which God has given us."

Address of
the Com-
mons upon
it.
Feb. 4.

That the Commons could not be diverted from their purpose, by the King's reasons for passing the bill, nor by his representation of the dangerous consequences of it, they presented however an address of thanks, setting forth, " How sensible they were of the difficulties he had undertaken, and the labours he had sustained, and the hazards he had run, in rescuing them from Popery and arbitrary power, restoring their liberties, and giving peace and quiet to all *Chesham*: They returned him their most hearty thanks for his most gracious speech, in which he had expressed so great a regard for the good will and affection of his people, and had given to undeniable proof of his readiness to comply with the desires of his Parliament. And, as his Majesty had shewn a most tender and fatherly concern for the security and safety of his people, so they assured him, that he should never have reason to think the Commons were undutiful or unkind to him, but that they would upon all occasions stand by and assist him in the preservation of his sacred Person, and support of his Government, against all his enemies whatsoever." His Majesty, in answer to this, told them, " That he took their address very kindly: That he was fully satisfied of their duty and affection, and had no doubt but they would always act in the manner they had expressed upon this occasion."

And also
of the
Lords.

The Lords also presented an address of thanks for the disbanding act, and for the gracious expressions in his Speech, " That it was his Majesty's fixed opinion, that nothing could be so fatal to them, as that any distrust or jealousy should arise between his Majesty and his People: As likewise for his care and concern for the safety of the Kingdom, upon all occasions; assuring his Majesty, that at all times, for the safety of the Kingdom, and the preservation of the peace, which God has given them, they would assist and defend his Majesty against all his enemies both at home and abroad."

The King thanked the Lords for their ad-

dress; and, finding that both Houses concurred in the same opinion as to the disbanding of the army, he gave effectual orders for reducing it to the number of seven thousand men, to be maintained in *England*, under the name of Guards and Garrisons. But, by reason that cavalry is more serviceable upon any sudden exigency, than infantry, the King took care, that, of these seven thousand, four thousand were horse and dragoons, and three thousand were foot. The bodies were also reduced to so small a number of soldiers, that it was said, we had now an army of officers; but this model was much approved by proper judges as the best, into which so small a number could have been brought.

This great reform gave the King much concern; but what touched him very sensibly was the necessity he was under of sending away his *Dutch* Guards, a regiment, which had faithfully attended his person from his earliest years, followed his fortune every where, and to which, besides innumerable other signal services, he owed his victory at the famous battle of the *Boynne*. With these the King had the utmost regret to part; and therefore, as he hoped the passing the disbanding act had softened their minds, he made an attempt for keeping these Guards, by sending the Lord *Ranelagh* with the following message to the Commons, all of his own hand-writing:

William R.

" His Majesty is pleased to let the House know, that the necessary preparations are made for transporting the Guards, who came with him into *England*; and that he intends to send them away immediately, unless, out of consideration to him, the House be disposed to find a way for continuing them longer in his service, which his Majesty would take very kindly."

Upon reading this message, the question was put, That a day be appointed to consider of it; but it was carried in the negative, and resolved, that an address should be presented to his Majesty, representing the reasons, why the House could not comply with his message. The address was accordingly delivered, wherein they represented, " That the passing the late act for disbanding the army gave great satisfaction to the subjects; and his Majesty's readiness to comply with the punctual execution of it would prevent all occasions of distrust and jealousy between him and his people. That it was an unspeakable grief to them, that his Majesty should be advised to propose any thing in his message, to which they could not consent with due regard to that Constitution, which his Majesty came over to restore, and had so often exposed his Royal person to preserve; and did in his gracious declaration promise, that all those foreign forces, which came over with him, should be sent back. That in duty therefore to his Majesty, and to discharge the trust reposed in them, they craved leave to lay before his Majesty, that nothing conduce more to the happiness and welfare of this Kingdom, than an intire confidence between his Majesty and his People, which could no way be so firmly established, as by intrusting his sacred person with his own sub-

jects,

1698-9. "jects, who had so eminently signalized themselves on all occasions, during the late long and expensive war."

The King's reply. The King's answer to this address was as follows: Gentlemen, I came hither to restore the antient Constitution of this Government. I have had all possible regard to it since my coming; and I am resolved, through the course of my reign, to endeavour to preserve it intire in all the parts of it. I have a full confidence in the affections of my people, and I am well assured they have the same in me; and I will never give them just cause to alter this opinion.

"As to my subjects, who served during the war, I am an eye witness of their bravery, and of their zeal for my Person and Government; and I have not been wanting to express my sense of this to my Parliaments, as well as upon other occasions. I have all the reason to trust and rely upon them, that a Prince can have; and I am satisfied there is not one man among them capable of entertaining a thought, that what was proposed in my message, proceeded from any distrust of them."

"It shall be my study, to the utmost of my power, to perform the part of a just and a good King; and, as I will ever be strictly and nicely careful of observing my promises to my subjects, so I will not doubt of their tender regards to me."

But this answer could not move the Commons from their resolutions; so that the Dutch Guards were soon after shipped off for Holland (1).

The party opposed the King with great bitterness. In carrying these points, many hard things were said against the Court, and against the King himself. It was suggested, that he loved not the nation; that he was on the reserve with all *Englishmen*, and shewed no confidence in them; but that, as soon as the Session of Parliament was over, he went immediately to Holland. And it was said, this was not to look after the affairs of the States, which had been more excusable; but that he went thither to enjoy a lazy privacy at *Loe*, where, with a few favourites, he hunted and passed away the summer in a way, that did not much raise his character. It is certain, the usage, which his Majesty had met with of late, put his spirits too much on the fret; and he neither took care to disguise that, nor to overcome the ill humour,

which the manner of his deportment, rather than any just occasion given by him, had raised in many against him.

At the same time that the army was thus reduced, there was a large provision made for the sea, greater than was thought necessary in a time of peace. Fifteen thousand seamen, with a fleet proportioned to that number, was thought a necessary security, since we were made so weak by land. For the maintenance of this fleet, and for disbanding the army, and other necessary occasions, a supply was granted of £1,484,015*l.* to be raised by a tax of three shillings in the pound upon all lands, pensions, offices, and personal estates.

One of the consequences of disbanding the army was a more visible concurrence of the Jacobites and Papists about the Town and Court, in so bold and insolent a manner, that the Commons took notice of it; and, upon that occasion, presented the following address to the King on the 21st of February:

WE your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, having observed the great concurrence to this City of Papists and other dissaffected persons, who have not owned your Majesty to be lawful and rightful King of these Realms, and the boldness they assume from your Majesty's unexampled clemency, not only to keep horses and arms contrary to law, but also to frequent all public places of resort near your two Houses of Parliament, and even to approach your Royal palaces, whereby they may have opportunities to perpetrate any wicked attempt against your Royal Person, on the safety and preservation whereof our religion and liberties, and the peace and welfare, not only of these Kingdoms, but of all Europe, do in a very great measure depend.

"And having also considered the many plots and conspiracies against your Majesty's Person and Government, but especially the late horrid intended assassination, contrived and carried on, not only by Papists (whose religion and interest might lead them to it) but even by such, who at their death (to the great scandal of our religion) professed and owned themselves to be Members of the Church of England, which chiefly (under God) owes its pre-

(1) The King writ the following letter to the Earl of Galway, a little before this.

Kensington, Jan. 27. 1698.

I received some days ago a letter from you without date, by which I see you are uneasy at the proceedings of the Parliament here against the Foreigners. I think you have too much cause to be so; though, as yet, nothing has passed about you, and I have good reason to hope you will be left undisturbed. At least, you may be assured, I shall do my utmost, that nothing be done to your prejudice; satisfied, as I am, with your conduct, and useful, as you are, for my service. So you may be sure, that I will not recall you, unless I am forced to it, which I hope will not be the case. It is not to be conceived, how people here are set against the Foreigners. You will easily judge on whom this reflects. I design very shortly to send into Ireland five regiments of foot, and two of horse, and soon after three more of foot, eight in all. I will send you, in a few days, orders to disband *Woolley's* regiment of horse, and nine regiments of foot, intending to keep

only those of *Hammer* and *Hamilton*. I design also, when the Parliament rises, to send you your regiment of horse, and the three *French* regiments, and perhaps *Miramont's* dragoons; but that must be very secret, though I much fear my design is already suspected here. I am in doubt whether I shall send likewise into Ireland *Eppinger's* regiment. All this together would amount to eighteen battalions of foot, three regiments of horse, and five of dragoons, reckoning *Eppinger's* for two; and this would be in a manner agreeable to your project, and, according to my calculation, the expence no greater; but, if it should be, something must be retrenched, of which I should be glad to know your sentiments. You will easily perceive how necessary it is, that all this be kept secret. I thought it requisite to give you early notice of my intention, that you might take your measures accordingly; mine must be regulated according as things go in the Parliament, of which there is no being sure, till the Session is over. There is a spirit of ignorance and malice prevails here beyond conception. Be always assured of my friendship.

WILLIAM R.
"(1) The

1698-9, both Treasurer of the navy, and one of the Lords Commissioners of the Admiralty, and who had got too much by his late expedition in the *Mediterranean*, and done the Government too signal Services, not to lie open to the inquiry of some well-meaning, and to the envy of many disaffected persons. The Earl therefore, foreseeing the storm gathering against him, thought it prudence to resign all his places and retire. However it ought to be remembered in justice to him, that what he got in the *Streights*, was only by the presents he received from the States, whom he protected; for it was confessed by his very enemies, that a fleet was never better taken care of, nor more timely provided, than that, which he, with so much reputation, commanded. And besides it is most certain, that he charged the King in his Books with much less a day for every man, than the usual allowance of the navy (1).

This Session ended on the 4th of May, when the King made the following Speech to both Houses:

"My Lords and Gentlemen,

"AT the opening this Parliament I told you my opinion was, that you were come together with hearts fully disposed to what was necessary for the safety, honour, and happiness of this Kingdom; and, having nothing else to recommend to you, I had reason to hope for unanimity and dispatch.

"You have now sat so many months, that the season of the year, as well as your particular affairs, make it reasonable you should have a recess. I take it for granted you have finished all the bills, which for the present you think requisite to be passed into laws; and I have given my assent to all you have presented to me.

"If any thing shall be found wanting for our safety, the support of public credit, by making good the faith of the Kingdom, as it stands engaged by Parliamentary securities, and for discharge of the debts occasioned by the war, or towards the advancing of trade, the suppressing of vice, and the employing of the poor, which were all the things I proposed to your consideration, when we met first, I cannot doubt but effectual care will be taken of them next winter, and I wish no inconvenience may happen in the mean time.

Then the Lord Chancellor prorogued the Parliament to the first of June.

During this Session, there was great talk of the lewdness of the stage, and not without reason, for both players and plays were so profane, that they were become a scandal to the nation. There had lately been published a book, intitled *A short view of the stage*, by *Jeremy Collier*, the same that had abolished *Sir William Perkins*, at *Tyburn*. In this work, he made a collection of the most lewd and profane passages in some modern plays, as *Sir John Vanbrugh's*, *Mr. Congreve's* and others, whose authors could

more easily defend the writing of comedies, which *Collier* declaimed against, than vindicate what they had written in the passages he quoted. His book had a great run, and was cried up by the religious part of the town. And indeed, it was hardly possible for immorality and profaneness to be effectually restrained, while they were acted over with so much indecent liberty upon the stage. The ordinary plays, instead of answering the good old design of exposing vice, and recommending the charms of virtue, were debauched with the wrong images of things, and with a language bordering upon impious and obscene. This licentious vein had grown into a fashion under the rejoicings of King *Charles II.* and was now continued to please the vitiated palate of the gay and loose people, that frequented the play-houses for want of religion and business. The King, who rarely or never went to those places of diversion, was honestly informed of the scandal given to them; and therefore to put some check upon their liberty and lewdness, he commanded the following order to be sent to both play-houses.

His Majesty being informed, that, notwithstanding an order made in June 1697, by the Earl of *Sunderland*, then Lord Chamberlain of the Household, to prevent the profaneness and immorality of the stage, several plays had lately been acted, containing expressions contrary to religion and good manners. And whereas the Master of the revels had represented, that, in contempt of the said order, the actors did neglect to leave out such profane and indecent expressions, as he had thought proper to be omitted: Therefore it was his Majesty's pleasure, that they should not hereafter presume to act any thing in any play, contrary to religion and good manners, as they should answer at their utmost peril. At the same time the Master of the Revels was commanded not to license any plays containing irreligious or immoral expressions, and to give notice to the Lord Chamberlain, if the players presumed to act any thing, which he had struck out.

Towards the end of *March*, the Earl of *Warwick* and Lord *Mobun* being severally indicted of *Warwick* the murder of Captain *Richard Coote*, were tried by the House of Peers, in a Court prepared for that purpose, in *Westminster-Hall*; the Lord Chancellor of *England* being constituted Lord High-Steward upon this occasion, and the Court being opened with the usual ceremonies, the trial of the Earl of *Warwick* came on first, and lasted till late in the evening; when the Peers adjourned to their own house, and, after several debates, the Lords Temporal, only, returned to the Court in *Westminster-Hall*; where they delivered their judgments, *seriatim*, upon their honours; and unanimously acquitted the Earl of the murder, but found him guilty of manslaughter. The next day came on, in like manner, the trial of the Lord *Mobun*; who was acquitted of the murder by the unanimous suffrage of the Peers then present (2).

On

(1) He was so popular, that in the former Parliament, when he was a Commoner, he was Knight of the Shire for *Middlesex*, Knight of the Shire for *Cam-*

bridge County, and Burgefs for *Portsmouth*, an honour, without example, in the Rolls of Parliament.

(2) The case was thus: The Lords *Warwick* and *Mobun*,

1699.

On the 14th of May, the Earl of *Jersey*, lately returned from his embassy to *France* (1), was appointed Secretary of State, in the room of the Duke of *Surrey*. The Duke, by a fall from his horse, was rendered incapable to undergo the fatigue of the Secretary's place; but he accepted of that of Lord Chamberlain of his Majesty's Household; and, accordingly, in October following, the key and white staff were delivered to him by the King. He afterwards went to *France* and *Italy* for change of air, and married an Italian lady *Adelaide Palaeotica*, of *Bologna*. The Earl of *Manchester* was appointed Ambassador Extraordinary to *France*; and the Earl of *Pembroke* being declared Lord President of the Council, the Privy Seal was given to the Lord Viscount *Longdale*. On the last day of May, the King appointed the Lord Chancellor, the Lord President of the Council, the Lord Privy Seal, the Lord Steward of the Household, the Earl of *Bridgewater*, first Commissioner of the Admiralty, the Earl of *Marlborough*, the Earl of *Jersey*, and Mr. *Montague*, to be Lords Justices of *England*, during his absence. The day after, the King went from *Kensington* to *Margate*; where he embarked for *Holland*, and, on the 3d of June, landed at *Orange Polder*; from whence he went to the *Uague*.

Affairs of
Ireland.

The Commons of *England* having voted, That twelve thousand men should be maintained in *Ireland*, the Parliament of that Kingdom applied themselves to find the necessary funds to answer the charge; and, on the 26th of January, an act passed for raising 120,000*l.* on all lands, tenements, and hereditaments in *Ireland*. This being done, the Parliament was prorogued; and, seven months after, a new Commission, constituting the Duke of *Bolton*, the Earl of *Berkeley*, and the Earl of *Galway* Lords Justices of *Ireland*, was opened, and read in Council; and these two Earls having been sworn in the usual manner, were complimented by the Council, and several other persons of Quality (2).

Affairs of
the India
Company.

All this while the *Scots* Company were under

no small uneasiness: But, notwithstanding the several repulses, which they had met with in *England*, their Court of Directors, towards the beginning of the year, besides the letters formerly mentioned, sent another to the Lord *Seafield*, Secretary of State, to put him in mind of his promise, touching their petition, and the Parliament's address to the King. To which he wrote an answer on the 7th of February: "That he had presented their petition to the King, and was commanded to let them know, That, there being accounts, that the ships belonging to the Company, were arrived on the coasts of *America*, and the particular design not being communicated to his Majesty, he therefore delayed to give an answer, till he received certain information of their settlement." The Company having this intimation from the King, their Council-General wrote a letter to him, importing: "That they had arrived safe at their intended port, within a league of the *Golden Island*, on the coast of *Darien*; and, after having treated aboard the ships with the natives, who were always owned to be proprietors of that part of the coast, their men had, at the request, and with the content of the natives, landed on the 4th of November, 1698, and taken possession of an uninhabited place, never before possessed by any *European* whatever; and that, in pursuance of the treaty, the chief men and leaders of the natives had joined with, and taken commission from the Council. That they thought it their duty, at their first meeting, to give his Majesty an account thereof; and likewise, that by letters from the Council, bearing date at *New Edinburgh* in *Caledonia* (the name given to their new settlement) the 28th of December, they were positively informed, that the *French* had a design upon all that coast, or at least to make a settlement somewhere thereabouts. And they humbly conceived, that the firm settlement of their Colony in those parts might

1690.

Mohun, and the Captains, *French* and *Cotte*, with Mr. *Dockwra* and Mr. *James*, being at a tavern, a quarrel arose; and they all went in chairs to *Leicester-Fields*, between one and two o'clock in the morning; and a duel was fought in the dark, three against three; in which *Cotte* was kill'd by *French*, as was said. The main evidence against the Lord *Warwick* was, that his sword was bloody, and *French's* was not.

(1) The Earl of *Jersey* obtain'd leave for the *Duchess de la Force*, a Protestant, to quit *France*; where, upon the death of her husband, she was thrown into a nunnery at *Evreux*, in *Normandy*, and had endured fourteen years persecution, with great constancy. She came over with the Countess of *Jersey*, and lived here to a very great age.

(2) A letter at this time, from the King to the Earl of *Galway*, shews how much he was chagrined at the late proceedings.

Kensington, Jan. 1. 1699.

I have not writ to you all this winter, by reason of my vexation at what passed in the Parliament, and because of the uncertainty I was under to know what to send you. It is not possible to be more sensibly touched than I am, at my not being able to do more for the poor Refugee Officers, who have served me with so much zeal and fidelity. I am afraid the good God will punish the ingratitude of this nation. I could hardly get the establishment of *Ireland* passed, as it

will be sent you: There are retrenchments, which I was forced to make, though I like them not; and, doubtless some of them must be changed. The Duke of *Bolton* seems pleas'd with you, but not with the Chancellor. I have this day dispatched a new Commission for the Lords Justices of *Ireland*, by joining with the Duke of *Bolton*, and you, the Earl of *Berkeley*, who is an easy man, and will be agreeable to you. I am perfectly satisfied with your conduct; and hope, now you will be left undisturbed, since, in the last Parliament nothing was said of you, though you were much threatened. I fear, the Commission given here by the Commons, for the inspection of the forfeitures, will give you a great deal of trouble, and me no less, the next winter. Assuredly, on all sides, my patience is put to the trial. I am going to breathe a little beyond sea, in order to come back as soon as possible. I think it for my service to change the Commission of the Treasury in *Ireland*, where, I doubt, the revenue is not well managed; of which it is necessary that you let me know your sentiments immediately. The establishment of the next year must absolutely be reduced, that my ordinary revenue may serve to pay it; and a Parliament in *Ireland* must not be thought of so soon. Of this you ought instantly to consider; and take your measures for the future. Be always assured of my friendship.

WILLIAM B.

(1) Monfeur

1699. " might be a means of preventing, or at least lessening the evil consequences, that might arise to his Majesty's Kingdoms and Dominions every where, by the settlement of any powerful foreign neighbour upon any part of that coast. And that, as they were always bound thankfully to acknowledge his goodness for granting them those privileges, and his letters patents, by which their Company was established; so they did in all humility confidently expect his Royal favour and protection, as having, in all the steps of their conduct, through the whole course of that affair, strictly observed the conditions required by the act of Parliament and letters patents: And they referred that, together with the contents of their last petition, to his Royal consideration, to give such directions therein, as to his wisdom should seem meet and expedient."

The news of the *Scots* settlement at *Darien* alarmed most of the nations of *Europe*, who had plantations in the neighbourhood. And it was no wonder, that the *Spaniards* in particular complained loudly of it. It lay so near *Porto Bello* and *Panama* on the one side, and *Carthagena* on the other, that they could not think they were safe, when such a neighbour came so near the center of their Empire in *America*. The *French* King also complained of this, as an invasion of the *Spanish* Dominions, and offered the Court of *Madrid* a fleet to dislodge the *Scots*.

The King of Spain's memorial against it. May 3. Lambert I. 22.

The Marquis of *Canales*, the *Spanish* Ambassador in *England*, likewise presented the following memorial to the King: The King, my Master, being informed from several places, and lastly, from the Governor of the *Havanna*, of the insult and attempt of some *Scots* ships, provided with men, and other things requisite, who are endeavouring to settle themselves in his Dominions in *America*, and particularly in the province of *Darien*, his Majesty has received these advices with great discontent, as a mark of disregard, and a breach of the alliance between the two Crowns (which his Majesty has hitherto and always will religiously observe, and from which so many advantages have accrued to his Majesty and his subjects) from which Alliance his Majesty did not expect these sudden insults of his Majesty's subjects, and that in a time of peace, without any occasion or pretence, in the very heart of his Dominions. All that the King desires is, that it be represented to his Majesty how very sensible he is of these hostilities and unjust proceedings, against which he will take proper measures." (1)

It was further urged by the *Spaniards*, that they were once possessed of *Darien*; and, though they found it too unhealthy to settle there, yet the right to it belonged still to them; and consequently, that the seizing of it was a breach of treaty, and a violent possession of their country. In answer to this, the *Scots* asserted, that the

nations of *Darien* were never conquered by the *Spaniards*, and were by consequence a free people. They alledged, that they had purchased of those natives leave to possess themselves of that place; and that the *Spaniards* had abandoned the country, because they could not reduce the natives; so that the pretension of the first discovery was made void; and then, the natives being left to themselves, it was lawful for the *Scots* to treat with them.

It was given out, that there was much gold in the country; and the *Scots* were so full of hopes from this project, that a fund was raised for carrying it on, greater than, as was thought, that Kingdom could stretch to. Four hundred thousand pounds sterling was subscribed, and a fourth part was paid down; and afterwards seventy thousand pounds more were brought in; and a national fury seem'd to have transported the whole Kingdom upon this project.

The Jacobites went into the management with a particular heat. They saw the King would be much pressed from *Spain*. The *English* nation apprehending, that this would be set up as a breach of treaties, and that upon a rupture their effects in *Spain* might be seized, grew also very uneasy at it: Upon which it was thought, that the King would in time be forced to disown the invasion, and to declare against it; and in that case the Jacobites hoped to have inflamed the Kingdom with this, that the King denied them his protection, while they were only acting according to law; and this, they would have said, was contrary to the coronation-oath, and so they would have thought they were freed from their allegiance to him. The Jacobites having this project, did all that was possible to raise the hopes of the nation to the highest degree. The *English* Plantations grew also very jealous of the new Colony; and feared, that the double prospect of finding gold, and of robbing the *Spaniards*, would draw many planters from them into this new settlement; and that the Buccaniers might run into them: For, by the *Scots* act, this place was to be made a free port; and, if it was not ruined, before it was well formed, they reckoned it would become a seat of piracy, and another *Algiers* in those parts. Upon these grounds the *English* nation inclined to declare against this, and the King seem convinced, that it was an infraction of his treaties with *Spain*. Orders therefore were sent, but very secretly, to the *English* Plantations, particularly to *Jamaica*, and the *Leeward Islands*, to forbid all commerce with the *Scots* at *Darien*. Accordingly, proclamations were published at *Jamaica*, *Barbadoes*, *New York*, and *New England*, in his Majesty's name, strictly commanding all his subjects, that they should not presume, on any pretence whatsoever, to hold any correspondence with the *Scots* at *Darien*, nor give them any assistance of arms, or ammunition, or provisions, or any other necessities whatsoever.

Whilst in *Scotland* all men were full of hopes that their new Colony should bring them home

(1) Monsieur *Colonna*, Marquis de *Canales*, was very unacceptable to the King upon many accounts, and particularly for taking upon him to walk in the room with his hat on, while the King was at dinner, N^o. 25. Vol. III.

directly contrary to the custom of the *British* Court. Accordingly, he was told either to pull off his hat, or forbear coming to Court. He chose to absent himself, rather than submit. Lambert I. p. 23.

1699.

mountains of gold, these proclamations came to their knowledge, and were complained of as acts of hostilities and violations of the common rights of humanity. It is true, the proclamations had a great effect on the Colony, though otherwise it was too weak and ill supplied, as well as too much divided within itself, to have subsisted long. Those, who had first possessed themselves of it, were forced to abandon it. Soon after they had gone from it, a second recruit of men and provisions were sent thither from *Scotland*. But one of their ships unhappily took fire, in which they had the greatest stock of provisions; and so these likewise went off. And, though the third reinforcement, that soon followed this, was both stronger and better furnished, yet they fell into such factions among themselves, that they were too weak to resist the *Spaniards*, who, feeble as they were, yet saw the necessity of attacking them; and they, finding themselves unable to resist the force, which was brought against them, capitulated; and with that the whole design fell to the ground, partly for want of stock and skill in those, who managed it, and partly by the baseness and treachery of those, whom they employed.

Great discontent upon the loss of *Darien*.

The conduct of the King's Ministers in *Scotland* was much censured in the whole progress of this affair, for they had connived at it, if not encouraged it, in hopes that the design would fall of itself; but now it was not so easy to cure the universal discontent, which the miscarriage of this design, to the impoverishing of the whole Kingdom, had raised, and which now began to spread like a contagion among all sorts of people.

The King goes to *Loo*.
June 23.
N. S.

King *William*, having received the compliments of the foreign Ministers, and other Persons of Quality, on his safe arrival in *Holland*, assisted at the Assembly of the *States-General*, and at that of the *States of Holland*, and given instructions to Mr. *Hill*, whom he had appointed his Envoy Extraordinary to *Savoy*, to make his compliment of congratulation to that Court upon the birth of the Prince of *Piedmont* (which had been notified to him in *England* by Count *Maffey*) he set out for *Loo*, at which palace, and that of *Dieren*, he spent most part of the summer in his usual diversions of hunting and shooting.

About the latter end of *August*, the *States of Holland*, out of their regard for the King's preservation, published a placart, requiring, that all such persons, as had been declared rebels in *England*, should immediately depart their dominions. And a few days after the King reviewed the *Dutch* forces incamped near *Arnhem*, and then returned to *Loo*, to entertain his bosom friend the old Duke of *Zell*, who was come thither to make him a visit with a numerous retinue.

The Duke of *Zell* staid about two months with the King at *Loo*, and, during the King's residence there, the Earl of *Portland*, the French Ambassador Count *Tallard*, and the Grand Pensionary of *Holland*, had frequent conferences about the affair of the *Spanish* succession. There being also good reason to be apprehensive of a rupture between the two Northern Crowns, his Majesty sent instructions to Monsieur *Opdam*, the *Dutch* Ambassador in *Sweden*, to use his utmost endeavours to prevent it, which were

however ineffectual. About the middle of *October*, the King came to the Assembly of the *States*, and, having settled the state of the *Dutch* army and fleet for the ensuing year, he embarked for *England*, *October* 16, landed at *Margate* the next day, lay that night at *Canterbury*, and on the 18th arrived at *Kensington*.

This year died the Marquis of *Winchester*, *Duchess of Bolton*, whom the King had created Duke of *Bolton*; he was a man of a strange mixture; he had the spleen to a high degree, and affected an extravagant behaviour; for many weeks he would take a conceit not to speak one word; and, at other times, he would not open his mouth, till such an hour of the day, when he thought the air was pure; he changed the day into night, and often hunted by torch-light, and took all sorts of liberties to himself, many of which were very disagreeable to those about him. In the end of King *Charles's* time, and during King *James's* reign, he affected an appearance of folly, which afterwards he compared to *Junius Brutus's* behaviour under the *Tarquins*. With all this, he was a very knowing, and a very crafty politic man: And was an artful flatterer when that was necessary to compass his end, in which generally he was successful: He was a man of a profuse expence, and of a most ravenous avarice to support that; and, though he was much hated, yet he carried matters before him with such authority and success, that, he was, in all respects, the great riddle of the age.

This summer Sir *Josiah Child* died; he was a man of great notions as to merchandize, which was his education, and in which he succeeded beyond any man of his time; he applied himself chiefly to the *East-India* trade, which by his management was raised so high, that it drew much envy and jealousy both upon himself and upon the Company. He had a compass of knowledge and apprehension unusual to men of his profession. He was vain and covetous, and thought too cunning, though he seemed to be always sincere.

A few days after the King's return, Mr. *Mountague*, having a view to the Auditor's place, resigned his seat at the Treasury-board, and was succeeded as Chancellor of the *Exchequer* by Mr. *John Smith*, and by Mr. *Hill*, now returned from *Savoy*, as one of the Lords of the Treasury.

Many expected to see a new Parliament; for the King's speech at the end of the former Session look'd like a complaint, and an appeal to the nation against them; he seemed inclined to it, but his ministers would not venture on it; the dissolving a Parliament in anger has always cast such a load on those, who were thought to have advised it, that few have been able to bear it; besides, the disbanding the army had rendered the Members, who promoted it, very popular to the nation; so they would have sent up the same men, and it was thought that there was little occasion for heat in another Session. And therefore, the Parliament being met the 16th of *November*, the King addressed himself to both Houses in the following manner:

My Lords and Gentlemen,

"I Hope you will not think I have called you out of your countries too soon, if you consider, that our common security requires a

1699.

Death of the Duke of Bolton.
Burnet.

And Sir Josiah Child.

Mr. Mountague resigns his place.

The second Session of the fourth Parliament.
1699.
Pr H. C.

1699. " farther provision should be made for the safety of the Kingdom by sea and land, before we are at the end of what was granted for that purpose the last Session. And, when you enter upon this business, I believe you will think it necessary to take care of the repairs of the ships and of the fortifications, without which our fleet cannot be safe, when it is in harbour.

" I cannot omit to put you in mind of another matter, in which so great a number of my subjects is concerned, and wherein the honour of the Kingdom, and the faith of Parliaments, is so far engaged, that our future security seems to depend upon it; I mean, *the making good the deficiencies of the funds*, and the discharging the debts contracted by reason of the war.

" And, till we may be so happy to see the public debts paid, I shall hope no Session will end without something done towards lessening them. While I am speaking to you on this head, I think myself obliged to mention, with a very particular concern, a debt, which is owing to the Prince of Denmark, the state whereof I have ordered to be laid before you.

Gentlemen of the House of Commons,

" These are things of such importance, that I must earnestly recommend them to your consideration, and desire you to provide the necessary supplies.

My Lords and Gentlemen,

" There is nothing I should more rejoice in, than that I were not under the necessity of so often asking aids of my people. But as the reason of it is evident, because the funds, formerly applied to defray the public expence, are now anticipated for payment of the debts of the Kingdom; so it is my satisfaction, that you all see, that nothing of what is demanded, is for any personal use of mine. And I do faithfully assure you, that no part of what is given shall be diverted from any purpose, for which it is designed.

" I believe the nation is already sensible of the good effects of peace, by the manifest increase of trade, which I shall make it my business to encourage by all means in my power. Probably, it might receive an advantage, if some good bill were prepared for the more effectual preventing and punishing unlawful and clandestine trading, which does not only tend to defraud the public, but prejudices the fair Merchant, and discourages our own manufactures.

" The increase of the poor is become a burden to the Kingdom; and their loose and idle life does, in some measure, contribute to that deprivation of manners, which is complained of (I fear, with too much reason). Whether the ground of this evil be from defects of laws already made, or in the execution of them, deserves your consideration. As it is an indispensable duty, that the poor, who are not able to help themselves, should be maintained; so I cannot but think it extremely desirable, that such, as are able and willing should not want employment; and

" such, as are obstinate and unwilling, should be compelled to labour.

My Lords and Gentlemen,

" I have a full assurance of the good affections of my people; which I shall endeavour to preserve, by a constant care of their just rights and liberties; by maintaining the Established Religion; by seeing the course of justice kept steady and equal; by countenancing virtue, and discouraging vice; and by declining no difficulties nor dangers, where their welfare and prosperity may be concerned. These are my resolutions; and I am persuaded that you are come together with purposes, on your part, suitable to these of mine. Since, then, our aims are only for the general good, let us act with confidence in one another; which will not fail, by God's blessing, to make me a happy King, and you a happy, flourishing People."

This excellent speech was so far from removing (as it was hoped) the ill impressions, which the dissatisfaction the King had expressed upon the proceedings of the Commons, when he parted with them last, had left in their minds, that it served rather to increase them. The Commons, notwithstanding their disbanding the forces, would not suffer the least intimation of their want of confidence in the King; and grew angry at their being thought to have given any occasion to such a suspicion: Instead, therefore, of an address of thanks, they presented a sort of remonstrance, setting forth; " That, being highly sensible, that there was nothing more necessary for the peace and prosperity of the Kingdom, for the quieting people's minds, and disappointing his enemies designs, than a mutual and entire confidence between him and his Parliament; they did esteem it their greatest misfortune, that, after having so amply provided for His and the Government's security, both by sea and land, any jealousy or mistrust had been raised of their duty and affection to him and his people: And begged leave to represent to him, That it would greatly conduce to the continuing and establishing an entire confidence between him and them, that he would shew marks of his high displeasure towards all, that should presume to misrepresent their proceedings to him; and they, on their part, being duly sensible of his constant concern to maintain their civil and religious rights, in defence whereof he had so often exposed his person, would do all they could to prevent and discourage all false rumours and reports, reflecting on his Majesty's Government, whereby to create any misunderstanding between him and his subjects." To this the King returned the following answer:

" Gentlemen, My Parliaments have done so great things for me; and I have, upon all proper occasions, expressed so great a sense of their kindness; and my opinion has been so often declared, that the happiness of any English King depends upon an intire correspondence between him and his Parliament, that it may not seem strange for me to assure you, that no person has ever yet dared to go about to misrepresent to me the proceedings of either House. Had I found any such, they would

1699.

The Commons remonstrance.
ibid.
Dec. 4.

1699.

" would immediately have felt the highest marks of my displeasure. It is a justice I owe, not only to my Parliament, but to every one of my subjects, to judge of them by their actions: And this rule I will steadily pursue. If any shall attempt, hereafter, to put me upon other methods, by calumnies, or misrepresentations, they will not only fail of success, but shall be looked upon and treated by me, as my worst enemies.

" Gentlemen, I am pleased to see by your address, that you have the same thoughts of the great advantages, which will ensue to the Kingdom from our mutual confidence, as I expressed to both Houses at the opening of this Session. I take very kindly the assurance you give me, of using your utmost care and endeavours to prevent and discourage all false rumours and reports reflecting upon Me and my Government; and I faithfully promise you, that no actions of mine shall give you a just ground for any misunderstanding between me and my people."

*A change
of Ministry
endea-
voured.*

As those, who opposed the King, were resolved to force a change of ministry upon him, they sought all occasions for this, and imagined they had found a good pretence, in the following affair.

*Kidd's af-
fair.
St. Tr.
III. 230,
&c.*

In the beginning of the year 1695, the Earl of Bellamont was made Governor of *New York*; and the King at that time did him the honour to say, that " he thought him a man of resolution and integrity, and, with those qualities, the more likely than any other he could think of to put a stop to the growth of piracy;" with which that Province and the rest of the *American Colonies* were remarkably infected, for which reason he intended to put the Government of *New England* also into his hands. Upon this all persons, who had concerns in *New York*, made their application to him; and among others Colonel *Robert Levingston*, a man of a considerable estate and fair reputation, who had several employments in the province of *New York*; on which account, as well as that of other matters, which he had then depending before the Council and the Treasury, he had frequent access to him. Bellamont taking occasion to mention to him the scandal, which lay upon *New York*, in respect to the encouragement, which pirates found there, Levingston confessed, there was too much ground for the complaint; and that, if some speedy and effectual course was not taken to suppress these enormities, so many persons would be drawn into the guilt, that it would become very difficult to master them. He then proposed to him to employ Captain *William Kidd* lately come from *New York* in a sloop of his own, who had told him he knew most of the principal pirates, and their places of rendezvous, and would undertake to secure most of them, in case he might be employed in one of the King's ships, a good sailor, of about thirty guns and one hundred and fifty men, since, though the pirates were many in number, yet they had at that time no ships of considerable force. Levingston represented Kidd as a bold honest man, and one he believed fitter than any other to be employed on that occasion. The Earl of Bellamont acquainted the King with this proposal, which was thought necessary to be immediately considered, because several informations upon oath were then come to the Se-

cretary of State of several vessels gone and going from *Bermudas*, *New York*, *Rhode Island*, &c. under the command of *Thomas To*, *William Maze*, *John Ireland*, *Thomas Wake*, and others, all of them pirates, who had made several piratical voyages, and returned with great wealth. The King consulted the Admiralty on this occasion; but the war employing all the King's ships, which were in a condition for service, and the great want of seamen, notwithstanding the press, and all other means used, together with the remoteness of the voyage, and the uncertainty of meeting with the pirates, or taking them, though they might be found out, occasioned, after some deliberation, the laying aside of this project. Levingston however would not give it over, but proposed to the Earl of Bellamont, that, if persons of consideration might be induced to join in the expence of buying and fitting out a proper ship, he had such an opinion of Kidd's capacity and good meanings, and so great a desire that some stop might be put to those pirates, that he would himself be one of the undertakers, and that he and Kidd would be a fifth part of the charge; Kidd, as he alleged, being a settled inhabitant at *New York*, where he had a competent estate, and had married a wife with a good fortune, by whom he had a child: That he lived regularly, and his good behaviour might be depended upon with assurance, because, if he did otherwise than as his duty would oblige him, he had no place to go to, for he had acted such things against the *French* since the war, that he durst never trust himself to them. But, as the strongest argument, that could be made use of for trusting Kidd, the Colonel offered to be bound for the faithful execution of his Commission. All this the Earl made known to the King, who highly approved of the design; and, to encourage it, was pleased to consent, that the persons, who engaged, should have a grant of what Kidd should take from the pirates, as far as it might belong to them, except a tenth, which was reserved to shew, that the King was a partner in the undertaking. Upon this encouragement the Earl of Bellamont proposed it to the Lord Chancellor *Sommers*, the Duke of *Shrewsbury*, the Earl of *Romney*, and the Earl of *Orford*, Sir *Edmund Harrison*, and others, who agreed to his proposal of 6000*l.* expence of which Levingston and Kidd were to be a fifth part. The whole management of the affair was left to the Earl of Bellamont. The commission granted to Kidd had nothing in it, contrary to law, or different from the constant form of Commissions of that kind, of which there had been a great number. There was a power to fight with and seize pirates, in order to bring them to a legal trial; but not a word of treating with them, or pardoning them; yet this was given out by the *Old East-India Company*, and that Kidd was a notorious pirate, whereas he had received a Commission from the Admiralty as a Privateer, before he was employed by these noble adventurers, of whom he never saw the Duke of *Shrewsbury* or the Lord *Sommers*. He was introduced to the Earl of *Orford* by the Earl of Bellamont, and to the Earl of *Romney* by Colonel *Hewetson*, which was all he knew of them. He had no instructions public or private from any of the Adventurers, except sailing orders from the Earl of Bellamont, by which

1699.

he

1699. he was directed to pursue the letter of his Commission.

Pursuant to the orders, which Kidd had received from the Earl of Bellamont and Sir Edmund Harrison, he sailed in the *Adventure Galley* from *Plimouth*, in April 1696, to *New York*, and in his way took a *French* prize. From thence he went to *Madera*, thence to *Bonavista*, and *St. Jago*, from whence he proceeded to *Madagascar*, and from thence he cruised at the entrance of the *Red Sea*; but, effecting nothing, he sailed to *Calicut*, and took a Ship of a hundred and fifty tons; the Master of which, and three or four of his Crew, were *Dutchmen*, the rest *Moors*; and this ship he carried to *Madagascar* (1.) From thence he sailed again, and about five weeks after took the *Quedagh Merchant* of four hundred tons; the Master of which was one *Wight* an *Englishman*. She had on board two *Dutch* Mates and a *French* Gunner; the Crew were all *Moors*; in all about ninety persons. This ship he carried to *St. Mary's* near *Madagascar*, and there he shared the goods with his Crew, forty shares to his own use. Here ninety of his Crew, who were a hundred and fifty-one in all, left him, and went on board the *Mocha* frigate, an *East-India* Company ship, which had turned pirate, and then lay there. Kidd and the rest of his men burnt the *Adventure Galley* at *St. Mary's*, and they all went on board the *Quedagh Merchant*, and sailed for the *West-Indies*. Being denied succour at *Anguila* and *St. Thomas's*, he sailed to *Mona*, lying between *Porto-Rico* and *Hispaniola*, and there, by the means of one *Bolton* got some provisions from *Curaçoa*. He bought a sloop of *Bolton*, in which he loaded part of his goods, and left the *Quedagh Merchant*, with the rest of the goods, in trust with *Bolton*, and seventeen or eighteen men in her. In this sloop he touched at several places, and disposed of a great part of his goods, and at last came to *Boston* in *New-England*, where the Earl of Bellamont seized him, and what goods he had left; for he had pretended, that the *Quedagh Merchant*, being manned with *Moors*, was a lawful prize, though there was no proof, that the Commander and his Crew had committed any piracies on the *English* or any *European*, or indeed *Indian* Nation. The Earl of Bellamont, by his letters of the 8th of July, 1699, sent notice of Kidd's being taken to the Secretary of State, and to the Council of Trade; transmitted the informations against him, together with his examinations, and a particular account of all his own proceedings in relation to Kidd and other pirates; and pressed, that immediate care might be taken in *England*, to send for them in order to their trial, taking

notice, that in *New England* there was no law to punish piracy with death; and that in those parts the people were so favourable to pirates, by reason of the wealth they brought and dispersed among them, that little justice could be expected. He likewise desired orders with respect to the goods, which he had secured. Upon this advice the Lords Justices directed the Admiralty immediately to dispatch away one of the King's ships to fetch Kidd and the other pirates in safe custody, together with their effects. The Admiralty appointed the *Rocheester* man of war for that service, which had her orders accordingly, and sailed for *Boston* with other ships under her convoy; but, the *Rocheester* being disabled by a storm from continuing the voyage, and forced back, it was presently reported, that it was all collusion between the Ministers and Adventurers, who had no mind that Kidd should be brought to *England*, for fear of his making discoveries, that the Duke of *Shrewsbury*, the Lord Chancellor *Summers*, &c. were turned pirates; since to be partner with pirates is the same thing as being pirates themselves. So heavy a load was cast on the Ministry, chiefly on him who was at the head of the justice of the nation; it was said, he ought not to have engaged in such a project; and it was maliciously insinuated, that the Privateer would not have turned pirate, in confidence of the protection of those who employ'd him, if he had not secret orders from them for what he did. Such black constructions are men, who are engaged in parties, apt to make of the actions of those, whom they intend to disgrace, even against their own consciences: So that an undertaking, that was not only innocent but meritorious, was traduced as a design for robbery and piracy. This was urged in the House of Commons as highly criminal, for which all, who were concerned in it, ought to be turned out of their employments; and a motion was made, the 6th of December, that the letters patents granted to the Earl of Bellamont and others, of pirates goods, were dishonourable to the King, against the law of nations, contrary to the laws and statutes of the land, invasive of property, and destructive of trade and commerce; but it was rejected by a great majority.

The next attempt was to remove the Bishop *An attempt of Salisbury* from being Preceptor to the Duke of *for the re- Gloucester*. Some objected his being a *Scotchman* of *man*; and others remembered his Pastoral Letter, *Bishop Burnet*, which had been ordered to be burnt. So an address to the King for that purpose, was moved, the 13th of December; but this motion was likewise lost by the same majority, that had carried the former vote (2).

Mean

(1) The pirates had made a sort of settlement on the island of *Madagascar*, under *Henry Avery*, who, thinking himself not well used in the *English* sea service, had turned pirate. This man had not only taken and robbed a large ship belonging to the *Mogul*, on board of which was an *Indian* Prince and a great treasure, but he committed several other piracies. The *East-India* Company, fearing reprisals from the *Mogul*, represented the necessity of destroying those pirates, who were thus harboured in *Madagascar*. *Avery* and his companions falling out, and being almost left alone, he got a passage to *England*, and as some say to *Ireland*. He had intrusted the remains of the plunder. Numb. XXXI. Vol. III.

der which he brought with him, with a person who cheated him of so much of it, that he died of want. The Lords Justices of *England*, hearing of his arrival in 1696, issued out a proclamation for apprehending this famous pirate. His father was a *Devonshire* man, and lived near *Biddesford*, where he had a small estate. His mother and sister were both there, when the proclamation was read for his apprehension, and it was said, he had presented his sister with the pearl necklace, he had taken from the *Indian* Prince, which she afterwards sold.

(2) About this time Bishop *Burnet* published a noted work, of which he gives the following account: I published,

1699. Mean while, the supply for the small army and fleet was settled, and a fund was given for it. Those who had reduced the army, thought it needless to have so great a force at sea; so, on the 21st of December, it was resolved, that seven thousand men should be the complement for sea-service the next year. This was moved by the Tories, and the Whigs readily gave way to this reduction, because the fleet was now in another management; the Earl of Orford, with his friends, being laid aside, and a set of Tories brought into their places (1).

The affair
of the for-
feited
estates.
Burnet.
St. Tr.
II. 709.

The great business of this Session was the affair of the forfeited estates in Ireland. Among the complaints against the Court, one was, that the King had given grants of these estates. It has been remembered, that a bill being sent up by the Commons, attaining the Irish that had been in arms, and applying their estates to the paying the public debts, leaving only a power to the King, to dispose of the third part of them, was like to lie long before the Lords; many petitions being offered against it; upon which the King, to bring the Session to a speedy conclusion, had promised that this matter should be kept intire, till their next meeting: But, the next Session going over, without any proceeding in it, the King granted away all those confiscations: It being an undoubted branch of the Royal Prerogative, that all confiscations accrued to the Crown, and might be granted away at the pleasure of the King: It was pretended, that those estates came to a million and a half in value. Great objections were made to the merits of some, who had the largest share in those grants; attempts have been made, in the Parliament of Ireland, to obtain a confirmation of them, but that which *Ginckle*, who was created Earl of *Athlone*, had, was only confirmed; now it was become a popular subject of declamation, to arraign both the grants, and those who had them: Motions had been often made, for a general resumption of all the grants, made in this reign; but, in answer to this, it

was said, that, since no such motion was made, 1699. for a resumption of the grants made in King Charles the second's reign, notwithstanding the extravagant profusion of them, and the ill grounds upon which they were made, it shewed both a disrespect and a black ingratitude, if, while no other grants were resumed, this King's only should be called in question. The Court party said often, let the retrospect go back to the year 1660, and they would consent to it, and that which might be got by it would be worth the while. It was answered this could not be done after so long a time, that so many sales, mortgages, and settlements had been made, pursuant to those grants; so all these attempts came to nothing. But, in the last Session, a more effectual method was taken. A Commission was given, by act of Parliament, to seven persons named by the House of Commons, to enquire into the value of the forfeited estates in Ireland so granted away, and into the considerations upon which those grants were made. Accordingly, these Commissioners, namely the Earl *Drogheda*, *Francis Annesley*, *John Trenchard*, *James Hamilton*, *Henry Langford*, *Sir Richard Leving*, and *Sir Francis Brewster* went over to Ireland, and affected a great zeal in the execution of their trust. They proceeded like inquisitors, and did readily believe every thing that was offered them, which tended to inflame the account; as they suppressed all that was laid before them, which contradicted their design of representing the value of the grants very high, and of shewing how undeserving those were who had obtained them. They represented the confiscated estates to be such, that, out of the sale of them, above a million and a half might be raised. The Commissioners disagreed in some points. So the report was delivered on the 15th of December to the House of Commons, by four only of the seven Commissioners; the other three, namely, the Earl of *Drogheda*, *Sir Richard Leving*, and *Sir Francis Brewster*, had refused to sign it, because they thought

published, this year, an Exposition of the thirty-nine articles of Religion: It seemed a work much wanted, and it was justly to be wondered at, that none of our Divines had attempted any such performance, in a way suitable to the dignity of the subject: For some slight analyses of them are not worth either mentioning or reading. It was a work that required study and labour, and laid a man open to many malicious attacks; this made some of my friends advise me against publishing it; in compliance with them, I kept it five years by me, after I had finished it: But I was now prevailed on by the Archbishop and many of my own order, besides a great many others, to delay the publishing it no longer. It seemed a proper addition to the History of the Reformation, to explain and prove the doctrine, which was then established. I was moved first, by the late Queen, and pressed by the late Archbishop to write it; I can appeal to the searcher of all hearts, that I wrote it with great sincerity and a good intention, and with all the application and care, I was capable of; I did then expect, what I have since met with, that malicious men would employ both their industry and ill-nature, to find matter for censure and cavils; but, though there have been some books written upon several passages in it, yet this has been done, with so little justice or reason, that I am not yet convinced, that there is one single period or expression, that is justly remarked on, or that can give me any oc-

casion, either to retract, or so much as to explain any one part of that whole work; which I was very ready to have done, if I had seen cause for it. There was another reason, that seemed to determine me to the publishing it at this time, namely, the growth of Popery.

(1) The Commons laid a duty on Irish hops, on East-India goods, and continued the duties on French goods and wines, towards raising the supply; and ordered a clause in one of the money bills, for the importing custom-free a certain quantity of paper for printing Dr. *Ali's Ecclesiastical History*. They resolved, that a supply be granted to his Majesty towards the payment of his proportion of the debt owing to the Prince of Denmark, and the monies to be raised to be laid out in this Kingdom, and settled upon the Prince and Princess, and their issue, according to their marriage-agreement. That an address be presented to his Majesty, that he would use his endeavours to procure other Princes and States to pay their proportions of the said debt. They agreed upon a supply for the coinage, for circulating Exchequer-bills one year longer, for making good the deficiencies of the three shillings in the pound in the eighth year of his Majesty's reign, and of the duty on stamped paper and parchment, granted in the same Session of Parliament; of the malt-tickets and quarterly poll granted in the next year, for paying off the transport debt, and for payment of the debt due to the navy, and sick and wounded sea-men.

1699. thought it false and ill-grounded in several particulars, of which they sent over an account to both Houses; but no regard was had to their memorial, nor was any inquiry made into their objections to the report. These three were looked on as men gained by the Court; and the rest were magnified as men that could not be wrought on, nor frightened from their duty. The specious proposal of raising so large a sum as a million and a half, towards discharging the public debts, so took with the House, that no complaint against the proceedings of the Commissioners could be hearkened to, and all the methods used to disgrace the report, had the quite contrary effect; and the hatred into which the Favourites were fallen, among whom, and their creatures, the grants were chiefly distributed, made the motion go the quicker. When therefore the report was perused by the Commons, they resolved, that a bill should be brought in for applying all the forfeited estates in Ireland,

and grants thereof, since the 13th of February 1688, to the use of the public (1). All opposition to this was looked upon as a courting of the men in favour; nor was any regard paid to a motion for reserving a third part, to be disposed of by the King, which had been in the bill that was sent up eight years before to the Lords. When this was moved, it was answered, that the Grantees had enjoyed those estates so many years, that the mean profits did arise to more than a third of their value. As the party for this bill apprehended that many petitions would be offered to the House, which the Court would probably encourage, on design, at least, to retard their proceedings, they, to prevent this, that the bill might not be clogged with too many clauses, passed a vote of a very extraordinary nature, That they would not receive any petition from any person whatsoever, concerning the grants, adding at the same time, that they would consider the great services performed

Dec. 15.

(1) The report consists of ninety articles, the chief of which are these:

The number of acres in the several counties, belonging to the forfeited persons, are } Acres.
1,060,792

These being worth 211,623 l. a year, at 6 years purchase for a life, and at 13 years, for the inheritance, come to the full value of } l.
2,685,130

Out of these lands, the estates, restored to the old proprietors by the articles of Limerick and Galway, are valued at 724,923 l. and those restored by Royal favour, at 260,863 l. after these and several other allowances, the gross value of all the estates forfeited since the 13th of Feb. 1688, and not restored, amounts to }
1,699,343

The number of grants and custodians, since the battle of the Boyne, under the Great Seal of England, are 76, some of the principal of which are mentioned, namely.

Acres,
To the Lord Romney, three grants of --- 49517
To the Earl of Albemarle, two grants of --- 108,633
To William Bentinck (Lord Woodstock) --- 135,820
To the Earl of Athlone (occasionally by the Parliament of Ireland) } --- 26,480
To the Earl of Galway --- 36,148
To the Earl of Rochford, two grants of --- 30,512
To the Lord Coningsby, --- 5,966
To Colonel Gyslerus Hamilton, for his services in wading through the Shannon and storming Athlone, at the head of the English grenadiers, } --- 5,582
To Sir Thomas Pendergrast, for discovering the Assassination-plot, } --- 7,082

It is also observed, that several of the Grantees had raised great sums of money, by the sale of their lands amounting, in all, to 68,155 l. particularly, the Earl of Athlone (his grant being confirmed by act of Parliament) had sold to the amount of 17,684 l. the Lord Romney, 30,147 l. and the Earl of Albemarle, 13,000 l.

In these, and most other articles, the Commissioners all agreed; but a difference arose amongst them on account of King James's private estate, granted to him when Duke of York. This estate three of the Commissioners, and particularly Leving, would not allow to be forfeited, and consequently ought not to be reported. Whilst they were debating this matter, Mr. Arthur Moore, Member of the House of Commons,

sent them a letter of his own private motion, wherein he directed them, to make a separate article of the Lady Orkney's grants, because that might reflect upon some of the Journals, meaning the King. Mr. Mountague Chancellor of the Exchequer, having learned the contents of Moore's House of letter, and being zealous to vindicate the King's honour, which he thought was struck at in that letter, complained of it to the House. Being pressed to tell his author, he at first excused himself, alleging, that he was under a private obligation not to reveal what had passed in private conversation; but the House insisting upon it, he named Mr. Methuen, Lord Chancellor of Ireland, who was also a Member of the House; but he denied positively, that he had ever mentioned any such thing. The House therefore resolved on the 15th of January, That the said report was false and scandalous; and a motion being made, That the four Commissioners for Irish forfeitures, who signed the report presented to the House, had acquitted themselves in the execution of that Commission with understanding and integrity, a warm debate arose thereupon, which was adjourned to the next day, when the Commons resolved, That the four Commissioners had acquitted themselves in the execution of their commission with understanding, courage, and integrity: That Sir Richard Leving had been the author of the groundless and scandalous aspersions cast upon the four Commissioners. And that Sir Richard Leving be committed prisoner to the Tower of London for his offence. However, after all, this estate was placed at the end of the report, in a different manner from the rest. We shall conclude (say the four Commissioners who signed the report) by laying before your Honours another grant of a considerable value, which we are apprehensive does not fall within the letter of our inquiry; but, since the benefit of some forfeited leases or holdings are therein granted, we chose rather to lay the whole grant before you, than be thought deficient in executing any part of our duty, or what might be expected from us.

A grant under the Great Seal of England, dated the 30th of May 1695, passed to Mrs. Elizabeth Vilters, now Countess of Orkney, of all the private estates of the late King James (except some small part in grant to the Lord Athlone) containing 95,649 acres, worth yearly 25,995 l. 18 s. value 337,943 l. There is payable out of this estate 2000 l. a year, to the Lady Susanna Bellasis for her life, and 1000 l. a year to Mrs. Godfrey for her life, and almost all the old leases determine in May 1701, and then the estate will answer the values abovementioned.

This report was signed by Amelley, Trenchard, Hamilton, and Langford. The other three refused to sign it, upon account of this and seven other articles of the ninety. They gave their reasons for it, in a letter to the Lord Chancellor, November 1699, and in another to the Speaker; but the House would not hear it read,

1699. ed by the Commissioners appointed to inquire into the forfeited estates (1).

Jan. 18. After this, on the 18th of *January*, it was farther resolved by the Commons, that the advising, procuring, and passing these grants had occasioned great debts upon the nation, and heavy taxes upon the people, and highly reflected on the King's honour; and that the officers and instruments, concerned in the same, had highly failed in the performance of their trust and duty.

Feb. 15. Then it was voted, that this resolution should be presented to the King, in the form of an address, which was accordingly done on the 21st

Feb. 26. of *February*, to which the King, five days after, returned this answer:

Gentlemen,

Pr. H. C. "I was not only led by inclination, but
III. 124. "thought myself obliged in justice, to reward
"those who had served well, and particularly in
"the reduction of *Ireland*, out of the estates
"forfeited to me, by the rebellion there.
"The long war by which we were engaged,
"did occasion great taxes, and has left the nation
"much in debt; and the taking just and
"effectual ways for lessening that debt, and
"supporting publick credit, is what, in my opinion,
"will best contribute to the honour, interest,
"and safety of this Kingdom."

The Commons were so provoked with this answer, that they resolved, that whosoever had advised it, had used his utmost endeavours to create a misunderstanding and jealousy between the King and his People. They then proceeded on the bill of resumption, which being finished, they passed, the 2d of *April*. In justification of their proceedings, they ordered the report of the Commissioners for the *Irish* forfeitures to be published; "and that the resolution of the 18th of *January* last; the resolution of the 4th of *April* 1690, relating to "the forfeited estates; his Majesty's speech * to
* P. 163, "both Houses, the 5th of *January* 1690-1;

"the address of the House to the King, the 1700.
"15th of *February* last; his Majesty's answer
"thereunto, the 26th of the same *February*; and
"the resolution of the House thereupon; and
"lastly, the address of the House of Com- + P. 235.
"mons of the 4th of *March* 1692-3, and
"his Majesty's answer thereunto, be also re-
"printed with the report;" and they resolved,
"That the procuring or passing exorbitant grants by
"any Member now of the Privy-council, or by any
"other, that had been a Privy-counsellor, in this
"or any former reign, to his use or benefit, was a
"high crime and misdemeanor."

In the bill of resumption little regard was shewn to the purchases made under those grants, and to the great improvements made by the purchasers or tenants, which were said to have doubled the value of those estates. However, that some justice might be done both to purchasers and creditors, thirteen Trustees were named, in whom all the forfeited estates were vested, and they had a very great and uncontrollable authority lodged with them, of hearing and determining all just claims, relating to those estates, and of selling them to the best purchasers; and the money, to be raised by this sale, was appropriated to pay the arrears of the army (2). Among all the cases, that of the Earl of *Atblane*'s was the most singular. The House of Commons had been so sensible of his good service in reducing *Ireland*, that they had made an address to the King, to give him a recompence suitable to his services. And the Parliament of *Ireland* was so sensible of their obligations to him, that they confirmed this grant of between two and three thousand pounds a year. He had sold it to those, who thought they had purchased under an unquestionable title; yet all that was now set aside, no regard being had to it; so that this estate was thrown into the heap. Some exceptions were made in the bill in favour of some grants, and provision was made for rewarding others, whom the King, as they thought, had not enough considered. Great opposition was made to this by some, who

The bill of
resumption.
April 2.

The Earl
of Ath-
lone's case

read, because the other four Commissioners, whose conduct was complained of in the letter, had not set their hands to it.

The report was likewise animadverted upon, in a tract intitled, *Jus Regium*, or the King's Right to grant forfeitures, &c. This author brings down the value of the forfeitures, to 780,000*l.* out of which he deducts all the debts and incumbrances, with three years profits of the lands for the expenses of the trust, and allows, that they will yield 500,000*l.* in *Ireland*. He gives an instance of the Commissioners over-valuing the lands in the private estate of King *James*, being a grant to him, when Duke of *York*, of all the estates of the *Regicides*. Instead of 95,649 acres, he reduces them to 78,915, and the yearly value from May 1701, when all the old leases are determined, to 8,489*l.* instead of 25,995*l.* subject to the annuities above-mentioned, besides 10,000*l.* in arrears to the Lady *Bellaſis*. There had been 9,887*l.* received for fines, out of this estate, by Mr. *Braderick* and Mr. *Pooley*, which are lost to the tenants by the resumption. The author, in the same manner, examines all the then grants and shews, that the Commissioners were deceived both in the number of acres, and value of the estates. *St. Traſts* II. 709-713.

(1) Accordingly, on the 7th of *March*, the Commons resolved, that the sum of 1000*l.* be paid to the Earl of *Drogheda*, *Francis Annesley*, *John Trenchard*,

James Hamilton, *Henry Langford*, and to *James Hooper* Secretary to the Commissioners; and the sum of five hundred only to Sir *Richard Leving* and Sir *Francis Breaſter*, in consideration of their expences; which sums were ordered to be paid out of the *Irish* forfeitures.

(2) On the 26th of *March*, the Commons, having considered of the number, qualifications, and manner of choosing the Trustees for the bill of *Irish* forfeitures, resolved, "That the number of the Trustees be thirteen: That no person be a Trustee, who had any office of profit, or was accountable to his Majesty, or was a Member of this House: And that the Trustees be chosen by balloting." Two days after, the several Members having given in lists of thirteen persons names, which were put into classes, the majority fell upon *Francis Annesley*, *James Hamilton*, *John Bagge*, *John Trenchard*, *James Iham*, *Henry Langford*, *James Hooper*, Sir *Cyril Wyche*, *John Cary*, Sir *Henry Sheres*, *Thomas Harrison*, Sir *John Warden*, *William Fellows*, and *Thomas Rowlinſ*. The two last having equal voices, one of them must have been left out; but, the House being informed, that Sir *John Warden* was a Baron of the *Exchequer* in the County Palatine of *Cheſter* during his life, at a yearly salary from the Crown, it was resolved, that Sir *John Warden* was not capable of being a Trustee in the bill, and so the other two stood.

(1) The

1700. who thought, that all favours and grants ought to be given by the King, and not originally by an House of Parliament; and this was managed with great heat, even by some of those, who concurred in carrying the bill. In conclusion, it was, by a new term, as well as a new invention, consolidated with the money-bill, that was to go for the pay of the fleet and army, and, under the title of a bill, for granting an aid to his Majesty, by the sale of the forfeited and other estates and interests in *Ireland*, and by a land-tax in *England*, for the several purposes therein mentioned, was carried up to the House of Lords, which by consequence they must either pass or reject. The method that the Court took in the House of Lords to oppose it, was to offer some alterations, which were indeed very just and reasonable: but, since the Commons would not suffer the Lords to alter money-bills, this was in effect to lose it. The Court, upon some previous votes, found they had a majority among the Lords; so, for some days, it seemed to be designed to lose the bill, and to venture on a prorogation or a dissolution, rather than pass it. The bill being sent down with some alterations to the Commons, they not only disapproved them, but began to fly out into high votes, both against the Ministers and Favourites, and ordered a list of the Privy-council to be laid before them. There were several conferences between the two Houses, in which the Lords strongly insisted on their amendments. The Commons were so exasperated at this, that they ordered the lobby of their House to be cleared of all strangers; the back-doors of the Speaker's chamber to be locked up; and that the Serjeant should stand at the door of the House, and suffer no Members to go forth; and then proceeded to take into consideration the report of the *Irish* forfeitures, and the list of the Lords of the Privy-council; and a question was moved, *That an address be made to his Majesty to remove John Lord Sommers, Lord Chancellor of England, from his presence and councils for ever*; but it was carried in the negative by a greater majority, than had appeared at the beginning of the Session.

The Lord Sommers, during these debates, was ill; and the worst construction possible was put upon that; for it was said, that he advised all the opposition, which was made to the bill, in the House of Lords, but that, to keep himself out of it, he feigned that he was ill; though his great attendance, in the Court of *Chancery*, the House of Lords, and at the Council-table, had so impaired his health, that every year, about that time, he used to be brought very low, and disabled from business. The King seemed resolved to venture on all the ill consequences, that might follow the losing this bill, though they would probably have been very fatal. As far as could be judged, either another Session of that Parliament, or a new one, would have ba-

nished the Favourites, and begun the bill anew, with the addition of obliging the Grantees, to refund all the mean profits. Many in the House of Lords, who in all other things were very firm to the King, were for passing this bill, notwithstanding his earnestness against it, since they apprehended the ill consequences, that were like to follow, if it were lost. Bishop Burnet was one of these, and the King was much displeased with him for it. The Bishop said, that he would venture his Majesty's displeasure, rather than please him in that, which he feared would be the ruin of his Government; not apprehending at that time, what injustice lay under many of the clauses in the bill, which appeared afterwards so evidently, that the very same persons who drove on the bill, were convinced of them, and redressed some of them in acts that passed in subsequent Sessions (1).

The King became sullen upon all this, and upon the many incidents, that are apt to fall in upon debates of this nature. He either did not apprehend in what such things might end, or he was not much concerned at it. His resentment, which was much provoked, broke out into some instances, which gave such handles to his enemies, as they wished for; and they improved those advantages, which his ill conduct gave them, with much spite and industry, so as to alienate the nation from him. It was once in agitation among the party, to make an address to him against going beyond sea; but even that was diverted with a malicious design. Hitherto the body of the nation retained a great measure of affection to him. This was beginning to diminish by his going so constantly beyond sea, as soon as the Session of Parliament was ended, though the war was now over. Upon this it grew to be publicly said, that he loved no *Englishman's* face nor his company. His enemies therefore reckoned it was fit for their ends to let that prejudice increase in the minds of the people, till they might find a proper occasion to ingraft some bad designs upon it.

The same day that the motion was made against the Lord Chancellor Sommers, the Commons resolved, *That an address be made to his Majesty, that no person, who was not a native of his Dominions, except his Royal Highness Prince George of Denmark, be admitted to his Majesty's Councils in England or Ireland*. But, before this address could be presented, the King came the next day to the House of Peers, and, after passing the bill about the forfeited estates, with several others, commanded the Earl of Bridgewater, who was Speaker of that House in the absence of the Lord Sommers, to prorogue the Parliament to the 23d of May. Thus ended a Session, by the proceedings of which men of all sides were put into a very ill humour (2).

Among the acts of this Session a very remarkable one passed against the Papists. A complaint being made by the Clergy of *Lancashire*, against the Papists, of Burnet.

(1) The Bishop says, if he had rightly understood that matter in time, he would never have given his vote for so unjust a bill. He only considered it as an hardship put on the King, many of his grants being thus made void, some of which had not been made on good and reasonable considerations, so that they could hardly be excused, much less justified. He thought the thing was a sort of force, to which it seemed reasonable to give way at that time, since the King's friends were not furnished with an equal strength to withstand it. But, when he saw afterwards, what the consequences of this act proved to be, he firmly resolved never to consent again to any tack to a money-bill, as long as he lived.

(2) The King writ the following letter to the Earl of Galway, soon after the prorogation of the Parliament.

1700. of the growth of Popery, and a petition offered for more effectual methods to put a stop to it, a bill was proposed, that obliged all persons educated in that religion, or suspected to be of it, who should succeed to any estate before they were of the age of eighteen, to take the oaths of allegiance and supremacy, and the test, as soon as they came to that age; and, till they did it, the estate was to devolve to the next of kin, that was a Protestant; but was to return back to them, upon their taking the oaths. All Popish Priests were also banished by the bill, and were adjudged to perpetual imprisonment, if they should again return into *England*; and the reward of an hundred pounds was offered to every one, who should discover a Popish Priest, so as to convict him. Those, who brought this into the House of Commons, hoped, that the Court would have opposed it; but the Court promoted the bill; so, when the party saw their mistake, they seemed willing to let the bill fall; and when that could not be done, they clogged it with many severe and some unreasonable clauses, hoping that the Lords would not pass the act; and it was said, that, if the Lords should make the least alteration in it, they, in the House of Commons, who had it set on, were resolved to let it lie on their table, when it should be sent back to them. Many Lords, who secretly favoured Papists, on the Jacobite account, did, for this very reason, move for several alterations; some of these importing a greater severity; but the zeal against Popery was such in that House, that the bill passed without any amendment, and it had the Royal assent. Bishop *Burnet*, notwithstanding his principles for Toleration, and against Persecution for conscience-sake, was for this bill.

He had always thought, that, if a Government found any sect in religion incompatible with its quiet and safety, it might, and sometimes ought to send away all of that sect, with as little hardship as possible. This act hurt no man that was in the present possession of an estate; it only incapacitated his next heir, to succeed to that estate, if he continued a Papist; so the danger of this, in case the act should be well looked to, would put those of that religion, who are men of conscience, on the selling their estates; and, in the course of a few years, might deliver us from having any Papists left among us. But this act wanted several necessary clauses, to enforce the due execution of it; the word, *next of kin*, was very indefinite, and the next of kin was not obliged to claim the benefit of this act, nor did the right descend to the remoter heirs, if the more immediate ones should not take the benefit of it; the test, relating to matters of doctrine and worship, did not seem a proper ground for so great a severity; so this act was not followed nor executed in any sort; but here is a scheme laid, though not fully digested, which on some great provocation, given by those of that religion, may dispose a Parliament to put such clauses in a new act, as may make this effectual.

The Duke of *Norfolk*, taking advantage of the precedent made the last year, in the case of the Earl of *Macclesfield*, lodged a bill in the House of Peers, to dissolve his Grace's marriage with the Lady *Mary Mordaunt*, and to enable him to marry again, which in a few days past both Houses, notwithstanding the opposition of the Dukes of *Norfolk* (1).

The

Hampton-Court, May 11, 1700.

It is a good while since I writ to you last. The reason is, that being always uncertain of the issue of the last Session of Parliament, I was unwilling to answer any of your letters. You may judge, what vexation all their extraordinary proceedings gave me, and I assure you, your being deprived of what I gave you with so much pleasure, was not the least of my griefs. I hope, however, that I shall be in a condition to acknowledge the good services you have done me, and you may depend upon it, I shall earnestly seek occasions to do so. It ought to be some satisfaction to you, in the just resentment of what concerns you, that no body could blame your conduct; on the contrary, all appeared satisfied with it, and the vote, which passed in anger the last day, concerns you but indirectly. And I can assure you, that you was in no way the occasion of it. There have been so many intrigues, in this last Session, that, without having been on the spot and well informed of every thing, it cannot be conceived. It will be impossible for me to continue the Commission of the Lords Justices in *Ireland*, as it is at present; so I have resolved to send thither the Duke of *Shrewsbury* as Viceroy, and that you command the army under him. Do not think that this will be a degradation, no body here will take it to be so, and I know that every one wishes it, and believes it absolutely necessary for my service. I am fully persuaded, as I hope, that you will not refuse to accept of this command, nor relinquish my service. I assure you, I never had more occasion, than at present, of persons of your capacity and fidelity. I hope I shall find opportunities to give you marks of my esteem and friendship, and I would not engage you in this, were I not assured that no hurt can happen to you from it: But I know it will meet with a general approbation, and doubt not

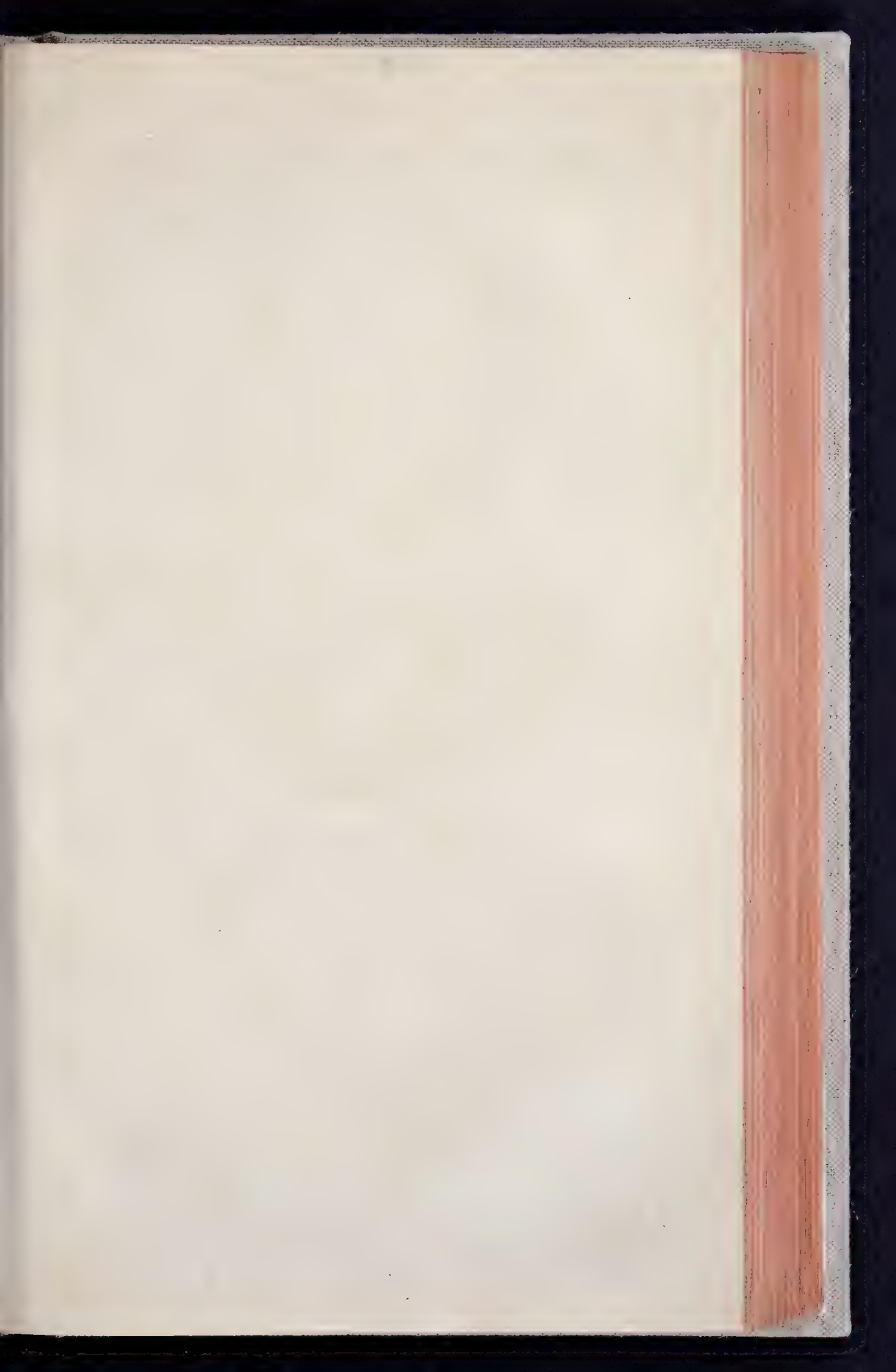
your friends will say the same, and I am glad to tell you, you have a great many and among all parties.

William R.

The Duke of *Shrewsbury* refusing to go to *Ireland*, there was no change made in the Government, till the King's return from *Holland*.

(1) The Duke had applied to the House of Lords, in the year 1694, for a divorce, which occasioned great and long debates; and on which Bishop *Burnet* thus remarks: In the latter ages of Popery, when marriage was reckoned among the Sacraments, an opinion grew to be received, that adultery did not break the bond, and that it could only intitle to a separation, but not such a dissolution of the marriage, as gave the party, that was injured, a right to marry again: This became the rule of the Spiritual Courts; though there was no definition made about it, before the Council of *Trent*. At the time of the Reformation, a suit of this nature was prosecuted by the Marquis of *Northampton*: The marriage was dissolved, and he married a second time; but he found it necessary to move for an act of Parliament, to confirm this subsequent marriage: In the reformation of the ecclesiastical laws, that was prepared by *Cranmer* and others, in King *Edward's* time, a rule was laid down, allowing of a second marriage, upon a divorce for adultery. This matter had lain asleep above an hundred years, till the present Duke of *Rutland*, then Lord *Ross*, moved for the like liberty. At that time a sceptical and libertine spirit prevailed, so that some began to treat marriage, only as civil contract, in which the Parliament was at full liberty to make what laws they pleased; and most of King *Charles's* Courtiers applauded this, hoping by this doctrine, that the King might be divorced from the Queen. The greater part of the Bishops apprehending the consequence of the Lord *Ross's* act

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1700. The Session being ended (as was observed) so much to the dissatisfaction of all parties, the leaders of the Tories seemed resolved to push a change of Ministry. They began with insinuating to the Favourites the necessity of the King's removing the Lord *Sommers*, who, as he was now considered as the head of the Whigs, so his wife counsels, and his modest way of laying them before the King, had gained him a great share of his esteem and confidence; and it was reckoned, that the chief strength of the party lay in his credit with the King, and in the prudent methods he took to govern the party, and to moderate that heat and those jealousies, with which the King had been so long disgusted, in the first years of his reign. Every method had been tried for his removal. He had, in the first place, been particularly charged in the House of Commons, for turning many Gentlemen out of the Commission of the Peace (1). This was much aggravated, and raised a very high complaint against him; but there was no just cause for it: When the design of the assassination and invasion, in the years 1695 and 1696, was discovered, a voluntary association was entered into, by both Houses of Parliament, and that was set

round the nation: In such a time of danger, it was thought, that those, who did not enter voluntarily into it, were so ill affected, or at least so little zealous for the King, that it was not fit they should continue Justices of the Peace: So an order passed in Council, that all those, who had so refused, should be turned out of the Commission: He had obeyed this order, upon the representations made to him, by the Lords Lieutenants and the *Custodes Rotulorum* of the several counties, who were not equally discreet: Yet he laid those representations before the Council, and had a special order for every person that was so turned out. All this was now magnified, and it was charged on him, that he had advised and procured these orders; yet this could not be made so much as a colour to proceed against him, a clamour and murmuring was all that could be raised from it. This method not having produced any great effects, another had been tried. It had been endeavoured to raise a dissatisfaction against him by appeals from many of his judgments, yet very few of them received alteration, and his character was raised instead of being hurt by these attacks (2). After these and other Methods of shaking Lord *Sommers's* credit

1700.

had

might have, opposed every step that was made in it; though many of them were persuaded, that, in the case of adultery, when it was fully proved, a second marriage might be allowed. In the Duke of *Norfolk's* case, as the Lady was a Papist, and a busy Jacobite, so a great Party appeared for her. All that favoured the Jacobites, and those who were thought engaged in lewd practices, espoused her concern with a zeal that did themselves little honour. Their number was such, that no progress could be made in the bill, though the proofs were but too full, and too plain. But the main question was, Whether, supposing the matter fully proved, the Duke of *Norfolk* should be allowed a second marriage? The Bishops were desired to deliver their opinions, with their reasons: All those who had been made during the present reign, were of opinion, that a second marriage in that case was lawful, and conformable, both to the words of the gospel, and to the doctrine of the primitive Church; and that the contrary opinion was started in the late and dark ages: But all the Bishops, that had been made by the two former Kings, were of another opinion, though some of them could not well tell why they were so. Here was a colour for men who looked at things superficially, to observe that there was a difference of opinion between the last made Bishops, and those of an elder standing: From which they inferred, that we were departing from the received doctrine of our Church; and, upon that topic, the Earl of *Rochester* charged us very vehemently. The bill was let fall at this time. An Act passed this Session for continuing the old *East-India* Company a corporation. The Company, finding that their friends prevailed in the House of Commons, took the opportunity of getting a bill brought in their favour; which, notwithstanding the opposition of the new Company, and the endeavours of the Court, passed both Houses, and received the Royal assent.

Another incident happened this Session. The Rev. Mr. *Stephens*, preaching before the House of Commons, on the 30th of *January*, instead of aggravating, seemed to vindicate the putting King *Charles* to death, and endeavoured to persuade his auditors, that the observation of that day should be abolished. This produced, instead of thanks, an order, That, for the future, no person should preach before the House, that was not a Dean or Doctor of Divinity.

(1) With a view to him, it was that a bill was set on in the House of Commons, qualifying Justices of the peace; and a Committee appointed to inspect the Commissions of the peace and Commissions for Deputy-Lieutenants, as they now stand, and as they were for seven years last past. This Committee having made their

report to the House, that not only many persons dissenting from the Church of *England*, but men of small fortunes, and who consequently had an entire dependence on the Court, were put into those places, the Commons on the 26th of *March* resolved, "That an address be made to his Majesty, that it would much conduce to the service of his Majesty and the good of this Kingdom, that Gentlemen of quality and good estates be restored and put into the Commissions of the peace and Lieutenancy; and that men of small estates be neither continued nor put into the Commissions." Which address being presented the King by the whole House, he told them, "That he was of opinion, that Men of the best quality and estates were most proper to be intrusted in the Commissions of the peace and Lieutenancy; and that directions should be given accordingly."

(2) Among these appeals, one case in particular, commonly called the Bankers case, which had given occasion to clamour, because of the extensive consequences following the determination in regard to the property of large numbers, was brought before the House of Lords, the final resort both in law and equity. It is well known in what manner King *Charles* had mortgaged the whole revenue of the Crown to the Bankers for an immense debt, and paid them interest at the rate of 8 per cent, while those who intrusted the Bankers, received only 6 per cent. In the year 1672, the *Exchequer* payments were stopped, and multitudes ruined. About five years after, he granted his letters patent to all persons concerned for the annual pension of 6 per cent, out of the hereditary excise, given by Parliament instead of the wards and liveries 12 *Cb.* II. and upon the principal sums due to them, on delivering up their securities, and accepting proportionable assignments in satisfaction of their debts. The payments were made regularly by virtue of those letters patent down to *Lady-Day* 1683, and then no more issued for the remainder of King *Charles's* reign, the whole reign of King *James*, and for three quarters of a year from after the Revolution, when a suit was instituted in the Court of *Exchequer*, praying the aid of it to enforce the payment of the arrears and growing sums, at the receipt, agreeable to the terms of the letters patent. The two principal questions stated in the arguments were,

1. Whether the grants made by King *Charles* II. of the several annual sums of the hereditary excise to the Goldsmiths, their heirs and assigns, were effectual in law, and did charge this revenue, in time of his successors.

2. Whe-

1700. had failed, the Tories now studied to get it infused into the King, that all the hard things, that had been of late put on him by the Parliament, were occasioned by the hatred that was borne to his Ministers; and that, if his Majesty would change hands, and employ others, matters might be softened and mended in another Parliament. With this the Earl of *Jersey* endeavoured to possess the Earl of *Albemarle*; and the uneasiness the King was in, disposed him to think, that, if he should bring in a set of Tories into his business, they would serve him with the same zeal, and with better success, than the Whigs had done; and he hoped to throw all upon the Ministers, that were now to be dismissed.

2. Whether the remedy, pursued by the parties in the cause, was warranted by the law or course of the *Exchequer*? The Chief Baron and two others were of opinion with the Bankers in both these points. Baron *Lechmere* differed in both.

Upon this judgment, a writ of error came before the Lord Keeper in the *Exchequer* chamber, who called the Judges to his assistance. It was solemnly argued by each of them. And they all agreed as to the first, that the letters patent were binding in law: That the King has power to alien or charge those revenues, of which he is seized in fee, without an act of Parliament: That the custom of Excise was purchased by him, for a valuable consideration, that is, accepted in lieu of the profits arising from the wards and liveries. As to the objection, that this power of alienating may be a prejudice to the people, the law entertains no such dishonourable thoughts of the King, as to suppose, he will act wrong in the things submitted to his power. That the objection is repugnant to the constitution of the Government. Suppose the realm should be in present danger of invasion, if the King could not raise money by aliening his revenue, the nation must perish; and therefore, Kings of *England* have formerly borrowed several sums of money, by mortgaging their lands. That it has been the constant usage of our Princes to reward deserving Ministers out of the Crown revenues, which proceeds on the great maxim, that reward is one of the main pillars of Government. As to the distinction taken between alienating the antient demesne lands derived to the King, either by descent or purchase, and this revenue of excise settled by Parliament, and therefore unalienable, it was said, the law restrained not the King from aliening any species of his revenue: That the land in antient demesne seemed most appropriate to the King's use of all his revenues, because they had several privileges relating to the King; as not to be impleaded out of the manor, to be free of toll for all things concerning their sustenance and husbandry, not to be impanelled on any inquest; and yet even these were alienable: Then what reason can be assigned, why some estates should be aliened, and some not? Why may not the King as well alien these estates, as they might formerly the flowers of his Crown, a County Palatine with Royal rights. An estate, settled on a subject by act of Parliament, is subject to his alienation, Why not in the case of the King? It appears in fact, that all the monastery lands given by act of Parliament, and that by general words, as in this law which settled the hereditary excise, were aliened by the King. So the customs have always been granted and charged in like manner, without controversy. As to the objection that the excise was given instead of unalienable inheritances, as wards, liveries, and purveyances, it was said, that it did not appear how the nature of one kind of inheritance could affect another: But even these were in effect alienable, because they might have been released, as were sometimes services *in capite*. That *Porteus, de Laudibus Legum Angliæ*, expressly disavowing of the restraints laid upon the Crown, would not have omitted to mention the unalienable nature of the re-

The first time that the Lord *Sommers* recovered so much health, as to come to Court, the King told him, That it seemed necessary for his service, that he should part with the Seals; and he wished, that he would make the delivering them up his own act. Upon this, the Lord *Sommers* took the liberty to speak freely to the King, in words to this effect: That he very well knew what his enemies aimed at, by their abusing and persecuting him as they had of late done: The Seal was his greatest crime; and, if he quitted that, he should be forgiven; but, knowing what ill use would be made of it, if it were put into their hands, he was resolved, with his Majesty's permission, to keep it in defiance of their malice, and to stand all the trials they should

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Lord Som-
mers is
turned out.

venue, if this point had not been clearly admitted: Especially as there were so many grants made in *Henry VIth's* time, and to many acts of resumption, which are a demonstration that those grants could not be revoked but by act of Parliament.

To the second point, all the Judges, except *Treby*, Chief Justice, and *Lechmere*, were of opinion, that the remedy was legal, and they relied intirely upon two precedents in *Plowden's* commentaries, *Sir Thomas Wroth's* case, and *Sir H. Neville's* case, in the *Exchequer*; upon which those proceedings had been formed. The one was the demand of an annuity, granted to *Sir Thomas Wroth* by *Henry VIII.* out of the treasury, in the hands of the treasurer of the Court of Augmentations, under the seal of that Court: The other, of a rent charge issuing out of the lands, subject to the survey of the same Court, and payable there. Judgment had been given for the parties in like manner, as in the present case.

My Lord Chief Justice *Treby* applied himself to shew, that these two cases were founded upon particular reasons, and not upon the Common Law, or course of the *Exchequer*. By the statute 27 *Henry VIII.* c. 27. all lands purchased, or to be purchased by *Henry VIII.* were put under the jurisdiction of that Court; that the lands, in *Sir H. Neville's* case, came within this statute; and by an act passed 1 *Mary*, and the Queen's letters patent subsequent, this Court and all its powers were united to that of the *Exchequer*. That it proceeded in a summary way, and partly in nature of a Court of Equity.

Baron *Lechmere* said in the *Exchequer*, that Lord *Hale* had formerly declared, these precedents were not to be urged as precedents of the jurisdiction of the *Exchequer*, in things properly and originally of its own cognizance.

Lord Chief Justice *Holt* endeavoured to answer this reasoning, first, by shewing, from a determination in *Dyer, 4 Elizabeth*, that the Court of Augmentations was never united to the *Exchequer*, and that *Queen Mary*, subsequent to the act in the 1st of her reign, having by her letters patent of one day dissolved that Court, and, by her letters patent of the next, united the same to the *Exchequer*; the second letters patent came too late, and were void. Consequently, there was no accension of power to the *Exchequer*, and the revenues of the Court of Augmentations fell naturally under its Government; and, therefore, *Sir Thomas Wroth*, and *Sir H. Neville*, came to the Court of *Exchequer*, as to an original Court of Revenue. Secondly, that, admitting it to be true, the Court of Augmentations was united, yet it did not appear, that the Court of Augmentations had any especial powers, to give relief to Grantees of annuities and rents; that the act, by which it was erected, made it a Court of Record and a Court of Revenue, to such and such lands: Whence it seemed to follow, that in the Court of Augmentations, as of Wards and Surveyors, such relief was given by a right incident to it, as a Court of Revenue; and in imitation of what the *Exchequer*, the old Court of Revenue, could do before, by the common Law.

1700. should put upon him, with the support of his innocence, and the hopes of being serviceable to his Majesty: He feared them not; and did not doubt, but, if his Majesty would be as firm to

his friends as they would be to him, they should be able to carry whatever points he had in view for the public welfare, in a new Parliament. The King shook his head a little, as a sign of his

1700.

Lord *Sommers* delivered his opinion in the month of June 1696, and confined his reasonings intirely to the second question. He set himself very elaborately to shew, that the remedy pursued by the parties was illegal, and might be attended with the utmost danger to the disposal of the public revenue, and treasure of the Crown, of which the law has always had a superlative care, as that on which the safety of the King and Kingdom must in all ages depend. To the first argument of Lord *Holt*, he answered, that the statute 1 *Mary*, c. 10. did empower the Queen to dissolve the Court of Augmentations, and to unite the Court so dissolved, to that of the *Exchequer* by letters patent, both parts of which power she literally pursued. That on a subject of philosophy, or speaking of the natural existence of things, it would be absurd to say, what is annihilated one day, shall have yet such an existence as to be united to any thing, the day following: But speaking on a legal subject, where fictions and relations and conclusions have place, nothing could be of more easy or obvious conception. He said, every thing ought to be expounded favourably in support of the Queen's intention, in following the express directions of an act of Parliament; and that the statute 1 *Elizabeth*, c. 4. did, fully and in terms, declare the validity of this union. To the second he answered, both from undoubted maxims of law, and accurate deductions of precedents; he shewed, that anciently the Barons of the *Exchequer* did at no time before the union of the Courts of Augmentations, and first fruits, both erected by *Henry* the VIIIth, give relief to Grantees of rents or annuities in this manner, immediately upon application to them. That the party used previously to apply to the King by petition of right, and the Treasurer and Barons were authorized by the Great or Privy Seal, or by special indorsement upon the petition, giving them power to examine into the demand; but even then their determination had no other effect than that of a certificate, nor could enforce the payment. The warrant for the payment, to be made at the receipt of the *Exchequer*, must be obtained from the King, under the Great or Privy Seal. Therefore this jurisdiction could not be originally incident, in notion of law, to a Court of Revenue as such. That the Court of *Exchequer*, indeed, after the transfer of the powers of the Court of Augmentations and first fruits, did exercise them to the several purposes, and in respect of the lands, before under the survey of those Courts: From whence the inference was plain, not that those Courts in exercising these powers pursued the course of the *Exchequer*, but the *Exchequer*, in taking a new course after the union, did act according to their manner, and supply their place. That, had it not been so, the erection of those Courts had been vain at first, because the *Exchequer* could have done the business as well. He then shewed, in what manner *Henry* the VIIIth, affecting power, and having great designs, endeavoured to get some parts of the revenue more immediately under his private and personal direction, than the old regular constitution of the *Exchequer* would allow. To that end, he procured acts of Parliament in different years of his reign, erecting the Court of General Surveyors, the Court of First Fruits and Tenths, and the Court of Augmentations. The first and last of these, in the 38th year of his reign, were incorporated; and, in the first of Queen *Mary*, were annexed to the *Exchequer*. He proved that such a jurisdiction, as that now contended for, was unknown to every author who had written on the Court of *Exchequer*, unwarranted by the oath of the Barons, by any authorities in the law books, by any records or statutes. That it supposed a direct absurdity in the constitution of the Court, because it invested them with a power of commanding their superior officers: That to say they can command the Treasurer by their judgment,

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when that very judgment is under the review and correction of the Treasurer, who is co-ordinate in the *Exchequer* chamber with the Lord Chancellor, is a manifest inconsistency. He said, it contradicted sacred and received principles of law, 1. That no part of the King's treasure can be issued, but by warrant under the Great or Privy Seal; for which reason the law has placed such a guard upon them, as to make the counterfeiting of them high-treason. 2. That, when once money is paid into the receipt of the *Exchequer*, no Court has power to intermeddle with it. In the last place, he relied much on the inconvenience, no inconsiderable argument in law. That the Barons of the *Exchequer* cannot, as such, be constant of the necessities of the state; and though they were, and knew them to be ever so pressing, they can only act according to one rule; and, if the King's treasure must be issued by warrant under their Seal, on the demand and application of the subject, a pension granted upon no consideration, or a very ill one, might perhaps be paid out of the money which ought to be employed, and possibly was provided by Parliament, for setting out a fleet, resisting an invasion, or suppressing a rebellion. That to deny the King the power of ordering the payments out of his own coffers, was to deny him that which is in every subject's power. It is to take from him the judgment of public necessities, or at least the means of relieving them.

This argument of Lord *Sommers* was printed in the year 1733, and is much admired for the inimitable elegance of the style and method, and for its comprehension and learning. It may be added, that it is not only esteemed one of the finest performances in the law, but has satisfied very able Lawyers of the legality of his judgment; so that the publication of it did as much justice to his integrity, as honour to his parts. It is said, that, in the making of it, the search of records and precedents cost him 700*l*. After this debate and consideration of the matter, he reversed the judgment of the Court of *Exchequer* on his own opinion, supported by that of Chief Justice *Treby*, who was one of the greatest men of his time, and Baron *Lechmere*, who had been an able practitioner in the *Exchequer* above sixty years, against the opinion of all the rest.

On the 6th of December 1699, there was an appeal from the determination to the House of Lords, and, after hearing Council and the sentiments of the Judges, a day was set apart for debating it. Lord *Sommers*, with his usual modesty and candour, opened his reasons to the House, and some Lords, in an unprecedented manner, called upon *Holt*, Chief Justice, to answer him, though a Peer of their own body, and Chancellor. But *Sommers*, not daunted by that peculiar circumstance, replied upon *Holt* with great spirit and energy. The judgment however was reversed on the 23d of January, and a Protest entered. No liberate or warrant for payment issued upon this reversal; but in the same Session an act passed to apply the revenue of excise, as a security for 820,000*l*. and a weekly payment of 3,700*l*. to the Civil List, on account of the necessity of affairs, subject, at the same time, to the charge of an annual payment of three per cent. on the whole principal due to the Bankers, from and after the 26th of December 1705, which principal was made redeemable on payment of a moiety. This case, in respect of the unhappy persons who had intrusted the Bankers with their money, deserved all that compassion, with which it was popular to treat it in those times; but the Bankers had made an unjust and extorsive profit from the Crown, and the iniquitous extravagance of King *Charles*'s court had been the source of the calamity. 5 *Med. Rep.* p. 29. Lord *Sommers*'s argument in the Bankers' case, p. 19.

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1700. his diffidence, and only said, *It must be so* (1). However, the Lord *Sommers* persisted in refusing to deliver up the Seals as his own act. All his friends had pressed him not to offer them, since that seemed to shew fear or guilt. He begged therefore the King's pardon, if in this he followed their advice; but he told his Majesty, whenever he should send a warrant under his hand, commanding him to deliver them up, he would immediately obey it. The order was accordingly brought by Lord *Jersey* on the 17th of April 1700, and upon it the Seals were sent to the King. Thus the Lord *Sommers* was discharged from this great office, which he had held seven years with a high reputation for capacity, integrity, and diligence. His being thus removed was much censured by all, but those who procured it. Our Princes used not to dismiss Ministers, who served them well, unless they were pressed to it by a House of Commons, that refused to give Money, till they were laid aside. But here a Minister, who was always vindicated by a great majority in the House of Commons, when he was charged there, and who had served both with fidelity and success, and was indeed censured for nothing so much as for his being compliant with the King's humour and notions, or at least for being too soft or too feeble in representing his errors to him, was removed without a shadow of complaint against him. This was done with so much haste, that those, who had prevailed with the King to do it, had not yet concerted, who should succeed him. They thought, that all the great men of the law were aspiring to that high post, so that any one, to whom it should be offered, would certainly accept it; but they soon found they were mistaken; for, what by reason of the instability of the Court, what by reason of the just apprehensions men might have of succeeding to great a man, both the Lord Chief Justice *Holt* (2), and the Attorney-General *Trevor*, to whom the Seals were offered, excused themselves. It was Term-time, so that a vacancy in that post put things in some confusion. A temporary Commission was granted to the three Chief Judges, to sit in the Court of Chancery; and, on the 21st of May, the Seals were at last given, with the title of Lord-Keeper, to Sir *Nathan Wright*, one of the King's Serjeants at law, in whom there was nothing equal to the post, much less to him, who had lately filled it. The King's inclinations seemed now turned to the Tories, and to a new Parliament. It was for some time in the dark, who had the confidence, and gave directions to affairs; and those, who looked on, were often disposed to think, that there was no direction at

all, but that every thing was left to take its course, and that all was given up to hazard.

Besides the affairs of England, the remonstrances of the *Scots India Company* extremely perplexed the King. Upon news of their ill success at *Darien*, for want of assistance from the English Plantations, a petition for a present Session of Parliament was immediately sent about the Kingdom, and was signed by many thousands. This was sent up by some of the chief of their Nobility, whom the King received very coldly: Yet a Session of Parliament was granted them, to which the Duke of *Queensbury* was sent down Commissioner. Great pains were taken, by all sorts of practices, to be sure of a majority; great offers were made them in order to lay the discontents, which ran then very high; a law for a *Habeas Corpus*, with a great freedom for trade, and every thing, that they could demand, was offered, to persuade them to desist, from pursuing the design upon *Darien*. The Court had tried to get the Parliament of England to interpose in that matter, and to declare themselves against that undertaking. The House of Lords was prevailed on to make an address to the King, representing the ill effects that they apprehended from that settlement: But this did not signify much, for, as it was carried in that House by a small majority of seven or eight, so it was laid aside by the Commons. Some were not ill pleased to see the King's affairs run into an embroilment; and others did apprehend, that there was a design to involve the two Kingdoms in a national quarrel, that, by such an artifice, a greater army might be raised; so they let the matter fall. Nor would they give entertainment to a bill which the Lords passed, and sent up to them about the union of the two nations, under the title of a bill, for authorizing certain Commissioners of the Realm of England to treat with the Commissioners of Scotland, for the weal of both Kingdoms. To this bill the Commons refused to give their concurrence. The managers in that House, who opposed the Court, resolved to do nothing that should provoke Scotland, or take off from the King any part of the blame and discontent, which soured that nation (3). On the contrary, it was given out, in order to raise the national disgust still higher, that the opposition, which the King gave to the *Scots* colony, flowed neither from a regard to the interests of England, nor to the treaties with Spain, but from a care of the Dutch, who from *Curacao* carried on a coasting trade among the Spanish Plantations with great advantage; which, it was said, the *Scots* Colony, if once well settled, would draw wholly from them. These things were sent about

(1) A Gentleman, who had this from the Lord *Sommers's* own mouth, told it to Mr. *Oldmixon*.

(2) Mr. *Prior*, in a letter to the Earl of *Manchester*, dated at *Hampton-Court*, May 2. 1700, and printed among Mr. *Cole's* Memoirs, page 128, says thus: My Lord Chief Justice *Holt*, having been here to-day, and with the King in private, has given people occasion to say, that he has refused the Seals. If it be so or not, I cannot say, but as yet the Seals are not disposed of.

(3) However, some time before a complaint was made to the House of Commons of a printed book, in-

titled, *An inquiry into the causes of the miscarriage of the Scots Colony at Darien*, and the House, having examined the said book, resolved, That it, highly reflecting on the honour of his Majesty, and both Houses of Parliament, and tending to create jealousies and animosities between the two Kingdoms of England and Scotland, was a false, scandalous, and traitorous libel; ordered it to be burnt by the hands of the common hangman, and addressed his Majesty to issue out his Royal proclamation, for the discovering and apprehending the author, printer, and publisher of the said libel: Which proclamation was published accordingly.

1700. about Scotland with great industry. The management was chiefly in the hands of Jacobites. Neither the King nor his Ministers were treated with the decencies, that are sometimes observed, even after subjects have run to arms. The keenest of their rage was pointed at the King himself. Next him the Earl of Portland, who had still the direction of their affairs, had a large share in it. In the Session of the Scotch Parliament, in order to make the affair of *Darien* a national concern, it was voted, "That the Colony of *Caledonia* in *Darien* was a legal and rightful settlement, and that the Parliament would maintain and support the same." Upon that, the Session was for some time discontinued. When the news of the total abandoning of *Darien* was brought over, it cannot be well expressed, into how bad a temper this cast that body of that people. They had now lost almost two hundred thousand pounds sterling upon this project, besides all the imaginary treasure, which they had promised themselves from it. The nation was therefore raised into a sort of fury upon it; and, in the first heat, an address was sent about the Kingdom for hands, representing to the King the necessity of a present sitting of the Parliament, which was drawn in so high a strain, as if they resolved to pursue the effects of it, by an armed force. It was signed by a great majority of the Members of Parliament, and the ferment in men's spirits was so raised, that few thought it could have been curbed, without breaking forth into great extremities (1).

June 11. This address being presented to the King by the Lord *Ross*, who, with some others, was deputed by the Parliament for that purpose, his Majesty told them, "That he could give no answer at that time to their petition, but they should know his intentions in *Scotland*."

The Addressers, finding that the Parliament was further adjourned by proclamation, and not knowing how soon it might be allowed to sit, framed the draught of a second national address, to be signed by the several Shires and Boroughs throughout the Kingdom: But, while the same was carried on, his Majesty writ a letter, directed to the Duke of *Queensbury*, and the Privy-council, which letter was published in the manner of a proclamation, and wherein the King declared, "That, if it had been possible for him to have agreed to the resolve offered to assert the right of the *African* Company's Colony in *America*, though that method seemed to him unnecessary, yet his Majesty had from the beginning readily done it, at the earnest desires of his Ministers, and for his People's satisfaction, all other considerations set apart; but, since that things were much changed, his Majesty being truly sorry for the nation's loss,

"and most willing to grant what might be needful for the relief and ease of the Kingdom, he assured them, that he would be so ready to concur with his Parliament, in every thing that could be reasonably expected of him, for aiding and supporting their interests, and repairing their losses, that his good subjects should have just grounds to be sensible of his hearty inclinations to advance the wealth and prosperity of that his Majesty's ancient Kingdom." That his Majesty was confident, that that declaration would be satisfying to all good men, who would certainly be careful both of their own preservation, and of the honour and interest of the Government, and not to suffer themselves to be misled, nor give any advantage to enemies and ill designing persons, ready to catch hold of any opportunity, as their practices did too manifestly witness. Concluding, "That his Majesty's necessary absence had occasioned the late adjournment, but, as soon as God should bring him back, he was fully resolved his Parliament should meet."

While the Parliament was sitting, there was a second treaty of Partition concluded between *England*, *France*, and *Holland*. The former treaty, made in favour of the Electoral Prince of *Bavaria*, was intirely defeated by his death. That young Prince seemed marked out for great things, and had all the promising beginnings that could be expected in a child of seven years old, when he fell sick, and was carried off the third or fourth day of his illness; so uncertain are all the prospects, and all the hopes this world can give. Now the *Dauphin* and the Emperor were to dispute, or to divide this succession between them; so a new treaty was set on foot: It was generally given out, and too easily believed, that the King of *France* was grown weary of war, and was resolved to pass the rest of his days in peace and quiet; but that he could not consent to the exaltation of the House of *Austria*; yet, if that House was set aside, he would yield up the *Dauphin's* pretensions; and so the Duke of *Savoy* was much talked of, but it was with the prospect of having his hereditary dominions yielded up to the Crown of *France*: But this great matter came to another digestion a few months after.

The King and the *States-General* saw the danger, to which they would be exposed, if they should engage in a new war, while the nation was yet under the vast debts that the former had brought upon it. The King's Ministers in the House of Commons assured him, that it would be a very difficult thing to bring them to enter into a new war for maintaining the rights of the House of *Austria*. During the debates concerning the army, when some mentioned the danger of that Monarchy falling into

(1) In this address they complained, of their having been interrupted by a sudden adjournment, while they were debating a motion concerning their Colony at *Darien*, which they conceived was not agreeable to the 40th act of the 11th Parliament of King James VI, wherein it is enacted, That nothing should be done or commanded, which might directly or indirectly prejudice the liberty of free voting, and reasoning of the Estates of Parliament. That, by a subsequent adjournment of twenty days, the Parliament was not permitted to come to any resolution in the pressing concerns of the nation, which they could not

think consistent with that article of their claim of right, whereby it was declared, That for the redress of all grievances, strengthening and preserving of the laws, Parliaments ought to be frequently called and allowed to sit, and the freedom of speech and debate secured to the Members. Wherefore they earnestly intreated his Majesty, that he would be pleased to allow his Parliament to meet on the day to which it was then adjourned; and to sit as long as might be necessary for redressing the grievances of the nation.

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into the hands of a Prince of the House of *Bourbon*, it was set up for a maxim, that it would be of no consequence to the affairs of *Europe*, who was King of *Spain*, whether a *Frenchman* or a *German*; and that, as soon as the Successor should come within *Spain*, he would become a true *Spaniard*, and be governed by the maxims and interests of that crown; so that there was no prospect of being able to infuse into the nation an apprehension of the consequence of that succession. The Emperor had a very good claim; but, as he had little strength to support it by land, so he had none at all by sea; and his treasure was quite exhausted by his long war with the *Turks*. The *French* drew a great force towards the Frontiers of *Spain*, and they were resolved to march into it upon that King's death. There was no strength to oppose them, yet they seemed willing to compound the matter. But they said, the consideration must be very valuable, that could make them desist from so great a pretension; and both the King and the States thought it was a good bargain, if, by yielding up some of the less important branches of that Monarchy, they could save those in which they were most concerned, which were *Spain* itself, the *West-Indies*, and the *Netherlands*. The *French* seemed willing to accept of the dominions in and about *Italy*, with a part of the Kingdom of *Navarre*; and to yield up the rest to the Emperor's second son, the Archduke *Charles*. The Emperor entered into the treaty, for he saw he could not hope to carry the whole succession intire; but he pressed to have the Duchy of *Milan* added to his hereditary dominions in *Germany*. The expedient that the King proposed, was, that the Duke of *Lorraine* should have the Duchy of *Milan*, and that *France* should accept of *Lorraine* instead of it. He was the Emperor's nephew, and would be intirely in his interests. The Emperor did not agree to this, but yet he pressed the King not to give over the treaty, but to try if he could make a better bargain for him; and above all things recommended secrecy; for he well knew how much the *Spaniards* would be offended, if any treaty should be owned, that might bring on a dismembering of their Monarchy. For, though they were taking no care to preserve it

in whole or in part, yet they could not bear the having any branch torn from it. The King reckoned, that the Emperor, with the other Princes of *Italy*, might have so much interest in *Rome*, as to stop the Pope's giving the investiture of the Kingdom of *Naples*; and, which way soever that matter might end, it would oblige the Pope to shew great partiality, either to the House of *Austria*, or the House of *Bourbon*; which might occasion a breach among them, with other consequences, that might be very happy to the whole Protestant interest. Any war that might follow in *Italy*, would be at a great distance from us, and in a country that we had no reason to regard much: Besides that, the fleets of *England* and *Holland* must come, in conclusion, to be the arbiters of the matter.

These were the King's secret motives for entering into the treaty; most of which he communicated to Bishop *Burnet*. Accordingly the treaty was signed at *London* and the *League*; the *English* Plenipotentiaries being the Earls of *Portland* and *Jersey*. By this treaty that of *Ryswick* was solemnly confirmed; and, in case his Catholic Majesty should die without children, the Dauphin was to have, for himself and his heirs, the kingdoms of *Naples* and *Sicily*, and also the islands on the *Italian* coast belonging to *Spain*, namely, *St. Stefano*, *Porto Hercole*, *Orbistello*, *Telamone*, *Porto Longone*, and *Piombino*, the city and marquissate of *Final*, and the province of *Guipuscoa*. The Dauphin was likewise to have the Duchies of *Lorraine* and *Bar*; and the Duchy of *Milan* was to be given to the Duke of *Lorraine* and his heirs, in lieu of *Lorraine* and *Bar*; but the County of *Bilche* was to remain in sovereignty to the Prince of *Vaudemont*. The Archduke *Charles* was to have, for himself and his heirs, the Kingdom of *Spain*, and all that belonged to it, in and out of *Europe*. The Emperor was to have three months time given him to come into this treaty: And, in case the Archduke should die without children, the succession was to go to some other child of the Emperor, to whom he should be pleased to give it, except him, who should be Emperor or King of the *Romans*: And this part of the Monarchy of *Spain* was also never to go to the Prince who should be either King of *France*, or Dauphin (1). What reception this treaty met with from the Princes

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(1) The secret article of this treaty, inserted by Mr. *Cole*, in his *Memoirs of the Affairs of State*, p. 113. was as follows:

"His Britannic Majesty, his Most Christian Majesty, and the Lords the *States-General*, having a desire to prevent a war, which might be occasioned by the death of the King of *Spain* without children, have agreed on a treaty about the Succession; which was signed at *London* the 21st of February, O. S. and at the *Hague* the 25th of March, 1700, N. S. And, as it is laid in the fourth article of the said treaty, That the Duchies of *Lorraine* and *Bar* shall be yielded to the Dauphin, in exchange for the Duchy of *Milan*, which should be given to the Duke of *Lorraine*; and, as the two Kings and the *States-General* think that nothing is more proper for the ends proposed, they will make use of all their interests, either jointly or separately, to engage the said Duke of *Lorraine* to consent to it.

"But, as it is necessary to determine who shall be the Prince, to whom the Duchy of *Milan* shall be committed, and what shall be given to the Dauphin

"for reparation, in the room of the Duchies of *Lorraine* and *Bar*, if, against all likelihood, the Duke of *Lorraine* would not give his consent to this exchange, notwithstanding the good offices and continual applications repeated, during the life of the King of *Spain*, or to the time hereunder agreed to, after his death; the said two Kings and the *States-General*, above-named, have agreed, that, in that case, his Britannic Majesty and the *States-General* shall chuse one of these alternatives, at the end of the said term, after the death of his Catholic Majesty, that is, to confer the Duchy of *Milan* into the hands of the Elector of *Bavaria*, to enjoy it for him, his children, males or females, his heirs, successors and descendants, males or females, born, or to be born, for ever, in intire property and full possession; or, ordering, in exchange, *Navarre* to the Dauphin, to enjoy it, he and his children, males and females; his heirs, successors, or descendants, born, and to be born, in intire property, and full possession; or, instead of *Navarre*, the City and Duchy of *Lucemburg*, and the County of *Chiny*.

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1700. Princes and States, to whom it was offered, will hereafter be shewn; and also what a most perfidious use of it was made by the *French*, to alienate the *Spaniards* from their Allies, and obtain a will in favour of the Duke of *Anjou*; tho' both the *French King* and *Dauphin* had bound themselves not to accept any will, testament, or donation, contrary to the treaty: The original of which, signed by the *Dauphin*, Bishop *Burnet* has in his hands. No mention was made of this treaty, during the Session of Parliament; for, though the King was generally believed, yet, as it was not publicly owned, no notice could be taken of bare reports: And nothing was to be done, in pursuance of this treaty, during the King of *Spain's* life.

Honours and promotions. The King, that he might give some content to the nation, stayed at *Hampton-Court* till July, before he went abroad. On the 14th of May, he bestowed the Garter on the Earl of *Albemarle*; which, 'tis pretended, gave great offence. The same honour was also conferred on the Earl of *Pembroke*, Lord President of the Council. Towards the latter end of June, the Earl of *Jersey* was made Chamberlain of the Household; which had been some time vacant, by the Duke of *Shrewsbury's* resignation. The Earl of *Romey* was made Groom of the Stole, and the Earl of *Carlisle* one of the Lords of the Bed-chamber. Soon after this, the King, having nominated the Lords Justices to govern in his absence (1), set out for *Holland*.

The King goes to Holland. July 4. About three weeks after his arrival there, he received the surprising and melancholy news of the death of the Duke of *Gloucester*, which was in a great measure occasioned by the solemnity of his birth-day, on the 24th of July. After the ceremony was over, the Duke found himself fatigued and indisposed, and the next day he was very sick, and complained of his throat. The third day he was hot and feverish. Next morning, after bleeding, he thought himself

Death of the Duke of Gloucester. July 29. Kennet. Burnet.

better; but in the evening, his fever appearing more violent, a blister was applied to him, and other proper remedies administered. The same day a rash appeared on his skin, which increasing the next day, more blisters were laid on. In the afternoon the fever growing stronger, his Highness fell into a delirium, which continued till his death. He passed the night, as he did the preceding, in short broken sleeps and incoherent talk. On the 29th, the blisters having taken effect, and the pulse mending, the Physicians, who attended him, thought it probable, that he might recover; but about eleven at night, he was on a sudden seized with a difficult breathing, and could swallow nothing, so that he expired before midnight, being ten years and five days old. He was the only remaining child of seventeen, whom the Princess of *Denmark* had born, some to the full time, and the rest before it. She attended him, during his sickness, with great tenderness, but with a grave composedness, that amazed all who saw it; and she bore his death with a resignation and piety, that were indeed very singular. Bishop *Burnet* had been trusted with his education now two years, and the Duke had made an amazing progress. He had read over part of the Scriptures with him, and had explained things, that fell in his way, very copiously, and was often surprized with his questions, and the reflections that he made. He came to understand things relating to religion beyond imagination. The Bishop went through Geography so often with him, that he knew all the maps very particularly. He explained to him the forms of Government in every country, with the interest and trade of that country, and what was both good and bad in it; and acquainted him with all the great Revolutions, that had been in the world, and gave him a large account of the *Greek* and *Roman* Histories, and of *Plutarch's* Lives. The last thing the Bishop explained to him was the *Gothic* Constitution, and

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" Or else to give the Duchy of *Milan* to the Duke of *Savoy*, to enjoy it, for his children, males and females, his heirs, successors, and descendants, males, or females, born, and to be born, in intire property and full possession; ordering, in exchange, for the share of the *Dauphin*, the City of *Nice*, the Valley of *Barcelonetta*, and the Duchy of *Savoy*, to enjoy it in perpetuity, and full possession, he, his children, heirs, successors, and descendants, males, or females, born, and to be born.

" Moreover, the two Kings, and the *States-General* have agreed by this secret article, that, tho' it is not said in the seventh article of the said treaty, signed at *London* the 21st of February, and at the *Hague* the 25th of March 1700, that a Prince shall be agreed on, to whom the said portion of the most Serene Archduke shall be given, in case the Emperor and the King of the *Romans* will not subscribe to the said treaty after the term of three months shall be expired, to be counted from the day on which it shall be notified to him: Nevertheless, the Emperor shall be allowed to subscribe, during two months, to be reckoned from the day on which the death of his Catholic Majesty shall be made known to him by his *Britannic* Majesty, his most Christian Majesty, and the Lords the *States-General*. But, in case his Imperial Majesty refuses to enter into it in the time above-named, the two Kings and the *States-General* shall agree, at the end of the time above-appointed, on a Prince, to whom the said portion shall be given, and the remainder of what is in the said seventh article, from which

" what is abovesaid does not derogate, shall be punctually executed.

" It is further agreed, that, if the most Serene Archduke should go into *Spain*, or enter into the Duchy of *Milan*, though it is said in the eighth article of the said treaty, to which this secret article refers, that he cannot go thither before the death of his Catholic Majesty, but by the common consent of the two Kings and the *States-General*; his *Britannic* Majesty and the *States-General* engage themselves to use all their possible endeavours and might, and even to come to acts of hostility, if it be necessary: In short, to take all convenient measures, in concert with his most Christian Majesty, to oblige his Catholic Majesty and the *Spaniards*, to send him back out of *Spain*, or out of the Duchy of *Milan*, without any delay.

" This article shall have the same force as if it had been, word for word, inserted in the treaty, to which it refers, and shall be enregistered by the Parliament of *Paris*, immediately after the death of his Catholic Majesty without children."

(1) Namely the Archbishop of *Canterbury*; Sir *Nathan Wright*, Lord-Keeper; The Earl of *Pembroke*, Lord-President of the Council; Viscount *Lonsdale*, Lord Privy-Seal; The Duke of *Devonshire*, Lord-Steward; The Earl of *Bridgewater*, first Commissioner of the Admiralty; The Earl of *Marlborough*, Governor of his Highness the Duke of *Gloucester*; And the Earl of *Tankerville*, first Commissioner of the Treasury.

1700. and the new salary and feudal laws. He talked to his Highnesses of these things at different times near three hours a day. This was both easy and delightful to him. The King ordered five of his chief Ministers to come once a quarter, and examine the progress he made; and they seemed amazed both at his knowledge, and the good understanding that appeared in him; for he had a wonderful memory, and a very good judgment. His death gave a great alarm to the whole nation. The Jacobites grew insolent upon it, and said, that now the chief difficulty was removed out of the way of the Prince of Wales's Succession.

Soon after this, the House of Brunswick returned the visit, which the King had made them last year, and the eyes of all the Protestants in the nation turned toward the Electress Dowager of Hanover, who was daughter of the Queen of Bohemia, and the next Protestant heir, all Papists being already excluded from the succession. Thus of the four lives, that the nation had in view, as their chief security, the Queen and the Duke of Gloucester were carried off on the sudden; and of the two, that remained, the King and the Princess of Denmark, as there was no issue, and little hopes of any by either of them, so the King, who at last was a man of a feeble constitution, was now falling under an ill habit of body; his legs being much swelled, which some thought was the beginning of a dropsy, while others thought it was only a scorbutic distemper.

The temper
of the na-
tion.

The state of things at that time gave a melancholy prospect. The nation was falling under a general discontent and a dislike of the King's Government. And the King, on his part, seemed to grow weary of them, and their affairs; and, partly by the fret from the opposition he had of late met with, partly from his ill health, he was falling, as it were, into a lethargy of mind. The Administration of the Government was now almost wholly engrossed by the House of Commons, who must sit once a year, and as long as they thought fit, while the King had only the civil list for life. The act for Triennial Parliaments kept up a standing faction in every county and town of England; while luxury, vanity, and ambition, increased daily; and animosities were come to such a height, as to afford dismal apprehensions. Few seemed to have a right notion of the love of their country, and of a zeal for the good of the public. The House of Commons, how much soever its power was advanced, yet was much sunk in its credit; very little of gravity, order, or common decency appeared among them. The balance lay chiefly in the House of Lords, who had no natural strength to resist the Commons.

A war
raised a-
gainst the
King of
Sweden.

A league had been formed in the North to crush the young King of Sweden, and invade his dominions on all sides at once. The Elector of Brandenburg was to fall into Pomerania, and the King of Denmark to attack Holstein, whilst the King of Poland invaded Livonia, which was antiently a fief of the Crown of Poland. The Minister

of Sweden, before the King went abroad, pressed him to make good his engagements with that Crown. For, pursuant to the league, the Poles were now besieging Riga. The first attempt of carrying the place by surprize miscarried. Those of Riga were either over-awed by the Swedish garrison that commanded there, or they apprehended, that the change of masters would not change their condition, unless it were for the worse; for which reason they made a greater stand than was expected, and, in a siege of above eight months, very little progress was made. The firmness of that place made the rest of Livonia continue fixed to the Swedes. The Saxons made great waste in the country, and ruined the trade of Riga. The King of Sweden, being obliged to employ his main force elsewhere, was not able to send them any considerable assistance. The Elector of Brandenburg lay quiet without making any attempt; as likewise did the Princes of Hesse and Wolfenbuttle. The two scenes of action were in Holstein, and before Copenhagen. The King of Denmark found the taking the forts that had been raised by the Duke of Holstein, an easy work; they were soon carried and demolished (1). He besieged Toninghen next, which held him longer. Upon the Swedes demand of the auxiliary fleets, that were stipulated both by the King and the States, orders were given for equipping them in England, and likewise in Holland. The King was not willing to communicate this design to the two Houses, and try if the House of Commons would take upon themselves the expence of the fleet. They were in so bad a humour, that the King apprehended, that some of them might endeavour to put an affront upon him, and oppose the sending a fleet into the Sound; though others advised the venturing on this, since no nation can subsist without alliances sacredly observed. And this was an antient one, lately renewed by the King; so that an opposition, in such a point, must have turned to the prejudice of those, who should move it. Soon after the end of the Session, a fleet of thirty ships English and Dutch was sent to the Baltic, commanded by Sir George Rooke, which arrived in the Sound on the 20th of July. The Danes had a good fleet at sea, much superior to the Swedes, and almost equal to the fleet sent from hence. But, as it was their whole strength, they would not run the hazard of losing it. They kept at sea for some time, having got between the Swedes and the fleet of their Allies, and studied to hinder their conjunction. When they saw that could not be done, they retired, and secured themselves within the port of Copenhagen, which is a very strong one. The Swedes, with their Allies, came before that town, and bombarded it for some days, but with little damage to the place, and none to the fleet. The Duke of Lunenburg, together with the forces, that the Swedes had at Bremen, passed the Elbe, and marched to the assistance of the Duke of Holstein. This obliged the Danes to raise the siege of Toninghen, and the two armies lay in view of one

1700.

(1) The old King of Denmark dying about the end of the summer 1699, the Duke of Holstein (who had married the King of Sweden's sister, and depending on assistance from thence) had built some new forts in

that Duchy. This the young King of Denmark complained of, as contrary to the Condominium, which he and the Duke have in that Duchy; so entered into the league against Holstein and Sweden.

(1) Prince

1700. one another for some weeks, without coming to any action. Another design of the Danes also miscarried. A body of Saxons broke into the territories of the Duke of Brunswick, in hopes to force their army to come back to the defence of their own country: But the Duke of Zell had left things in so good order, that the Saxons were bear back, and all the booty, that they had taken, was recovered.

Peace be-
tween
Sweden
and Den-
mark.

In the mean time King William offered his mediation, and a treaty was set on foot; and, as he did not approve of Sir George Rooke's bombardment of Copenhagen, soon after he had received the news of it, he directed Mr. Blainwyte to write to that Admiral from Loo, not to commit any further hostilities against the town or shipping. The King of Denmark proposed, that the King of Poland might be included in the treaty, but the Swedes refused it; and, as the King was not guarantee of the treaties between Sweden and Poland, so he was not obliged to take care of the King of Poland. The treaty proceeding but slowly, this made the King of Sweden apprehend, that he should lose the season, and be forced to abandon Riga, which began to be straitened; and therefore, to quicken the treaty, he resolved on a descent in the Isle of Zealand. This was executed without any opposition, the King of Sweden conducting it in person, and being the first who landed. He shewed such spirit and courage in his whole conduct, as raised his character very high. It struck a terror through all Denmark; for now the Swedes resolved to besiege Copenhagen. This brought the treaty to a conclusion between Denmark, Sweden, and Holstein, about the middle of August. The old treaties were renewed, and a liberty of fortifying was reserved for Holstein under some limitations; and the King of Denmark paid the Duke of Holstein two hundred and sixty thousand rix-dollars for the charge of the war. The peace being thus

made, the Swedes retired back to Schonen, and the fleets of England and Holland returned home. The King's conduct in this whole matter was highly applauded: He effectually protected the Swedes, and yet obliged them to accept of reasonable terms of peace. The King of Denmark suffered most in honour and interest. It was a great happiness, that this war was so soon at an end; for, if it had continued, all the North must have engaged in it; and, as the chief strength of the Protestant Religion lay there, so that interest must have suffered much, which side soever had come by the worst in the progress of the war; and it was already so weak, that it needed not a new diminution.

Some days after the signing of the treaty, Lieutenant General Bannier, who commanded in the town of Toninghen, while it was besieged by the Danes, waited on the King at Loo, being sent by the Duke of Holstein, in acknowledgment of his protection. And, about six weeks after, the King of Poland's Resident at the Hague, presented a memorial to the States-General, full of assurances of friendship from the King his Master, and acquainting them, that what induced him to put off the bombardment of Riga, when every thing was in readiness for executing that design, was chiefly the consideration of the loss, which divers merchants, subjects to the King of England, and the States-General, would have suffered thereby. The King wrote to the Czar of Muscovy, upon the occasion of the differences between him and the Crown of Sweden, to press him to an accommodation, and to offer his mediation for that purpose.

The treaty for dividing the Spanish Monarchy *Confers* (which began now to be published) had given *on the* rise to a very important series of negotiations; *Partition* which were carried on with great secrecy and *treaty.* address, during the course of this summer (1700). It is needless to remind the reader of the motives,

(1) Prince Ferdinand of Bavaria, who by the first Partition treaty, was to have been King of Spain, dying at Brussels, in February, 1698-9, the Earl of Portland began, soon after this, to treat about a new Partition treaty, in favour of the Archduke, Charles; and the King sent the Earl of Jersey into France, with instructions to negotiate this second treaty: But, that Earl, being soon recalled, the Earl of Manchester was appointed to succeed him: From whose papers, published by Christian Cole, Esq; the following extracts are taken; which will give us light into the secret history of the second Partition treaty.

Alexander Stanhope, Esq; the English Envoy Extraordinary at Madrid, to the Earl of Manchester.

Madrid, Aug. 27. 1699.

A paper, sent me this evening, from Don Antonio de Ubilla, Secretary of the *Dipacho Universal*, a copy of which was inclosed, gives me an unexpected opportunity of beginning my correspondence with an office that concerns, or, by the contents, is supposed to concern your Excellency's negotiations in that Court.

Copy of the paper above-mentioned.

Don Antonio de Ubilla kisses the hands of Don Alexander Stanhope, Envoy Extraordinary of his Britannic Majesty, and lets him know, that the King his Master, having been frequently informed by his Ministers in the North, of the strong informations and evident proofs, which they have, by different advices and ac-

cidents, that the English, Hollanders, and French, in consequence of what was last year concluded and stipulated at Loo, are now again forming new treaties for the succession of this Crown, and for the dividing of it: Which notices have been corroborated by other ways; so that they are public over all Europe: It would be against his dignity to dissemble, and take no notice of them. The King, his Master, thinks it inexcusable, not to oppose what might produce such irreparable inconveniences, if it came to be put in execution; and has ordered his Ministers, in the Courts of France, England, and Holland, to make known to those Princes and Governments the just sentiments his Majesty has of those advices, unheard of, before, in the life of any King, and more improper in that of his Majesty; which consisting, at present (by the Divine Mercy, and for our Happiness,) in only thirty-eight years of age, we may naturally promise ourselves, and especially from his most high Providence, that he may give his Majesty the important Succession, which we hope for from him, by the affectionate prayers and vows of his vassals: It causing a just wonder and grief, that they doubt before-hand, of so great a possibility, by reason of any opinions, taken up from the slight complaints, and the affliction of his Kingdoms and Subjects, and the impressions, that seem to disturb the general tranquility, which we now enjoy: When, on the other hand, it is not to be believed, from the righteous and pious mind of his Majesty, that he lives so unmindful of his obligation, and values so little the love and security of his vassals,

1700.

tives, that induced the contracting parties to sign this treaty; or of the nature of its contents, as both have been already related: But when, pursuant to one of the articles, it came to be offered, jointly, by the Ministers of *England, France, and Holland*, to the rest of the Powers of *Europe*, the reception it met with was none of the most favourable. The greatest part returned general and dilatory answers. The *Italian States* were unwilling to see the *French* in possession of *Naples*, and the *States Del Presidi*. Those of *Germany* were, from motives of fear, or interest, unwilling to disoblige the House of *Austria*. *Brandenburg* expected the title of King from the

authority and good offices of the Imperial Court. *Saxony* and the Northern Crowns were taken up with their own quarrels; which the peace of *Travendal* had by no means accommodated. Some thought the Duke of *Savoy* under engagements at *Vienna*; but it seems most probable, that he resolved to defer making terms for himself, till the treaty took place; and was not without hopes, that, upon the Emperor's refusal, he should be nominated the next. The *Swiss Cantons*, being applied to, declined giving their guaranty. In short, of all the Princes, to whom it was communicated, not one appears to have come into it, but the King of *Portugal*.

The

1700.

if God (by his secret and sovereign judgments) would chastise us, by taking away his life (which, we hope, he will not suffer) without granting him the benefit of a Succession, his affairs will not be left, without a due reflection on what is most just, and most important for the public tranquility; and so, that no body shall be able to find fault with his justice, nor his foresight. For which reasons, his Majesty has ordered his aforesaid Ministers to make instances, and use their diligence to cut off those negotiations; weighing the ill effects, which they now produce; and, what their continuance may produce. And, that the complaint of his Majesty, and the orders he gives to his Ministers abroad, to notify to the Princes, at whose Courts they reside, be, at the same time, made public, he has lately ordered, that it be made known to the Ministers here. For this reason does Don *Antonio de Ubilla* communicate it to Don *Alexander Stanhope*, by order of his Master, that he may also give notice to his *Britannic Majesty*, assisting, with his prudent representations, this just and honest purpose; that so the universal quiet may be maintained; and that he may quit the scandal of this negotiation, which, it is feared, will be an unhappy motive of kindling a voracious flame of a new war: Which, being once lighted, will be difficult to be extinguished, either by the greatest force, or the most dextrous and most powerful mediation: And he remains obedient to Don *Alexander Stanhope*, with all affection.

The Earl of Manchester, to the Earl of Jersey.

Paris, Sept. 30. 1699.

The *Spanish Ambassador* is endeavouring to get a private audience of the King. The first matter, he is to represent, is in relation to some transactions at *Leo*. The Declaration of his King makes also great discourse here. The state of affairs at *St. Germain* continues much the same it was. They are still pleasing themselves with hopes the nation will recall him, at last; though the greatest prospect they seem to have, is the death of the King of *Spain*; which might, again, renew the war.

The Earl of Manchester, to Mr. Yard.

Paris, Octob. 7. 1699.

They write from *Leo*, That the *Spanish Ambassador* has delivered to all the Lords Justices a memorial relating to the succession of the Crown of *Spain*, which his Majesty refers very much.

Mr. Yard, to the Earl of Manchester.

Whitehall, Octob. 28. 1699.

I believe the King's directions will be signified to the *Spanish Ambassador*, to-morrow, to leave the Kingdom. Indeed, the paper, he gave about, was very insolent, and appealing to the Parliament; so that the King could do no less. Mr. *Stanhope* is recalled at the same time.

Remonstrance presented, in French, by the Marquis de Canales, Ambassador from the King of Spain, to the Lords Justices.

In the first place, The King, his Master, having been certainly informed, that his Majesty, King *William*, the *Hollanders*, and other Powers (in pursuance of what they treated and stipulated, last year, at *Leo*) are now actually framing new treaties about the succession of the Crown of *Spain*; and (what is most detestable) contriving its division and repartition; His Majesty orders his Extraordinary Ambassador, residing in this Kingdom, to make known to the Lords Justices of *England* the resentment, which these unheard-of proceedings create in his Majesty, especially during the life of a Monarch, who is of so fit an age to expect (for many years) an heir, so much desired by all nations, that, without a detestable avarice, no one would suffer himself to be carried away with the ambition of usurping the dominions of others.

That, if this were not contrary to the law of nature, no Nation or Government would be safe against the machinations of the strongest and most malicious; whereas, reason, and not force, sets bounds to nations.

That, if it were lawful for Foreigners to concern themselves about the succession of Kings and Sovereigns, there would be no statutes or municipal laws to be observed; nor would any laws be free from the outrages of others, more especially those of the Crown of *England*.

That, if there is not a speedy end put to these proceedings of Sovereigns, no health would be constant, no life secure, while both depend on the hand of the Almighty, who is the arbiter of Life, Death, and Empires.

That the impressions, which one Kingdom makes upon another, to tempt the allegiance of the subjects, and excite their minds to insurrections, are an offence, and breach of the good faith, which ought to be observed among Christians, and more particularly among Allies and Friends.

That it ought not to be presumed, of any Prince or Nation, and still less of the King of the *Spanish Nation*, that they are so negligent, as not to take proper measures, upon future and unexpected accidents (if this should happen) to secure the public peace, and the repose of *Europe*, which has been the aim of the King and Nation for many ages, as it is now and always will be.

That, if there is not a speedy end put to these proceedings and projects, there will doubtless break out a direful and universal war over all *Europe*, difficult to be stopped when it is desired, and so much the more prejudicial to the *English*, as they have but just felt the effects of innovations, and of the late war. This matter is so worthy of consideration, that it is not doubted but it will be thought so by the Parliament, the Nobility, and the whole *English Nation*, which has never been wanting in prudence and foresight.

The same Nation must consider their own particular interests, and their commerce and treaties with the *Spanish King and Nation*; the alteration, division, and

1700.
State of
the Court
of Vienna.

Memoirs of
Marshall
Villars.

The two Princes more immediately concerned in its operation, viz. the Emperor and King of Spain, loudly declared against it from the beginning. The former, soon after the conclusion of it was notified to him, returned for answer, "That he was astonished, that any disposition should be made of the Spanish Monarchy, during the life-time, and without the consent of the present Possessor; and, that contrary to justice and a deco-

rum, himself, who was the rightful heir to the whole, was to be compelled to accept a part of it within the space of three months, under the penalty of forfeiting his share to a third person not yet named. That, however, he could take no final resolution till the return of a Courier from Madrid, who was to bring him an account of the King of Spain's sentiments, on an affair of such consequence to both of them." In this answer, the

1700.

and partition of which would necessarily be very detrimental to them; and all this may be prevented by desisting from the project in hand, and by not promoting innovations, destructive at all times to Empires and Kingdoms.

That the Ambassador Extraordinary of Spain will manifest to the Parliament, in the next Sessions, the just resentment which he now expresses, in the same manner as his Master has caused it to be shewn to all the public Ministers of the Kings, Princes, and States, that reside at the Court of Madrid.

The translation of the paper sent to the Spanish Ambassador, and which was written in French by Mr Secretary Vernon, and dated, the 30th of September 1699.

His Majesty having seen the paper, which the Secretary of the Embassy of Spain has lately delivered, by order of your Excellency, to the Lords Justices of the Kingdom; his Majesty thinks the contents so insolent and seditious, that, in resentment of so extraordinary a proceeding, and which can by no means be justified by the Law of Nations, he orders, that you go out of his dominions precisely in eighteen days, to be counted from this notification; and that you keep in your house till your departure. I am also ordered to let you know, that these are the orders of his Majesty, that no writing be any more received from you nor any of your domestics.

Mr Stanhope to the Earl of Manchester.

Madrid, Nov. 5, 1699.

By the inclosed copy of the complaint I have made here against the Marquis de Canales's proceedings, your Excellency will judge I have seen his insolent and seditious paper. They readily received mine, which I much doubted they would not; and it was sent within an hour hither from the Escurial to the Council of State. This was the day before yesterday in the morning, and they have been in close consults ever since. I have advices from several hands, and from persons of the first rank, that the resolution will probably be moderate; and that they will disown their Ambassador, so far at least as to the brutality of his expressions, and it may be as to the substance, now they find the world generally cry out against the folly, as well as insolence of it; though I am satisfied he had orders to do the thing, but not in that manner. This makes me willing to give them time to bethink themselves before they run on headlong into mischief, against which they are so ill provided, and it is a latitude my orders allow me. Besides that if I can prevent a breach, and procure his Majesty humble satisfaction, I shall believe I do both Him and my Country good service.

The English translation of Mr Stanhope's paper to Don Antonio de Ubilla, delivered at the Escurial, the 3d of November 1699, N. S.

Don Alexander Stanhope, Envoy Extraordinary of the King of Great Britain, kisses the hands of Don Antonio de Ubilla, and says, that he has orders from the King his Master, immediately to pass to the Royal knowledge of his Catholic Majesty the just motive of complaint given him by a paper, which the Secretary of the Marquis de Canales, by order of his Majesty, Numb. XXVII. Vol. III.

ter, delivered to the Lords Justices of England in London, of which the adjoined is a true copy, and from whose contents, besides the rude and provoking language, it is manifest the design of it was to stir up sedition in his Kingdoms, by appealing to the Parliament and People of England against his Majesty; which is to own them Superiors to his Royal Person, than which nothing can be more absurd and contrary to the Constitution of the Government of the Kingdom of England; and is what the said Marquis de Canales, Ambassador from his Catholic Majesty, neither ought nor could be ignorant of, after so many years residence in it. Notwithstanding which the paper is full of contumelious terms to his Majesty's Person, making use of several artifices, of insinuations and threats, purposely to breed a misunderstanding and dissention betwixt his Majesty and his Subjects; an attempt, which no Sovereign Prince can suffer in his dominions: And therefore the King of Great Britain, his Master, found himself necessitated to stop, as soon as possible, a mischief, which by the industry of the Marquis went on spreading itself daily, by ordering he should be required to go out of his Kingdoms; and finally, the said paper, being both in words and substance, affrontive to the Majesty and Sacredness of Kings, the King of Great Britain, his Master, does not believe it possible, that the Marquis writ or published it by the orders of his Catholic Majesty, but on the contrary, persuades himself, that this his resentment will be much to his Royal satisfaction, as made for the common cause of all Kings; and that Don Alexander Stanhope will hope, that Don Antonio de Ubilla pass all this to the Royal knowledge of his Catholic Majesty, whom God preserve, remaining Don Antonio's most humble and affectionate servant.

Madrid, the 2d of November 1699, N. S.

Mr Stanhope to the Earl of Manchester.

Nov. 12, 1699, N. S.

The next day after my last, which was November 5, I had certain notice from several hands, the King had taken his resolution of ordering me to be gone; whereupon at midnight I dispatched to the Escurial my agent, with the paper, of which the inclosed is a copy. The Secretary of the *Despacho Universal*, Don Antonio de Ubilla, would not receive, but was willing to hear the contents by word of mouth, and that was as much as I desired. Two days after, the Conduécter, or Master of the Ceremonies, came to order me in the King his Master's name to be gone out of the Spanish dominions within eighteen days, and not to stir out of my house till I should begin my journey. Your Excellency has the answer I gave my Conduécter in the same sheet with the former. I have every day since solicited my passports, being ready to be gone whenever they give them me; and am told the reason of the delay is to know by next post, whether any passports, and in what form they were given to the Marquis de Canales in London, that they may exactly imitate the same with me.

The translation of Mr Stanhope's paper to Don Antonio de Ubilla, expressing the King his Master's orders to return home, and desiring his Catholic Majesty's passports.

Don Alexander Stanhope, Envoy Extraordinary from the King of Great Britain, kisses the hands of Don

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1700. the Imperial Court persisted with little variation, except that their refusals became stronger and sharper, they more they were pressed; and sometimes they pretended, what they could not believe, that *Charles II* was in a fair way of recovery, and might have posterity of his own. This was the language of their public memorials; but the Counts *Harrach* and *Kaunitz*, the principal Ministers of *Leopold*, talked in a higher and more confidential stile to the

French Ambassador, the Marquis de Villars. 1700. They expressed, in their private conferences, the strongest resentment at the conduct of the Maritime Powers, not unmixed with terms of disrespect towards King *William*, and insinuations, that domestic factions had rendered his Government weak and contemptible. They assured him, that their Master would put every thing to hazard, rather than accept a treaty, which must reduce him to an absolute dependence on England

Antonio de Ubilla, and says, that having already represented to his Catholic Majesty, whom God preserve, the motives, that necessitated the King, his Master, to send the declaration, he lately did, to the Marquis de *Canales*; and Don *Alexander Stanhope* having no other orders but to return to his Majesty's Royal presence, as soon as possible, he communicates this to Don *Antonio de Ubilla*, that he may please to put it into the Royal knowledge of his Catholic Majesty, whom he beseeches at the same time, with all humble submission, to order such passports to be given him, as will be necessary for such a voyage; and Don *Alexander Stanhope* remains Don *Antonio de Ubilla*'s most humble and affectionate servant.

Madrid, November 6, 1699.

Mr Stanhope's answer to the Conduktor of Ambassadors, when he came with a message from the King to order him to leave the Spanish dominions in eighteen days, and not stir out of his house, till he should begin his journey.

You will please to tell his Catholic Majesty from me, that I will punctually comply in all that you have intimated to me by his Royal order, because in so doing I shall obey the orders of the King my Master, as his Catholic Majesty cannot but have been informed by Don *Antonio de Ubilla*, to whom I communicated it two days ago by my Secretary at the Escurial, desiring at the same time passports necessary for my voyage; that I am glad to see their two Majesties minds so unanimous, and desire they may continue the same in all other matters.

The Substance of the Earl of Manchester's audience of the French King at Versailles, on Sunday, Nov. 15, 1699.

S I R,

The King my Master having found, that Monsieur de *Tallard* was, by his instructions, obliged to quit *Holland* before he signed the treaty, which was projected with your Majesty, relating to the succession of *Spain*; his Majesty has ordered me to desire this private audience, to assure you, Sir, that the King continues in the same sentiments he was always of in regard to that treaty. Your Majesty knows very well the good offices employed by the King my Master, to make the Imperialists enter into it. He has also done all he could to make the States like it. His Majesty continues to act as he did. As to what concerns the King's signing it, he caused the Earl of *Jersey* to come into *Holland* expressly for this end; and I doubt not, but the Count of *Tallard* will have told your Majesty, how often the King my Master has offered himself to sign it, to shew, that he was ready to do all that depended on him. Your Majesty will give me leave to be a little long, in telling how this affair has passed, that so your Majesty may have it perfectly cleared up, that there is no alteration in the intention of the King my Master. The business was proposed to the States of the Province of *Holland*, as to those, who were the most interested in it; for it was not apprehended, that any obstacles should be met with elsewhere, if the consent of that Province was had. That was also the best way to make the secret of this affair less apt to be divulged.

Sir, If it has been represented to you, that the King my Master might have made use of the credit he has with the States, to cause this treaty to be concluded; I will own, that the King has a great deal of credit in that country. But this credit does always conform itself to the manners and customs of the country; and, tho' the States had found no objection, the business could not have been ended without the consent of every city, which could not be had in less time than a month or three weeks, as the Pensionary and the Earl of *Portland* have given Count *Tallard* to understand. But, whilst his orders did not give him leave to wait for the conclusion of the affair, the King my Master hopes, that your Majesty will renew your orders to Monsieur de *Tallard*, or will send orders to Monsieur de *Bonrepos*, to endeavour to remove all obstacles, that so the project of the treaty may have its effect.

The French King's answer.

I own I was a little surprized, that the affair was not finished at the expiration of the time, and before the King your Master did set out for England. I am satisfied with the assurances, which you now give me from him, that he continues still in the same intention; and I hope he will still continue to contribute all he can with the States. As for me, I am still of the same mind, and I act with the same sincerity. I will soon send Monsieur de *Tallard* with the necessary instructions.

When I said, "That the reason the States of *Holland* were not sooner acquainted with it, was, that it could not be proposed to them, till it was known, whether the Imperialists would come in or no;" the King said, *They have had time enough given them, and even too much.* As to Count *Tallard*'s having orders to come away, the King took no notice of it, nor that he had been informed of every step. Upon my saying, "Monsieur *Tallard* has been informed of all that has been done in this affair, and has even seen all the letters, which Mr *Hop* wrote to the Pensionary; and, it being first proposed to the Province of *Holland*, it seemed that he was satisfied in these points," I took occasion to see, if Monsieur de *Bonrepos* had any orders, saying, "That the King my Master is desirous that your Majesty should be informed by Monsieur *Tallard*, or Monsieur de *Bonrepos*, of all that passes; and even the States will always have a great regard for all that comes from your Majesty." The King answered, *In this affair I confided only in Monsieur de Tallard; and I know very well, that the King your Master has more credit than I in Holland on this occasion.* When I said, "That the King had recommended it to the care of the Pensionary, and that we hoped, that the difficulties were such as might be surmounted," The King answered, *That he hoped so too; and that he imagined, that somebody would come from the States into England; and that the treaty would be signed there.* The King said also, *As you know, I have it under the hand of the King your Master, as he has it under mine.* Then I said, "I have also, Sir, particular orders to tell your Majesty from the King, that as he has acted on this occasion with an open heart, and with all possible sincerity; so he will continue to act on all other occasions that may be able to contribute to the strengthening the friendship and good correspondence with your Majesty." The King an-

1700. *England and Holland, for the preservation of Spain and the Indies in his family, and, at the same time, robbed him of the Milanese. They threw out frequent overtures, that his Imperial Majesty was willing to take up with the Dauphin's share of the partition, or to concert a new one with Lewis XIV, which should coincide better with their respective interests. But whether these offers were despised at Versailles, or the sincerity of them suspected, the Marquis de Villars received no other instructions in answer to them, than that the King did not think it*

right to admit any alteration, without the consent of his Allies. The Emperor's obstinacy in rejecting the treaty, amazed all those, who were acquainted with his circumstances. His Cole. troops, if complete, did not amount to seventy thousand men; but, for want of recruits, they were far short of that number. He was indebted between twenty and thirty millions of florins; and his Chamber of Finances had scarce credit enough to supply him with necessaries. It was generally believed, that he placed his chief reliance on the chapter of accidents, or
on

swered, *You may assure the King, your Master, that I will do the same.*

Mr Prior set out, on the said 15th of November 1699, with this account of the audience, for London.

The Earl of Manchester to the Earl of Jerley.

Paris, Nov. 21, 1699.

The same day Mr Prior left this place, I went to Versailles, and had my audiences, where passed what is usual on such occasions. The King expressed himself in very obliging terms, mentioning the great desire he had to continue the good correspondence, that was now so well established; and that he did again repeat to me what he had formerly assured me of, &c. I made Monsieur de Torcy a visit, where I took occasion to discourse of what had passed in my private audience. I knew he expected it, and was also willing to find out his sense of the matter. He said, That the King had acquainted him with it: That I had fully explained the whole proceeding to his Majesty: That Monsieur de Tallard was to set out on Monday next. He did still seem to insist on the great credit our King had with the States, and, laughing, said, he wondered I should lessen it. I told him, I did own the States had always shewn a great regard to every thing, that was proposed by his Majesty: That the assurances, I had given this King, were, that he had recommended it, and would continue to do it; so that nothing would be wanting on his part: That, though there were great hopes of a good conclusion, yet, till it was agreed to by the States, it was more than could be said, that they would certainly do it. On the whole, I find the Court impatient till it is done, by saying, No time was to be lost: That the King of Spain's life was very uncertain: That, by the last account they had, he was ill again. I waited on Monsieur de Tallard this morning, and his discourse was much the same. He gave me to understand, that, though Monsieur de Bonrepos would seem to be concerned in this affair, he was not: That he hoped to find all things ready at his return into England, which would be on Saturday next: That he had all the duty imaginable for the King: That his intentions were and always would be, to endeavour to continue a good understanding between our Masters. To which I replied, as was proper on such an occasion, 'I hope Monsieur de Tallard will be so just, as to give it the same turn in England, he does here.'

The Earl of Manchester to the Lord Chancellor Sommers.

Paris, Decemb. 8, 1699.

As to the affair, that passed in Holland this summer, I cannot see why the States should make any difficulty, since the year before they did agree to a proposal of that nature; and the same reason does still continue, unless they were desirous to see first the success of their Tariff there, which was yesterday settled and exchanged.

The House of Austria will never agree to any thing till it is too late. Besides, they think our interest is so much concerned, that we shall at all times procure them some conditions; and, on the other side, the fear they have of disobliging Spain makes them so very cautious, as not to come into any proposal what-

ever. I must confess, I am impatient to see the conclusion of this matter. For, in case it has not the effect we always proposed, I shall be sorry it has gone so far: And I know this Court will be much dissatisfied with us, and may be with some reason. All I have acted in it has succeeded as was desired.

The Earl of Manchester to the Earl of Jerley.

Paris, December 23, 1699.

I was this day with Monsieur de Torcy. — He took notice, that the affair of Spain was still depending, and not agreed to, which might be a great prejudice to this King, since they had now a good opportunity of turning matters to their advantage, the Queen of Spain being dissatisfied with the Court of Vienna. He did not mention the occasion, but I fancy it is something in relation to the Countess of Berlip. All I said was, that I was assured, that the King my Master would contribute all he could to bring that matter to a good conclusion. He answered, that the King was fully satisfied of it.

Count Zinzendorf had an audience of the King this day, having just received a Courier with the news, that the Queen of the Romans was brought to bed of a daughter. The King told him, as he says, in a very obliging manner, that he had given orders to Monsieur de Villars to take his audience of the Archduke in the manner the Emperor should think fit. So that at present this Court seems desirous to oblige the Emperor as much as they can.

The Earl of Manchester to the Earl of Jerley.

Paris, Decem. 31, 1699.

I never see Monsieur de Torcy, but he speaks to me of the great affair. On Tuesday last I was there; I found him appearing a little more concerned: He said, that matters were still under such uncertainties, that they could not tell what to depend on: That he did not find, that this affair was any way advanced: That the King of Spain had been indisposed again since his return to Madrid, and might die of a sudden, which probably would produce a new war in Europe, in case those measures, that were proposed, were not first agreed to. I could give him no other answer, than that I believed he was satisfied nothing would be wanting on the King my Master's part; and that I believed Monsieur de Tallard was acquainted with what passed. He said he believed not; for that he had asked an audience of the King, but could not have it, by reason the King was to go to Hampton-Court; and that at that time there arrived three posts from Holland. I told him, that I did not doubt but Monsieur de Tallard had told him how easy of access the King was: that I had seen him speak to the King about business, even without so much as asking an audience, or acquainting the Secretary of State with it. I said, as for myself, that I thought, if Monsieur de Tallard had not left Holland so soon, it might have facilitated this affair. To which Monsieur de Torcy answered, that they had nothing to do with the States, having only treated with the King of England: That Monsieur de Bonrepos was come to Paris, so that they had no Ambassador there, seeming to insist very much on this point, that it was not in the least their business: That
several

1700. on what the superstition of his Family, or adulation of it's Partizans, have stiled the Miracle of the House of *Austria*. But the true spring of his refusal was, that, in *June* this year, the King of *Spain* made a disposition in favour of his second son, which they knew at *Vienna*, and yet took no measures to render it effectual, by marching troops into *Italy*, or sending the young Archduke with a sufficient force into *Spain*; both which schemes had been in agitation.

State of
the Span-
ish Court.
Cole.
Boyer.

The affairs of *Spain* were all this summer in a

terrible ferment. The King had frequent returns of his illness; and it was expected, that every relapse would carry him off. The Administration was in a most feeble and disjointed state; the Nobility split into factions; the People mutinous and discontented. On the first knowledge of the treaty, they appeared highly incensed, that three foreign powers should undertake to transfer their allegiance, and parcel out their Dominions. They considered a partition as the greatest diminution of the splendor and strength of the *Spanish* Monarch. The Grandees

Memoirs
of Count
de Har-
rach.

several months were passed since the time they had reason to believe this matter would have been finished, &c. I cannot tell but he expected some light from me, or it may be Monsieur de Tallard is uneasy, and has made them so. I found by Monsieur de Tallard, the night before he went from hence, that he thought by *Christmas* this matter would certainly be ended. He said, in case it had a good conclusion, he should be very glad to stay in *England*; if not, he hoped he should be recalled, and some other should be sent. It may be, that this Court was of the same opinion; and that, finding the contrary, it makes them doubtful of what the success will be. Monsieur de Torcy nevertheless did not seem to make any doubt; he only said, that in cases of this nature time was not to be lost.

The Earl of Manchester to the Earl of Jersey.

Paris, Jan. 6, 1700.

I am in hopes the grand affair goes on well, since Monsieur de Torcy, discoursing yesterday with me, as he generally does, told me, that the Pensionary of *Holland* had told Monsieur de *Bourenpos* that the Province of *Zealand* had given their consent; and, there being since some time past, it is hoped we shall soon know the success; which will make this Court easy. Monsieur de Torcy pretends they have proposals of treaties from all parts, but that the King does much more desire and seek that with the King of *England* than any other. Monsieur de Torcy has received by an express a letter from Monsieur de Tallard of the 30th of *December*, N. S. which is two days fresher than ours. He seemed much better satisfied than the time before.

The Earl of Jersey to the Earl of Manchester.

Whitehall, Jan. 11, 1700.

The great affair is come to a good conclusion; the Province of *Holland*, having consented to it, except some little reserve, which will be of no consequence. Your Excellency will be pleased, as you may occasionally discourse with Monsieur de Torcy, to let him know this; which may prevent any thing, that Tallard may represent otherwise, on this subject.

The Earl of Manchester to the Earl of Jersey.

Paris, Jan. 27, 1700.

I was, yesterday, with Monsieur de Torcy; who had received an express from Monsieur de Tallard, with news, That the affair was concluded: That the only difference that remained, at present, was, That the States would have their part signed in *Holland*; and Monsieur de Torcy did not well know how this could be done, the French King having no Minister there. I found Monsieur de Torcy very well pleased; and, in case that matter is not otherwise agreed on, I could perceive, that would be no obstruction; but the French King will send a person into *Holland*.

The Earl of Manchester to the Earl of Jersey.

Paris, March 31, 1700.

The treaty is come from *Holland*, though the counterpart be not yet, because, as Monsieur de Torcy said,

they could not tell, but the Courier might have been stopped in *Flanders*; so they would not send them together. It does begin to take air, and Count *Zinzendorf* has some notice of it, having discoursed to me of the several heads. I have been far from giving him any light into that matter; only so far, as I have often said before, when I found him alarmed at the illness of the King of *Spain*, That I thought it would be happy for *Europe*, if there could be a compromise; but that that would very much depend on the Emperor. He said, I might be assured the Emperor would agree to any thing, that was reasonable. I avoided, always, going any further, without orders; though I cannot see, but he will be soon informed of this whole matter, whenever it is again propoled at *Vienna*.

I do believe, this Court will do what they can, in order to a peace in all parts. The reason why I think so, is, because Monsieur de Torcy says, It would be necessary, that most of the Princes in *Europe* consented to what is agreed on in *England*; which cannot be so well done, if they are in war one with the other.

The Earl of Manchester to the Earl of Jersey.

Paris, May 8, 1700.

I desired Monsieur de Torcy would let me know, when he would mention the late treaty to the Emperor's Minister; and what measures they intended to take, that I might act conformable to them: He said, He should take no notice of it to him, till next *Tuesday* sevensnight: That they would send orders to Monsieur de Villars (with a copy of the treaty) to communicate it to the Emperor; and to send back the Courier at the expiration of eight days, in case he had no answer, and to declare, that this King shall look upon it as a refusal: That, left the Emperor might engage the Pope, the French Ambassador at *Rome* is to communicate it also, and to desire it may be kept a secret: That they think proper to act in the same manner with the Republick of *Venice*, and they will impart it to their Ambassador here about the same time they mention it to the Emperor's Minister. As for *Spain*, they thought it not yet proper. He said, they should now soon see the success of this great affair, and the King would have the honour of it, and the case was extremely changed in two years: That the King had now all the obligations and interest to wish for the life and welfare of our King, assuring me of the great concern he was under some time this winter, when they heard from Monsieur de Tallard, that he was a little indisposed. This, I take it, is not unlikely, it being plainly their interest; else I should not easily be persuaded of their good intentions. I wish it was so elsewhere.

The Earl of Manchester to the Earl of Jersey.

Paris, May 19, 1700.

Yesterday Monsieur de Torcy acquainted the Emperor's Minister of the whole affair. He seemed mightily surprized, and complained much of the proceedings of our King, taking notice of the many engagements, that have been made between his Master and Him. To which Monsieur de Torcy answered, That he thought he had no reason to complain, after what had passed on that subject at *Vienna*, and that the Emperor had been

1700. dees, in particular, could not endure to be deprived of so many lucrative Governments; and it was the universal cry, that *France* alone could maintain their Succession intire, and recover them out of the calamity, to which they were reduced. It is the common opinion, that the seeds of this great Revolution were laid by the capacity and address of the Marquis d'Harcourt, during his embassy at *Madrid* in 1698; and that he found means to gain over the Cardinal Portocarrero, the Marquis de Monterey, and de los Balbazes, besides several others of the principal

Memoires
d'Harcourt.

Nobility, Lawyers, and men of note in *Spain*. However this may be, it is certain, the mismanagements of the present reign, and the rapacious and violent carriage of the Queen *Mariana*, aunt to the Archduke *Charles*, had intirely alienated the hearts of the whole nation from the *Germans*; and that they were disposed to receive with open arms a grandson of *Lewis XIV.*, provided they were assured of never becoming a province to *France*. Nor did the reflection, that a Prince of the *Austrian* line must owe his chief support to Heretics, carry a small weight along

1700.

been informed of every thing, that was now agreed to: That this matter was not of a new nature, for that there had been a secret treaty between the Emperor and *France* concerning the Succession of *Spain* in 1668. When I saw Monsieur de Torcy, he told me all that had passed, and I was glad to hear of this secret treaty, that being a good argument to Monsieur de Zinzendorf, as you will find afterwards. He soon took notice of it to me, and began much in the same manner as with Monsieur de Torcy. I told him, I wondered to see him so much surprized, since for some time he always assured me, there was such a matter in agitation, and that it was concluded: That, if he would consider a little, he would be convinced, that the King had not only considered the interest of *Europe*, but in particular that of the Emperor: That what might be very doubtful, and even not likely to be obtained by a war, might now be secured by a peace if they pleased. He said, What faith can be expected, if the *Pyrenean* treaty, and the renunciation, that *France* made, was not valid? To this I answered, That I believed the Emperor did not take it to be a full decision in relation to *Spain*; else he would not have made a secret treaty with *France* in 1668, wherein he yielded much more, as I was informed. I then proceeded to shew him the situation of affairs. I represented the power of *France*, the interest they have in *Italy*, as also in *Spain*; and besides what he had often told me, that it was feared, that the *Spaniards* would declare themselves for a Prince of *France*; that I was of opinion, that he himself would think at last, that this was the only way to prevent it, and that they had it now in their power. Upon the whole matter he seemed partly convinced, and he begins now to think, that the King could obtain no better conditions, and that the only difficulty, that will remain, is what relates to *Milan*. I left him to judge, whether he thought the Princes of *Italy* would be contented, that either *France* or the Emperor was master there. After this discourse he went again to Monsieur de Torcy, and desired a copy of the treaty, which he said he would send him, and then made him some proposals as from himself, that he might be the better able to inform his Master; which he afterwards acquainted me with, and which I send your Lordship in his own words, as well as I can remember them. He is now so apprehensive lest *Spain* should declare for *France*, as you will see by the questions he asked Monsieur de Torcy, that he will do what he can for the treaty; and it is thought he is very well with the Emperor. He sends this day an express to *Vienna*, and, I think, one to Count *Harrach* in *Spain*, as does also the *Spanish* Ambassador, whom Monsieur de Torcy has acquainted with the treaty, and given him a copy of it. He only said, it was a matter above his understanding, but he would not fail to inform his Master of it. The *Venetian* Ambassador is also acquainted with it; and Monsieur *Calliere* goes this week to the Duke of *Lorraine* to notify it to him. So your Lordship will judge it will not be long a secret.

Count *Zinzendorf* asked Monsieur de Torcy of his own accord, after the agreement betwixt *England*, *France*, and *Holland* had been shewn him:

‘ 1. Whether *France* will consent to the Arch-No. 27. Vol. III.

‘ duke’s going into *Spain*, during the life of his Catholic Majesty?’

Monsieur de Torcy’s answer:

France does consent to it, on condition that the Emperor accepts the conditions.

‘ 2. Whether, in case the *Spaniards* would make choice of a *French* Prince within the given term of three months, it be agreed not to give ear to the proposals of *Spain*?

Yes, it is agreed.

‘ 3. That the cession of the Kingdom of *Naples* ought, in my opinion, to be understood as only to the descendants of Queen *Mary Teresa*; and that it is by no means to be incorporated with the Crown nor the House of *France*?

That this will be made easy, and that there will be no difficulties about it.

‘ 4. Whether there was any room to hope, that *France* would change or accommodate some things in the treaty?’

That the King was in so good a disposition, that he would come into anything; and that this treaty was not of that nature, that nothing could be changed in it, so it be done by the common consent of *England*, *France*, and *Holland*.

The Earl of Jersey to the Earl of Manchester.

Hampton-Court, May 13, 1700, O. S.

I have your letter of the 19th, and laid it before the King. His Majesty approves of what has been said to Count *Zinzendorf*, concerning the treaty, only as to the second query:

‘ Whether, in case the *Spaniards* would make choice of a *French* Prince within the given term of three months, it be agreed not to give ear to [attendre] the proposals of *Spain*?

A. Yes, it is agreed.

‘ The sense of these words is it not this? That, though the *Spaniards* should, within the three months, propose to make choice of any Prince of the House of *Bourbon*, yet the *French* shall not in that case hearken to such a proposition, but shall adhere to what is literally prescribed in the treaty. Your Lordship will see, in discoursing with Monsieur *Zinzendorf*, if he does not understand it thus; and take care, that it be so explained to Monsieur de Torcy, as to leave no room for any difficulty.’

The Earl of Manchester to the Earl of Jersey.

Paris, May 26, 1700.

I have acquainted your Lordship already, that the only discourse we have here is concerning the treaty with *England*, and I have made some enquiry, which way it could come to be so soon public; and it happened thus: The King sent for Monsieur on *Thursday* last, and informed him of it, and even of the particulars, saying it was no longer a secret, for he had informed most of the Princes of *Europe* of it. This was sufficient to make it known; and it was certainly designed

1700.
Military
History.

along with it in the minds of a superstitious people. *Portocarrero* for the repose of the King's conscience, which sometimes suggested to him the unnatural part he was about to act, in depriving his own family of their just rights, advised him to consult the Pope on this momentous point of regulating the Succession. *Innocent XII.*, who was firmly attached to *France*, after taking the opinion of a college of Cardinals, determined against the validity of *Queen Maria Teresa's* renunciation, as being founded on compulsion, and contrary to the fundamental laws of the *Spanish* Monarchy; and exhorted his Catholic Majesty to make his will in favour

of one of the *French* King's grandson's, by 1700.
which he would effectually contribute to the propagation of the faith, and the repose of *Christianity*. As soon as this infallible decision was procured, the Cardinal of *Toledo* redoubled his efforts, to persuade his Master to act in conformity to it; who accordingly signed his Testamentary disposition, in the beginning of *October*, N. S.

With regard to the conduct of the *French* King, whilst this transaction was depending, it is too extraordinary not to be a little insisted on. Some have thought, and not without sufficient grounds of probability, that in the proposal
Conduct of the French King.
Different sentiments about it.

designed so. It does occasion different opinions, tho' I find, that, the more they consider, the more they approve of it. The *Italian* Ministers were the most alarmed by what the *French* are to have in *Italy*, with the several ports, which makes them matters there whenever they please. But the chief point is, that all these places are annexed to the Crown of *France*. They say, if they were to go to a younger son, that might make all that matter easy. We are to see here *Monfieur de Torcy* to-morrow, the Court being still at *Marly*, and then I shall be better able to give you an account how affairs stand. I hear the *Spanish* Ambassador does act very prudently, and has softened the matter as much as possible to the Court of *Spain*.

The Earl of Manchester to the Earl of Jersey.

Paris, May 29, 1700.

I never fail, when the Ministers here speak of the King, to assure them of the particular esteem he has for his most Christian Majesty, &c. and I had yesterday a good opportunity of repeating it at a conference I had with *Monfieur de Torcy* about the treaty, &c. I am of opinion, that the Emperor's Minister here will press that matter at the Court of *Vienna*, he being more convinced than ever, that it is for his Master's interest to agree to it; and *Monfieur de Torcy* did own to me, that he found him much altered since the last time he saw him; and he told me of the propositions he had made him, and which I have already acquainted you with. The Courier, which was sent to *Monfieur de Villars*, is expected back every day, and will give us some light as to which way this will turn. The Duke of *Lorraine* has acceded, but it is at present a secret, as *Monfieur de Torcy* says, because he is willing to keep measures with the Emperor, as you will be told by *Monfieur de Tallard*, if he has not told you already.

The Earl of Manchester to the Earl of Jersey.

Paris, June 2, 1700.

I had the honour of your's of *May* the 13th, and am sensible the second proposition of *Monfieur de Zinzendorf* might have been plainer by the word *écouter* instead of *attendre*; but I was willing to keep his own words, not having then discoursed with *Monfieur de Torcy*: though I now find his answer went further, and on that query he said, 'provided the Emperor within the term of three months signed and ratified; else they should not think themselves obliged.' This he added, in order to leave him in more doubt, which he thought was proper at present; though he said it was not very likely the *Spaniards* would now be more their friends; and besides, this King would keep strictly to what is prescribed by the treaty. I afterwards talked to *Monfieur Zinzendorf*, who understands it in your Lordship's sense, and I did explain to him further what *Monfieur de Torcy* had told me concerning that matter. At first he did not intirely agree to it, though there was little difference, so that there can be no ill consequence from it; and this matter is so settled, that I hope the King will approve of it.

Monfieur de Torcy made some excuse to me, and said, the time would not permit them to consult first with the King in relation to the Duke of *Lorraine*, and told me, they had sent a project to be signed by him, and it was not convenient to let this matter cool: That some conditions were sent, but such as would cause no disputes: As, 1. That the Duke is not to quit *Lorraine* till he is in possession of *Milan*. 2. That *Milan* should go to his heirs and family, as *Lorraine* now does. 3. That the *Dauphin* should renounce all his claim. 4. That they would not agree with the Emperor 'till the investiture from him was settled, if necessary, in relation to *Milan*. *Monfieur de Tallard* has a copy of this project; and, when it is signed, which will be very soon, it will be necessary, that the King and the *States-General* should sign an act to confirm the same. *Monfieur de Villars* has communicated the treaty to the Emperor, who declared in general terms, that he was very much inclined to the peace of *Europe*. By the Couriers, which he was to send eight days after, he will explain that matter further. *Monfieur de Torcy* says, they have an answer from the *French* Ambassador at *Rome*, and the Pope seems to approve of the treaty. After this he said, it would be very convenient, *England* and *France* should always act in concert in the affairs of *Europe*; and let fall some words, as if he understood there was a treaty on foot between *England*, the Emperor, *Denmark*, and *Poland*: That the *Danish* Ministers had made several offers in *England*, &c. I told him, I thought there was nothing of that nature, and it was not very likely, because we sent our fleet to assist *Sweden*, which was in a manner declaring against *Denmark* and *Poland*: That I supposed their Minister here had made proposals to this Court, at least it was said so. But, since the assurances he had given me, that no alliance or treaty should be made with them, till matters were composed, without communicating it to the King my Master, I was intirely satisfied, and I hoped he would be so likewise, reports of this nature being generally spread to create misunderstandings.

The secret treaty of 1668, was signed by the Father of Count *Auerberg*, who is now with you. The Emperor then consented, that *France* should have *Naples* and *Sicily*, all *Flanders* and the *Philippine* islands. Count *Zinzendorf* says he was banished for that reason.

The Earl of Manchester to the Earl of Jersey.

Paris, June 9, 1700.

The Courier, which *Monfieur de Villars* was to send back from *Vienna* eight days after his arrival, is come back. *Monfieur de Villars* writes, that he had discoursed with Count *Casintz*; that he was pressed to stay some days before he sent back the Courier; that, when they found he could not do it, they let him know, that the Emperor would, in ten days time, give him a positive answer; and that he would not take any measures with *Spain*; and they believed it would be such an answer, as he would think worth sending by another express. So they think here, this matter is in a good way. He told me further, that
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1700. and conclusion of this Partition, his sincerity ought to be unquestioned; and that he really considered it at that time as more for the immediate interest of his Crown, to annex to it for ever those dominions, which were to be given him as an equivalent for the *Dauphin's* pretensions, than to put his grandson in possession of the whole Monarchy. But the Emperor's unexpected refusal of his concurrence, the abhorrence, which the *Spaniards* shewed for being dismembered, and, above all, a persuasion, that *England* would not renew the war, induced him to break through his engagements, by accepting the will. We must however confess, that it has

been the more prevailing opinion, that his most Christian Majesty meant only to deceive and amuse from the beginning, and made use of what was his own proposition, as an argument to persuade *Charles II.* to leave the Duke of *Anjou* his sole heir. Let this be as it will, the treaty was no sooner ratified, than his Ministers at foreign Courts co-operated with those of *England* and the *States-General*, in pushing the acceptance of it; and when King *William*, having received some intelligence of *Harcourt's* negotiation, expostulated with him upon it by letter, the *French* King not only denied his knowing any thing of the matter, but declared under his

1700.

Dr Hare's negotiations for a treaty of peace in 1709 considered, in a third letter to a Tory Member, p. 5.

the Duke of *Lorraine* desired an explanation concerning the Sovereignty of *Bisch*, which, by the treaty, is to go to the Prince of *Vaudemont*; that the Duke had reasons to think he had no right to it at present, and therefore whatever he signed should not prejudice his title, till the treaty took place. This we have allowed him, and they understand that the Prince of *Vaudemont* is to have the Sovereignty, when the exchange is made. Monsieur de *Torcy* took notice to me again, that the *French* King would act in nothing without consulting the King, and he supposed he was fully satisfied of it, and that he approved of what had been done. I thought it proper to assure him of it, &c. It is certain, the credit and reputation of the King was never so great here, as it is now. Though I can never be persuaded they love him, yet I am confident they esteem him, and desire his friendship I must tell your Lordship, all agree, that the Duke of *Sevoy* is rightly served. His Minister here is very uneasy.

Mr James Cresset to the Earl of Manchester.

Hamburg, June 14, 1700.

The late league concerning the *Spanish* Succession makes a great noise in the world. If the Emperor be pleased, it is no great matter what others say or do.

Mr Paul Methuen to Mr Abraham Stanyan.

Lisbon, June 15, 1700.

We are likely to have a more busy scene of affairs than has been usual; for, the last day of *May*, there arrived a Courier in eleven days from *Versailles* to the *French* Ambassador; which is an extraordinary diligence. The day after his arrival, the Ambassador desired a secret audience of the King, which being granted, he remained an hour in private with him, no body being in the room but the King and himself; during which he shewed him the treaty in *French*, that was signed by the Earls of *Portland* and *Jersey*, Count de *Tallard*, Count de *Briord*, and eight *Dutch* Plenipotentiaries, for the dividing the *Spanish* Monarchy between the Arch-duke and the *Dauphin*, if the King of *Spain* should die without any children. After he had shewed the treaty, and explained the contents of it, he made a speech to invite him into it, setting out his Master's great kindness shewed to the King of *Portugal* on this occasion, in giving him so sudden notice of what concerned so nearly the interest of this Kingdom. The Ambassador received no answer from the King at his audience; so he dispatched back the Courier to give his Master an account, that he had obeyed his orders; and four days after he sent one of his servants post with the answer he received from the Duke of *Cadaval*, his Commissary, which was, that, this being a business of great consequence, it required some time to consider of it; and that in the mean time the King returned his most Christian Majesty thanks for this particular demonstration of his kindness, and assured him, that no body could desire more earnestly than he, whatsoever was for the good and peace of *Christendom*. By this answer it seems

probable, that the King of *Portugal* will not take any resolution of being comprehended in the treaty, until he sees what the Emperor does; and that, in order to it, he will wait for Count *Wallenstein*, who has been some time at *Madrid*, and is expected here in a few days, the King's barges being already gone to wait for him on the other side of the river.

The Earl of Manchester to the Earl of Jersey.

Paris, June 16, 1700.

I find the *French* design very soon to communicate the treaty in all parts, as Monsieur de *Torcy* says, since *England* says there is no occasion of deferring it, especially in those parts of *Germany*, where the King has no Ministers; but, where he has, it is necessary they should all act at the same time. The *French* intend and think it convenient to do it to the Prince of *Hesse-Darmstadt* and the Duke of *Saxe-Gotha*, who were forgot. As for the Electors of *Hanover* and *Bavaria*, they leave that to us, the Elector of *Hanover* not being yet owned as such by this Court. The *French* Minister at *Mantua* is to have orders to communicate it there and at *Parma*, &c. And they have given their order for *Turin*. The Duke of *Lorraine* has not yet signed, though he pretends he will. He has called a Council of twelve persons, since which he has desired many explanations from this Court to what concerns his own country, that so they may have the same privileges when under *France*. Some are allowed, but he desires also not to be a Guarantee of the treaty, which desire is of such a nature, that it cannot be agreed to. We shall soon find, whether all this is not to gain time, and to see what the Emperor will do.

Mr Robert Sutton to the Earl of Manchester.

Vienna, June 19, 1700.

Understanding, that it would not be unacceptable to your Excellency to know what measures the Emperor takes in relation to the treaty newly concluded with *France*, I could not but rejoice at an occasion of doing your Lordship any pleasure, and take the liberty to acquaint you, that the Emperor has not hitherto taken any resolutions touching the treaty. All that has been declared is, that the Emperor, for reasons very well known, thought himself obliged to communicate with *Spain*, which is the party most concerned in his opinion, and that afterwards he would return an answer; which perhaps we may be forced to wait for till towards the end of the term allowed him. In the mean time your Excellency will easily judge the agreements to be very unwelcome to this Court. Some of the Ministers do not hide their high dislike of it. But nevertheless, though they do not explain themselves, I believe it is past doubt, that the Emperor will at length enter into it. The necessity of it is very clear, and will be often repeated to them.

Mr Stanhope to the Earl of Manchester.

Hague, June 24, 1700.

Here is a perfect good understanding between the *French*

1700. own hand, in a letter to the King, that, though a will should be made in favour of his family, he would take no advantage of it, but adhere to the Partition. Nay further, when Count Zinzendorf, the Imperial Minister at Paris, demanded in a *Memorial*, What part France would act, in case Spain should voluntarily place a grandson of the French King on the Throne? Monsieur de Torcy returned answer in writing, that it would by no means be listened to: And to the very last moment the Court of Versailles expressed, in all their steps, a fixed resolution of adhering to the treaty.

Cole.

When the secret of the Partition was divulged

in England, it was presently writ and talked into an unpopular measure, though visibly the only one, that could be taken to prevent a new war, in which the nation then seemed unwilling or unable to engage. The different censures it underwent were, that so important an affair ought not to have been concluded without the advice of Parliament: That it was contrary to the first separate article of the Alliance: That, unless concerted with the King of Spain, it was unjust in the contrivance, and hazardous in the execution: That the terms, which France had obtained, were prejudicial to the interests of this country, and destructive of the balance of power,

1700.

Dr. Davenant.

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French Ambassador, the Count de Briort, and me. I dispatched two days ago by his Courier copies of the late treaty about the Spanish Succession to our Ministers at Hamburg, Copenhagen, Sweden, and Berlin, to be communicated to those Princes, with instructions to endeavour to persuade them to approve and enter into the Guarantee for executing it. I am told your Excellency has done the same to Mr Methuen in Portugal.

The Earl of Manchester to the Earl of Jersey.

Paris, June 26, 1700.

The Court being at Marly, Monsieur de Torcy came on Thursday last to Paris, and, in the conference I had with him, he told me, that the Duke of Lorraine had himself signed the treaty with Monsieur de Calherre, and at the same time had wrote to the French King, that, notwithstanding he did not insist on the several explanations, and the proposals he had made, yet he hoped they would be granted him. The chief point, and which he desires most, is, that he may not be looked upon as a Guarantee, since he had neither troops nor money to maintain it, in case of a war. Besides, to act against the Emperor, he thought, was what in gratitude he ought not to do. It was not proper to allow him this, as I take it, for very good reasons, since it would have been an example to others to make the same difficulty, and especially to those, who have not the same advantage by this treaty. Yet it is explained to him, that it is not expected he shall give any other assistance than a free passage through his country, in the same manner, as he is already obliged to do by the treaty of Ryswick. He also consents to send some full power to sign it at the Hague, as I understand the King desires. Most of the other things he desires, and of which I think I formerly acquainted you, relate to his own country, when it shall be subject to France, and most of this is granted him. It was well he did not stay for an answer from Vienna; for, as I perceive, there is but little inclination there to agree to the treaty, as it is now; for, I take it, you will see them play another sort of game. Monsieur de Zinzendorf's Courier is returned, and he told me, that his orders were to assure me, that his Master was as much inclined as any body to preserve the peace of Europe; but, as the treaty was communicated in Spain, he could not come to any resolution, till he had heard from thence, I did perceive there was something more, and especially since I saw him so impatient to see Monsieur de Torcy, which he did press very much; and he saw him on Tuesday at a House near Marly, where he told him, he had orders from the Emperor to offer the Dauphin, instead of what he was to have in Italy, the West-Indies. Monsieur de Torcy said (as he tells me, and I cannot but think this Court will act sincerely) that the proposition was of such a nature, that he did not think it proper to acquaint the King with it, neither could he imagine that England and Holland could agree to it. To which Monsieur Zinzendorf answered, That France was able to maintain it by their fleet and troops, if they would accept of it. When he found this would not do, then he proposed, as from himself, that France should have Sardinia and

Luxemburg, in lieu of Lorraine, and the Emperor Milan. This was as extraordinary as the other. At last he said, it was impossible for the Emperor to agree to the ninth article, viz. That the Kingdom of Spain shall never descend to any one, who shall be at the same time Emperor or King of France, &c. After some further arguments, that passed, Monsieur de Torcy asked, Whether the Emperor would sign the treaty, in case this article was suppressed? He could not say any thing positively to that. I cannot tell but France would be easy enough in this alteration; but I take it to be against the interest of Europe to have it so. When Monsieur de Torcy acquainted me with this, I told him, that what he had proposed, was, in my opinion, of great consequence, and very unlikely to be agreed to by whoever might approve the treaty. Spain might then possibly be joined to the Empire, &c. He did own it would have difficulties, and said, the French King would not hearken to any proposal but by common consent. I must take notice to your Lordship, that Monsieur de Villars was only acquainted with the first proposition, viz. that of the Indies, and even that was not communicated to Mr Hop. I have not taken any notice of all this matter to Monsieur de Zinzendorf, nor do I intend it; though Monsieur de Torcy said, I might as to the first proposal, he having declared he made it by order. Monsieur de Torcy then told me, that the treaty had been communicated to the King of Portugal, who talked of it, as if he could never consent to it; and accordingly the French Minister there sent away on the 4th instant the Courier. When the King perceived this, he soon changed his mind, and so another was dispatched, by whom he agrees intirely to the treaty on the following conditions:

1. If the Emperor does not consent within the time limited, that then he may be one in the naming of another Prince.
2. That he may have two places yielded to him, that formerly belonged to Portugal: One was *Alcantara*, but I do not remember the other.
3. That, if he be attacked by reason of the treaty, those, who are concerned in it, shall be obliged to assist him.

Monsieur de Torcy did seem to think it was worth granting him these terms, since it was the only way to engage him heartily in it; and, as for the first article, there would be still three against one. The same Courier brought letters from Madrid with this account, that the Council, that had been assembled upon the notification of the treaty, where the King was not present, had agreed, that the best advice they could give the King, was, that he should declare a Prince of France for his Successor; the Count d'Alquilar being the only one that did not consent to it: That the Queen had pressed the King to disapprove of this resolution, which he would not do; and that as yet he had not declared himself. The Count de Harrach had discoursed with several of them, and especially with the Cardinal Portocarrero, and others, whom he thought in the Emperor's interest; and they all answered, that it was the only advice they could give their King.

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1700. as the possession of *Naples* and the *Tuscan* ports must subject *Italy* to their yoke, and render our *Levant* and *Mediterranean* trade precarious, and to be carried on at their discretion; whilst the cession of *Guipuscoa* afforded them another inlet into the heart of *Spain* upon any rupture.

The almost extinguished hopes of the *Jacobites* began to revive on this occasion, and upon the sad event of the Duke of *Gloucester's* death. As they knew, whatever tended to create a general dislike to the King's measures must be of

service to their cause, they were the forwardest to inflame the minds of the people, and had a book sent to the press against the treaty, in which all those, who were supposed to have had an hand in it, were severely treated. Mr *Grabam*, Lord *Preskon's* brother (as the Earl of *Manchester* wrote over from *Paris*) was dispatched to *St Germain's* by Sir *Christopher Muirgrave*, and others of the *Tory* party, with a proposal to get the Succession settled on the pretended Prince of *Wales*, and to assure King *James*, that a vote would

This matter is not yet public here. Monsieur de *Torcy* thinks it proper, that our Envoy in *Switzerland* should have orders to speak privately to several of the chief of them, and say, it is expected they do give leave to any troops to pass their country in case of a war, this King intending to give the same instructions to Monsieur de *Puyfieux*, and order him to say, that they were to observe the same method our King had done, and not to mention this matter in public.

The Earl of Manchester to Sir Lambert Blackwell,
Envoy at Florence.

Paris, July 3, 1700.

I have received the inclosed from my Lord *Jersey*, and have taken this way of sending it you by a Courier, who brings orders of the same nature to the French Envoy. I suppose you will find you are to act jointly, and to take your measures together. It is in relation to the late treaty with *France* concerning the Succession of *Spain*. I cannot tell how acceptable it will be to the Great Duke.

The Earl of Manchester to the Earl of Jersey.

Paris, July 7, 1700.

I suppose the packet was gone before your's of the 20th of *June* came to *Whitehall*, because it came by itself, and I did not receive it till I was returned from *Versailles*, so that I could not discourse with Monsieur de *Torcy* concerning those matters. He told me however, as to what you write in relation to the ninth article, that he had mentioned it to M. de *Zinzendorf*, who has promised to send immediately a Courier to *Vienna*, for he had no positive orders to say, that this was the only point the Emperor insisted on. M. de *Zinzendorf* also took notice of it to me, and says he will do what lies in his power. I must tell your Lordship, that he does what he can to be well here, and endeavours to procure merit to himself both with the Emperor and this Court.

The Earl of Manchester to the Earl of Jersey.

Paris, July 8, 1700.

Monsieur de *Torcy* has asked me, if the King approved of the manner, in which they have communicated the treaty. I said I had no reason to think otherwise. This may be occasioned by what Monsieur de *Zinzendorf* may have said to him, for he has as good as told me, that in *England* it was not liked, that the treaty should be made so public. Monsieur de *Zinzendorf* is of opinion, that the King of *Spain* will never declare for a Prince of *France*, but rather for the Arch-duke. This we shall now soon see. The Spanish Ambassador has as yet received no orders, and carries himself in the same manner as he did before the treaty.

The Earl of Manchester to Mr Sutton at Vienna.

I am obliged to you for your letting me know what thoughts they have where you are concerning the treaty, and I find you write much the same with what they have here from thence. I cannot but think the Emperor will judge so well of his own interest as

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to accept it at last, especially, when he sees *Spain* is inclined to settle the whole Succession on a Prince of *France*, which I suppose you have heard of. All the Council, except Count d'*Aguilar*, were of opinion, that the best advice they could give the King, at this juncture of affairs, was for him to declare the Duke of *Anjou* his Successor. I cannot tell but this may make some alterations at your Court, and bring them to a speedy resolution. I am told, that Count *Cannitz* is ill, and that this makes the affairs not so well as otherwise they would.

Mr Sutton to the Earl of Manchester.

Vienna, July 10, 1700.

As to the treaty of regulation of the Spanish Succession, I have only to acquaint your Lordship, that this Court will not return any positive answer yet. They have received newly a Courier from *Spain*, but will not discover what dispatches he has brought, and conceal their intentions as much as they can till the return of their own Courier from *Madrid*, alledging; they can ground nothing upon the advices they have hitherto received thence. However, it may be presumed, they will accept the treaty, though it be very displeasing to them. They take no visible measures to prevent the execution of it; from whence one may reasonably conclude, they see the necessity of admitting it; and one cannot wonder at their managing the affections of the *Spaniards*.

P. S. I thought not to conceal from your Excellency, that it appears pretty plainly, that this Court would absolutely reject the treaty, if they had any hopes of bettering themselves: But, esteeming the business irrecoverably concluded on our side, and not knowing how to remedy it, they are likely to turn their thoughts more upon the ways of preserving what is allotted them, than upon catching at the shadow, and leaving the substance, especially if the *Spaniards* will comply therewith.

The Earl of Manchester to the Earl of Jersey.

Paris, July 17, 1700.

The last time I saw Monsieur de *Torcy*, he told me (which he said was forgot) that it would be proper I should have orders to take notice of the treaty concerning the Succession of *Spain*, to those Italian Ministers, that come from Courts, where our King has none, and to desire their Masters to enter into the treaty, as *France* has already done, as a means to secure the peace of *Europe*. I said I had no orders, but that I would write about it. As for *Mosdena*, I thought it was not proper for me to take notice of, which he agreed in; so that there are *Savoy*, *Venice*, *Mantua*, and *Genoa*. I intend to speak again to Monsieur de *Torcy*, and have a further explanation.

I send you a letter from Monsieur d'*Herauert*, who has communicated the treaty: Monsieur de *Torcy* tells me, that it is thought, that the *Swiss* Cantons will hardly enter into the Guaranty, but they may consent to have troops raised in their country, in case of a war. On that occasion, he said also, that he had sent to the French Ambassador in *Portugal* a copy of the treaty to be signed by that King, in the manner it

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was

1700. would be propoſed in the Houſe of Commons, not to ſupport the Crown in the execution of the treaty.

Such was the perplexed and melancholy ſituation of affairs, when the King left *Loo* to embark for *England*, where he arrived the 18th of *October*, not a little chagrined at the difficulties, in which he found himſelf involved, and which had a viſible effect both on his health and temper.

Affairs of Scotland. Before his return, he made good his declaration to the *Scots*, in allowing their Parliament to

meet on the 28th of *October*, and ſent them a letter from *Loo*, containing in ſubſtance, ‘That, *The King*, having adjourned their Parliament on account of his going beyond ſea, he then promiſed what he was now ready to make good to them, at this meeting. That he had conſidered their addreſs in 1698, in behalf of the *African Company*, and would comply with their deſires, in relation to that national concern; and moreover do all eſſe, that could be required for maintaining and advancing the peace and welfare of their Kingdom. He
likewiſe

was agreed on in *England*. He tells me, that the Duke of *Savoy* answered with great profeſſions, but in general terms, when the treaty was communicated to him. That the *French Ambaſſador* there had now orders to let him know, that the King his Maſter had reaſon to hope he might have had a more poſitive answer from him, eſpecially ſince there was a diſcourſe, as if he had made a treaty with the Emperor: Which, as he did not believe, ſo it was neceſſary ſuch diſcourſes ſhould be diſcouraged, and that the world ſhould ſee the contrary. That, as for *Monſieur de la Tour*’s going to *England*, the *French King* was glad, that he took all the ways to cultivate the friendſhip of the King of *England*. This will certainly put him on ſome difficulties how to explain himſelf.

Mr John Robinſon to Mr Secretary Vernon.

Malmo, July 7th, 1700.

I have ſeen a letter from the King of *Spain* to the King of *Sweden*, giving him an account of the treaty made about the Succeſſion to his dominions; but only adding, that it is a matter of great importance, and that he (the King of *Spain*) is deliberating upon it. They intend, I think, to answer, that the King of *Sweden* will do ſo too.

The Earl of Manchester to the Earl of Jerſey.

Paris, July 23, 1700.

Monſieur de la Tour is here; and, as ſoon as he has waited on this King, he intends for *Holland*. I have ſeen him; and, by his diſcourſe, I find he does not think to go into *England*, when the King returns; though the *Savoy Ambaſſador*, here, told me, That he was to reſide there; and ſo he told this Court. It will depend much on the ſucceſs of what he goes about; and, I muſt tell you, that it occasions many conjectures here, eſpecially, ſince it is known, that the Duke of *Savoy* has, of late, ſent many expreſſes to *Vienna*, which this Court does not like: And, I have reaſons to think, it will preſs him to declare, what his intentions are; it being his miſfortune to be ſo well known, that it will be hard for him to play the game over again. His Ambaſſador, here, is much dejected; and, at the laſt conference I had with *Monſieur de Torey*, he was ſeen to come from him in great diſorder. It was eaſy to imagine, that this was occaſioned by what I have mentioned to you.

The Earl of Manchester to Mr Secretary Vernon.

Paris, July 24, 1700.

As to the affairs of the *North*, I cannot ſee, but this Court is as deſirous as we to accommodate them, at leaſt, in outward appearance, they are ſo: Beſides, I take it to be their intereſt, ſince the King of *Denmark* is willing to enter into the treaty concerning the Succeſſion of *Spain*.

The Earl of Manchester to Mr Secretary Vernon.

Paris, July 28, 1700.

Monſieur de la Tour leaves this place in a few days; and you are not like to ſee him in *England*; neither

does he propoſe to ſtay above three weeks in *Holland*. His buſineſs there is to lay before the King the great debts, that are due from the King of *Spain* to the Duke of *Savoy*. He had an audience from this King; and aſſured him, That his Maſter has no engagements with the Emperor; nor does he in the leaſt diſpute the right of the *Dauphin*. I find this Court is ſatisfied, now, with his going; and will be glad to help him; though, if he acts otherwiſe, they will ſoon find him out.

The Earl of Manchester to Mr Blathwayt.

Paris, July 30, 1700.

The letters from *Spain* of the 17th bring nothing very conſiderable; only, that the great men there are ſtill inclined for a Prince of *France*, that ſo their Monarchy may not be divided. The King of *Spain* has his health better than ever, as they pretend.

The Earl of Manchester to Mr Sutton.

Paris, July 30, 1700.

I had the favour of your’s, of the 16th; and, I find, that, where you are, matters are ſtill uncertain. The Emperor muſt now ſoon come to ſome reſolution. His Courier, that went to *Spain*, paſſed, lately, here, in his return to *Vienna*; and, it is thought, that, in caſe the King of *Spain* is not inclined to declare the Archduke his Succeſſor, the Emperor will ſign the treaty. I am of opinion, that the reſolutions of *Spain*, whatever they be, will not ſignify much, they being not in a condition to ſupport them: And it is certain, that the great men, there, are almoſt all for a Prince of *France*, for the whole Succeſſion; and they would not have the Monarchy divided; and think, if the *French* would accept it, they are able to maintain it better than the Emperor. I wiſh your Court [of *Vienna*] may ſee ſo well their intereſt, as not to loſe this opportunity, by putting it out of the power of the King, our Maſter, to help them; which muſt certainly be the conſequence, if they do not accede.

Sir Lambert Blackwell to the Earl of Manchester.

Florence, July 30, 1700.

I wrote to your Excellency, the 23d, adviſing what paſſed at my audience with the Great Duke; and, at midnight (after the poſt was diſpatched) I received from Cavalier *Montemagni*, Secretary of State, a few lines; bringing me his Highneſs’s answer. Copies of both I incloſe, by which your Excellency will find the Great Duke expreſſes himſelf very much obliged to his Maſteſty; but ſeeks to gain time, by his general answer, without mentioning, whether he will, or not, enter into the Guaranty of the treaty: My opinion being, that his Highneſs is willing firſt to know, what the Emperor and *Venetians* reſolve; and accordingly will take his meaſures. I do likewiſe ſend your Excellency a copy of his Highneſs’s answer to the *French Envoy*; being much to the ſame purpoſe, which the Envoy diſpatched to his moſt Chriſtian Maſteſty, by a Courier Extraordinary; and till the return (which, he tells me, may be in fifteen days) will move no farther. I muſt
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1700. * likewise promised to give his Royal assent to all acts for better establishing the Presbyterian Government, preventing the growth of Popery, suppressing vice and immorality, encouraging piety and virtue, preserving and securing personal liberty, regulating and advancing trade, and especially for retrieving the losses, and promoting the interests of the

* African and Indian Companies. He also promised to encourage manufactures, and assented to whatever else should be offered for clearing and securing property, strengthening and facilitating the administration of justice, restraining and punishing crimes, preserving peace and quietness, &c. He next assured them of his great concern, for not being able to

also wait his Majesty's commands; though I intend to let the Secretary of State know, that my hopes were, his Highness would have been more particular.

Mr James Cresset to the Earl of Manchester.

Hamburg, July 30, 1700.

Your Excellency plainly sees the tricking of the Danish Court, in shuffling the King our master into a mediation, to elude the force of his Guaranty. Count Chamilly juggles to serve the Court, where he resides; which subsists only upon poor shifts and lyes. If our Spanish treaty cannot find better and surer supports than at Copenhagen, I shall be sorry for it. Your Excellency may please to acquaint the French Ministry (if you think fit) That, notwithstanding all the confidence the Danish Court has in their Ambassador, the Count Chamilly, it has made a mystery to him of a letter lately sent from the King of Spain to the King of Denmark, upon the subject of our late treaty: And this matter came out by accident, at supper, at my house, two nights ago; where I had only Count Chamilly and the Spanish Minister.

Monsieur d'Hervæert to the Earl of Manchester.

Berne, Aug. 1, 1700.

You have seen, by my last letter to my Lord Jersey, which I took the liberty to send you unsealed, what I had done, pursuant to the orders of the King, about the treaty of Succession of Spain, which you had the goodness to send me. I communicated it, in conjunction with M. de Puyfieux, to the Cantons, assembled by their Deputies; he and I having invited them to enter into it, and to subscribe the Guaranty. Their answer was such as we foresaw; that is, the Deputies promised, that each would make a report to it's Sovereign. It is easy to judge, that they will endeavour to gain as much time as they can. As the Dyet is finished, we can have no positive answer from the Cantons; but, at another, which must be called on purpose: And we intend to push for it, when we shall think it a fit time. If we cannot persuade them to engage themselves, in form, in the Guaranty for the execution of the treaty, we flatter ourselves, that we shall, at least, obtain, that they will not permit that the troops, which the Emperor might send to oppose it, shall pass. At this we work with all our might; that is, M. de Puyfieux and I; as also M. Valkenier; who is arrived in Switzerland, within these eight days, to assist us, by order of the States-General, his Masters.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Aug. 11, 1700.

An express arrived yesterday from Madrid, in his way to Vienna. He brings no further account of the Queen of Spain's being with-child; yet Count Harrach had complimented her upon the report; which, some think, he might as well have let alone. Her answer to him was, That God would do what he pleased. I find, that, in Spain, they are resolved to court the King, our Master. Schonenberg has been admitted to an audience of the King; and what passed, in relation to Canales, in England, will be forgot, and another will be named. Don Quirós is certainly ordered to return to the Hague. All this matter has been brought about by the Queen: And it is said, that our King has wrote to her; which has produced

this good effect. In short, the Spanish Ambassador here takes all occasions to oblige me; which I return in the same manner. They find it their interest to be well with England.

The Earl of Manchester to Mr Blathwayt.

Paris, Aug. 13, 1700.

The Emperor's Envoy has received a Courier from Spain; whom he dispatched, the same day, for Vienna. He assures me, That Monsieur Schonenberg has had an audience of the King of Spain: That Don Quirós has orders to go to the Hague; and that they will take no further notice of the affair of Monsieur de Canales, but intend soon to name an Ambassador to the King. The only measure, they seem to have taken, is to put themselves in a posture of defence.

Mr Methuen to the Earl of Manchester.

Lisbon, Aug. 15, 1700.

This goes by a Courier, which the French Ambassador sends, to give his Master an account, that he has concluded a treaty of Guaranty with this Court; by which the King of Portugal is obliged to maintain the late treaty of Repartition, and the execution of it.

Aug. 18, 1700.

I have been forced to break open my letters, to acquaint your Lordship, that the French Ambassador told me, positively, he had signed the treaty, the 15th; yet he did not, having observed, just as he was going to sign, that the Portuguese had, in one of the articles, inserted a clause, by which they might afterwards pretend, that they were not obliged to make war on the Emperor, or Spain, until they began it. This occasioned a dispute between the Ambassador and the Portuguese Commissioners; but all was, at last, accommodated to the satisfaction of the Ambassador, and the treaty signed this evening.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Aug. 5, 1700, N.S.

I received, yesterday, your Excellency's letter, of the 11th instant. That the Spaniards are so obliging, of late, does not proceed from his Majesty's having writ to them; but, I rather think, they are endeavouring to create jealousies and suspicions between us and France; and that they have a mind to have a Minister here, next winter, to blow the coals in Parliament, if he can, and to persuade people to find fault with the treaty about the Succession to their dominions: But, I suppose, we shall be very well contented, that the peace of Europe may be preserved upon these terms.

The report of the Queen of Spain's being with-child, I conceive, is the more cherished, that it may give the Emperor a pretence for returning no answer, whether he will come into the late treaty, or not. The three months, propoed for his declaring himself, are, now, near expired; and we hear nothing more from Vienna, but that a certain Courier, they expect from Madrid, is not yet arrived. In the mean time, we hear, the French squadrons, under the command of Nesmont and Pointi, are like to join. One would be glad to know what they are designed for. It is said, they will winter at Cadiz, if they do not make themselves masters of Gibraltar.

Mr

1700. ' to assert the Company's right of establishing
' a colony at *Darien*, without disturbing the
' peace of *Christendom*, and bringing that an-
' cient Kingdom into an inevitable war, with-
' out hopes of assistance. With these plain
' reasons he doubted not but they would be sat-
' isfied; and therefore, recommending to them
' unanimity, and the raising of competent taxes

' for their defence, he concluded, with only 1700.
' acquainting them further, that he had thought
' fit to continue the Duke of *Queensberry* High
' Commissioner; and bid them heartily fare-
' wel.'

It must be observed, that, during the interval
between the two Sessions of Parliament, came
the news to *Scotland* of the intire surrender of
their

Mr Sutton to the Earl of Manchester.

Newstadt, Aug. 17, 1700.

I am sorry to acquaint your Excellency, that the re-
solution we have so long expected from the Emperor,
in relation to the treaty for regulating the Succession
of *Spain*, is not such as was desired. Count *Harrach*
has, to-day, acquainted the *M. de Villars*, and Mon-
sieur *Hep*, separately, That he was commanded by
the Emperor, to impart to them, for their Masters
information, that his Imperial Majesty, considering the
King of *Spain* to be in good health, and of such an
age, that he might very well, with the blessing of God,
hope for issue of his own, did not think it becoming,
especially him, that was his Uncle, to make a divi-
sion of his Succession. He added to the *M. Villars*,
That the Emperor hoped this answer would not inter-
rupt the good intelligence between Himself and his
most Christian Majesty; and that he would not pro-
ceed to the nomination of a third, which would but
embroil matters the more: That, when the Succession
happened to fall, the Emperor thought it justly be-
longed to him; and, after the extinction of the male
line of the House of *Austria*, to the Duke of *Savoy*,
according to *Philip the IVth's* will. He told Monsieur
Hep also, That the Emperor desired to continue in a
good understanding with the King and the *States-
General*. I cannot see Count *Harrach* to-night; but
shall, doubtless, receive the same answer from him to-
morrow. If there be any thing different in it, I will
acquaint your Lordship with it, by the first oppor-
tunity. Your Excellency is much abler than I am,
to judge of the consequences of the Emperor's reso-
lution. He certainly reckons upon the friendship of
the *Spanish* Court; but, although he be sure of it, I
cannot see how it will answer the expectation he may
have of it; or, what other means he has, to hinder
the performance of the agreement already made.

The Earl of Manchester to Mr Bladway.

Paris, Aug. 20, 1700.

In the conferences I had with Monsieur *de Torcy*,
he told me what had passed at the audience, which
the *Spanish* Ambassador had some days ago. The
substance of it was to dissuade the King from proceed-
ing any further in the treaty concerning the Succession.
He said, that the King his Master was like to live a
long time; that his health was better than ever it was;
that he had named no person to succeed him, nor
would he. This King answered, that no body wished
more for his Master's health than himself: That all
men are mortal: That he had no other design in what
he had done but the peace of *Europe*. The *Spanish*
Ambassador discoursed afterwards with Monsieur *de*
Torcy, who took notice to him, that the resolutions,
that were taken in *Spain* about suppressing all pensions,
were in order to maintain a considerable number of
forces, which might create jealousies, especially if they
were foreign troops. To which he answered, that
they had been long enough the jeft of *Europe*, by hav-
ing their affairs in so ill a condition; that every man
was master in his own country, &c. I find by Mon-
sieur *de Torcy*, that the *French* are apprehensive, that
the Emperor's troops are to go to *Milan* and *Naples*;
and he said it had been already proposed to the Republic
of *Venice* to pass twenty thousand men thorough their
territories; and, if so, he thought it would be neces-
sary, that the *French* troops, that are near *Catalonia*,
should have orders to march to the frontiers of *Spain*;

not that he believed there would be any occasion of
proceeding further, but that this would be sufficient to
hinder the *Germans* from going into *Italy*. This he
desired the King should know. I am satisfied, that
there is something of this nature in hand by what
Monsieur *Zinzerdorf* lets fall sometimes in his dis-
courses. Monsieur *de Torcy* said, that they intended to
press for the Emperor's answer concerning the treaty,
and that it would be convenient we should do it also.

The Earl of Manchester to the Earl of Jerley.

Paris, Aug. 27, 1700.

Monsieur *de Torcy* acquainted me yesterday with the
answer the Emperor has given to Monsieur *de Villars*.
He refuses to enter into a treaty concerning the Suc-
cession of *Spain*, as long as the King of *Spain* lives; and
hopes they will not proceed to the naming of an-
other Prince, which may have ill consequences, and
oblige him to take measures to defend his right. He
said, had he seen me in the morning, he should have
complained very much of the coolness and indifference
they shewed in *Holland* in this affair. That though
Monsieur *de Tallard* did assure them, the Emperor
had concerted with *Spain*, that his troops were to
march into *Italy*; yet it was not thought fit to take
any measures to prevent it; but that, by the letter
he just then received from Monsieur *de Tallard*, he sees
and tells me, that the King our Master does agree,
that both in *Spain* and *Vienna* their Ministers shall
have orders to declare against it. This Court does
intend to press the Duke of *Savoy* to enter into a treaty
with *France*, if he is not already engaged with the
Emperor. It cannot be his interest to have the *Ger-
man* troops so near him; and, in case he refuses
France, it will be demonstration, that he is acting
otherwise than he has assured them.

Mr Robinson to the Earl of Manchester.

Helsingburg, Aug. 25, 1700, O. S.

The accession of this Crown [of *Sweden*] to the
treaty about the *Spanish* Succession goes very slowly
forward, and these Ministers seem to think the cir-
cumstances of their affairs ought to excuse them at
present from taking part in it, since the Emperor has
so many ways to incommode them, especially while
the war the King of *Poland* has began against them
continues. They seem much persuaded, that their
friends will not press them to expose themselves, but
rather first help them to a state of safety, and then
they shall be in a condition to make returns.

The Earl of Manchester to the Earl of Jerley.

Paris, Sep. 17, 1700.

Yesterday I saw Monsieur *de Torcy*. I do find by
him, that they are very well satisfied with the pro-
ceedings in *Holland* in relation to the great affair, and
I do like the proposal to engage those, that will not
enter into the Guaranty, to be neutral. I did hear
from other parts, that the *French* Ministers were un-
easy, and of opinion, that we did not act fairly; but
I assure you, that they have no such thoughts here at
present.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Septem. 18, 1700.

I can now assure you, that this Court is intirely sa-
tisfied

1700. their settlement at *Darien* (1). This occasioned the Company to represent to the Parliament, the first day of their Session, 'That, for want of due protection abroad, some persons had been encouraged to break in upon their privileges even at home.' This representation was seconded with a national address to the King upon that subject, whose answer was, 'That he could not take farther notice of it, since the Parliament was now met; and he had made a declaration of his mind for the good of his people, with which he hoped all his faithful subjects would be satisfied.'

Though people were in so bad a humour, that much practice was necessary to bring them into any temper; yet, after some heats about the miscarriage of the *Darien* affair, the Session, in conclusion, ended well. After having sat about three months, the Parliament came to this resolution, 'That, in consideration of this great deliverance by his Majesty, and, in that, next under God, their safety and happiness depended wholly on his preservation and that of his Government, they would support both to the utmost of their power, and maintain such forces, as should be requisite for those ends.' Accordingly an act passed for keeping on foot three thousand men, till the 1st of December 1702, and another for a land tax to maintain those troops; which done, the Commissioner produced the King's letter, wherein it was desired he might have eleven hundred men on his own account to the 1st of June following; which was readily complied with, and then they were prorogued to the 6th of May. The troops, that were ordered to be broke, were sent to the *States*, who were now increasing their

force. This Session was chiefly managed by the Duke of *Queensberry* and the Earl of *Argyle*, and, in reward of it, the one had a Garter, and the other was made a Duke.

In *October* the Pope died; and at the same time all *Europe* was alarmed with the desperate state of the King of *Spain's* health. When the news came to the Court of *France*, that he was in the last agony, Monsieur de *Torcy*, the French Secretary of State, was sent to the Earl of *Manchester*; the English Ambassador there desiring him to let the King his Master know the news, and to signify to him, that the French King hoped, that he would put all things in readiness to execute the treaty of Partition, in case it should be opposed; and, in his whole discourse, he expressed a fixed resolution in the French Councils to adhere to it. A few days after that, the news came of the King of *Spain's* death, and of his will, declaring the Duke of *Anjou*, second son of the *Dauphin*, the universal heir of the Spanish Monarchy; and, in case that Duke should die without children, or should inherit the Crown of *France*, then the whole Spanish Monarchy should go to the Duke of *Berry*; and, if the same should happen to him, then the Archduke *Charles* and his heirs were to inherit; and that Monarchy was at last limited to the Duke of *Savoy* and his heirs. The will likewise recommended, that the Duke of *Anjou* should marry one of the Archduchesses. It is not yet certainly known by what means this was brought about, and how the King of *Spain* was drawn to consent to the will, or whether it was a mere forgery, made by Cardinal *Portocarrero*, and some of the *Grandeess*, who partly by practice and corruption, and partly for safety, and that their

Monarchy

tified with the proceedings in *Holland*, in relation to the treaty, and there are no grounds for what is said in other parts. I do not doubt but that there are too many, that would have it otherwise; but I am of opinion, that it is not in their power to effect it.

Monsieur Schonenberg to the Earl of Manchester.

Madrid, September 23, 1700.

I do not doubt but your Excellency is informed of the answer of this Court to the last memorial of the French Envoy Extraordinary, to make it change its resolution of receiving any Imperial or other Foreign troops into its domains in *Italy*; as I have also represented on the same subject, by express order as well of the King our Master, as the Lords the *States-General*, they have, almost word for word, answered to it in the same manner; that is to say, in short, that they pretend here to be at liberty, and under pretence of recruiting the foreign troops; who serve in the Spanish pay, to introduce them, when they shall judge it to be proper. The said Court plunges itself more and more into strange disorders, in regard to the Succession. The King and Queen are absolutely for the Imperial Court; and on the other hand the Council of State runs blindly and head-foremost in favour of the Duke of *Anjou*, flattering themselves, that his most Catholic Majesty will embrace this affair. In the mean while every thing grows worse and worse; many deliberations and consultations, but no good resolutions. The King keeps his bed since yesterday, by reason of a new flux, &c.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Sep. 25, 1700.

Here is a Courier arrived from *Madrid* to the French Court. He also brought letters from Mr Schonenberg, No. 27. VOL. III.

which I have sent forward. The French Minister there having given a memorial, as was agreed in *Holland*, to the Court of *Spain*, in order to dissuade his Catholic Majesty from receiving the Emperor's troops, or any foreigners in *Italy*, or in his other dominions; the answer was, that at present the King did not see any occasion of recruiting his foreigners, that were in his service; but, when he did, he should follow the example of the King his Master, and other Princes.

The Earl of Manchester to Mr Methuen.

Paris, Octob. 3, 1700.

All things are very quiet here, and will continue so, unless the measures, which *Spain* may take with the Emperor, occasion the contrary; which, I take it, is not their interest; and I hope, that the declaration, that has been made at *Madrid* and at *Vienne*, will prevent it. I hear your neighbours are very angry with what the King of *Portugal* has done. I wish others were as well convinced, that it is the only means to preserve the peace of *Europe*, and I am satisfied they will at last.

(1) The Spaniards had, some time before, ousted the Scots, and retaken what the latter had possessed themselves of by articles of capitulation, signed by Mr Gibson, Mr Vetch, and others, of the Caledonian Council and Settlement; which were, 1. That the Scots should have liberty to retire, with their ships and effects, unmolested. 2. That the prisoners, on both sides, should be exchanged. 3. That, if any ships came thither, in six months, they should have leave to anchor in the harbour, and the privilege of wood, water, and provisions, if they needed them. Thus ended the affair of *Darien*.

1700. Monarchy might be kept intire (they imagining, that the power of *France* was far superior to all, and that the House of *Austria* would not be able to engage in it's interests) had been prevailed on to prepare and publish this will; and, to make it more acceptable to the *Spaniards*, among other forfeitures of the Crown, not only the Successor's departing from what they call the Catholic faith, but even his not maintaining the immaculate conception of the Virgin, was one (1).

As soon as the news came to *Rome*, it 1700. quickened the intrigues of the Conclave, so *Clement XI* they set up Cardinal *Albano*, a man of fifty-two years of age; who, beyond all men's expectation, was chosen Pope, and took the name of *Clement XI*. He had little practice in affairs, but was very learned; and in so critical a time, it seems, a Pope of courage and spirit, not sunk with age into covetousness or peevishness, was thought the fittest person for that See. *France* had

(1) The circumstances of the death and will of the King of *Spain*, will appear from the following extracts of *M. Cole's Memoirs*.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Octob. 9, 1700.

I am of opinion, that we shall now soon see matters of great importance transacted all over *Europe*; because it is expected, that, in a few days, we shall hear, that the King of *Spain* is dead. They have, at Court, received a Courier from *Madrid*; and, on the 26th of September, the King was so ill, he having continual vomitings, and a great looseness, that his Physicians believed he could not live a week. Last night, late, the Emperor's Envoy was with me, who had just received news of the 30th, by an express. His letters mention, That the King had received the Sacrament, the Extreme Unction, &c. and that he had taken leave of the Queen, &c. so they despaired of his life: But, on the day this was wrote, there was some little hopes of him, his looseness having abated. He told me, he was then going to *Fontainebleau*. It is certain, that the whole Council of *Spain*, and even those, that were creatures of the Queen, who is entirely for the House of *Austria*, are all for the Duke of *Anjou*. They flatter themselves, that the French King will accept this offer. I hope the Emperor, before it is too late, will see it his interest too sign the treaty.

The Earl of Manchester to the Earl of Jersey.

Paris, Octob. 11. 1700.

Monsieur de *Tercy* told me, That they had an express from *Spain*, with letters of the 26th of last month; and that the King of *Spain* was so extreme ill, that his Physicians thought he could not live eight days. That, thereupon, they had dispatched a Courier to Monsieur de *Villars*, with orders to acquaint the Emperor with it, and to let him know, That, as they had not yet named a Successor, so it would be necessary to know his further resolutions, since the case might soon happen, which would oblige them to take such measures, as would be proper, in case the Emperor did not think fit to sign the treaty. Monsieur de *Tercy* made an excuse, that the time did not permit the first concerting with the King; that, else, it would have been done; though he did not see any difficulty, but that his Majesty would approve of it. He desired I would write; which I assured him I would not fail to do: And then I took notice of the augmentation of their forces, which will amount to twenty-six thousand foot. There is to be also one of the horse; but the number is not yet declared. I said, That I heard, that Monsieur de *Nesmond* was to remain at *Cadix*. He said, As to the first, that, as affairs stood, it was convenient; but, as for the latter, Monsieur de *Nesmond* had orders to return to *Toulon*. There was also a Courier sent to Monsieur de *Tallard*, who will already have informed you of all this matter. I returned to *Paris* the same day; where I found the Emperor's Envoy at my house. He had received a Courier from *Madrid* of the 30th; which confirms the same news of the King; but says much more, that he had received the Sacraments, and had taken leave of the Queen, &c. That all about him took it for granted, he could not live: Yet, in a postscript, they write, That that night they

had some little hopes, his looseness, which had been very violent, had been abated. He went straight to *Fontainebleau*, and is very uneasy, and the more so, because all of the Council of *Spain* are entirely for the Duke of *Anjou*: Cardinal *Portocarrero* and Count *Aguilar*, who are in the Queen's interest, being also for it; and they flatter themselves, that the offer will be accepted with *France*. There is no Courier arrived since; though, at this place, the only discourse is, that the King of *Spain* is dead. I am of opinion, that we shall soon hear it. I hope your Lordship will send me what directions his Majesty thinks proper, in case this should happen, that I may act accordingly.

Monsieur Schonenberg to the Earl of Manchester.

Madrid, Octob. 21, 1700.

It seems, that the 8th has been the day we call here, critical in sickness, because that was properly the time, that the King gave probable proofs of mending. In effect, his looseness is so much abated, since that time, that his health is grown better, daily; so that, if no relapse, or unforeseen accident, comes across, the Physicians judge, unanimously, that he is absolutely out of danger. In the mean while, his Majesty suffered himself to be persuaded, when he was in the height of his illness, that is, on the 3d instant, to sign a testamentary disposition, in favour of the second son of the *Dauphin*: But, since he is better, he shews such indignation against those, who, under pretence of conscience, persuaded him to make this step, that he is grown dissident of all his Ministers; inasmuch that he has even recalled the power given to the Secretary of State, for the universal dispatches, relating to the most pressing affairs; which he had trusted, during the greatest violence of his illness, to three or four Counsellors of State, in conjunction with the said Secretary, his Majesty not thinking it proper to confide in those who inspired him with a resolution to make a will.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Octob. 22, 1700.

We have, this day, letters from *Madrid* of the 8th, by the ordinary post. The Spanish Ambassador has one, of the 9th; and his *Depeche* is signed by the King himself, as several others were, that are sent into *Italy*. I suppose, this was done, to convince them, the more, that he was in a way of recovery: But you will find, by the inclosed, that there is little hopes of it. We have had no Courier, of late, which, since that time, would have come, in case of any alteration. That, which occasions the greatest discourtesy, is, his will; which he signed on the 3d. By all the letters, it is thought in favour of one of the Princes *France*; and, as to the persons concerned, and, who were witnesses to it, it is certain, they have been ever that way disposed, to prevent their Monarchy's being dismembered. Some letters do also say, That, since that, the Queen has prevailed with him to add a codicil: That some, that were named for the Regency, are changed; at last, the Queen seemed, after that, very easy. In short, there are all conjectures; and I am of opinion, that it will not be known, what it contains, till the King's death.

The Emperor's Envoy is gone to *Paris*, to meet Count

1700. had sent no exclusion to preclude him, not imagining he could be thought on. At first, the French Court did not seem pleased with the choice, but it was too late to oppose it; and therefore they resolved to gain him to their interests, in which they succeeded beyond what they then hoped for.

The King of Spain's will is accepted.
Burnet.

When the Court of France had notice sent them of the King of Spain's will, real or pretended, they seemed to be at a stand for some days; and the letters wrote from the Secretary's office gave it out for certain, that the King would adhere to the Partition treaty. But Madam de Maintenon had an unpeakable fondness for the Duke of Anjou; she therefore prevailed with the Dauphin to accept of the will, and set

aside the treaty; and she engaged Monsieur de Pontchartrain to second this. They being thus prepared, when the news of the King of Spain's death came to Fontainebleau, where the Court was at that time, a Cabinet Council was called within two hours after, which met in Madam de Maintenon's lodgings, and late about three hours. Pontchartrain was for accepting the will, and the rest of the Ministry for adhering to the treaty. But the Dauphin joined, for accepting the will, with an air of positiveness, that he had never assumed before; so that it was believed to be done by concert with the King, who was reserved and seemed more inclined to the treaty. In conclusion, Madam de Maintenon said, What had the Duke of Anjou done,

Count Aversberg, in his way to Spain, who, it is believed had some further instructions; and, it may be, in case the King of Spain was dead, the Emperor has given orders to declare, he accepts the treaty, though with some alterations. I cannot but think, that he has no other way to take, unless he has a mind to lose the whole. We shall, now, soon see, how our Parliament will behave in this affair.

Mr Stanhope to the Earl of Manchester,

Hague, Octob. 22, 1700.

The King arrived here last night.—His Majesty questioned me this morning what news of the King of Spain. I had not then received your advices, but answered him to the same purpose, by what Don Quiros had communicated to me. He intends to embark for England on Wednesday next, if wind and weather permit; though it is probable, an express, with what we fear from Spain, may keep him here some days longer, that being the important affair now on foot in Europe; yet whether in order to that, his Majesty's presence here, or in England, be of greater concern, I shall submit to greater Statesmen to determine. Don Quiros sets a good face on a bad game; says the militia of Spain, in the memory of men, made the Prince of Condé, as great a Captain as the Marquis d'Harcourt, raise the Siege of Fontarabia with dishonour, though he had fifty thousand men all regular troops; and he promises himself no less bravery from the present Spaniards in a cause, where their Honour, as well as their Monarchy, is at stake. This way of reasoning seems to us very extraordinary; and I am obliged at the same time to do him justice, in saying he has as little of thatrodomontade humour, as any of his countrymen I have ever known.

Monsieur Schonenberg to the Earl of Manchester.

Madrid, Octob. 22, 1700.

After having sent my dispatches of the 21st instant to the post, I just now learn, that the Catholic King, angry at those, who were present at the signing of the former will in favour of a second son of the Dauphin, made them all come before his Royal Person, and he has signed another will, that was closed up. Some say, that it was only a codicil relating to the first testamentary disposition, &c.

The Earl of Manchester to the Earl of Jersey.

Fontainebleau, Octob. 24, 1700.

We have been expecting every day to hear the death of the King of Spain; but your Lordship will see by the inclosed, that he is rather better, it being the best account that is come. I have had none from Mr Schonenberg this post, which I wonder at. The Spanish Ambassador has a letter signed by the King himself, as others were that went into Italy. Notwithstanding all this, Monsieur d'Harcourt set out

yesterday for Catalonia, and the troops are marching on that side. Monsieur la Prata, chief Engineer under Monsieur de Vauban, went some days before. The Emperor's Envoy is gone to Paris to meet Count Aversberg in his way to Spain. I found by him, that he was in hopes to have some further instructions. I do not know what they mean at Vienna, for all letters do agree, that the will, which the King of Spain has made, is in favour of a Prince of France for the whole Succession. Whether we shall agree to that, is another question, if France was willing to accept of it. I suppose you have had work enough with the Count de la Tour. His Master would fain find his account in this affair, as I perceive by his Minister; and the common report is, that he would give Savoy to France in lieu of Naples, which they will hardly persuade them to with all their rhetoric.

[While King William was at Loo, the Count de la Tour, the Duke of Savoy's Minister, came with a secret Commission from his Master. Don Bernardo de Quiros imagined it was to try to get the Duke named in the room of Archduke Charles. But the truth was, that the Duke, having learnt by the treaty of Partition, that he had no part in it, thought to reap some advantage from thence. For this reason, he had sent la Tour to the Court of France to complain, as he did, that, notwithstanding his consanguinity, the most Christian King had done nothing for him. At the same time, la Tour made a proposition, with an offer, if it was accepted, that the Duke should guaranty the treaty. The proposition was, that the Duke would resign to France the Duchy of Savoy with all its pretensions, in exchange for the Kingdom of Naples. The answer of the French Court was, that his proposition should be considered, but it must also be laid before the other Allies, England and Holland. This la Tour did, but without success. One of the principal reasons of its being rejected by King William and the States, was, that, the King of France having Savoy, with all its pretensions, just and unjust, he would be better able to assert them than the Duke; and, by that means, Geneva and the country of Vaud, where the Protestant Religion is professed, might be in danger. Besides, it was not disagreeable to give the Duke some mortification, for having, after his peace with France, caused a speech to be made to King James, which seemed directly contrary to that which la Tour had made at London, upon the King's advancement to the Throne. Lambert, Vol. I. p. 120.]

Mr Sutton to the Earl of Manchester.

Vienna, Octob. 26, 1700.

There is no answer given to the new invitation made by the contracting parties to the Emperor to come into the treaty of Division, before which it cannot be said positively what his Imperial Majesty will conclude upon. Your Excellency judges very justly, that it appears to be his interest to accept the offer, when the condition of his affairs is considered; but his having refused it before, and the King of Spain being

1700. done, to provoke the King to bar him of his right to that Succession? And upon this all submitted to the *Dauphin's* opinion, and the King seemed overcome with their reasons.

The Duke of Anjou declared King of Spain.
Nov. 10.
N. S.
Lambert,
l. 230.
Though the matter was resolved on, yet it was not published till five days after. For then the *French King*, sending for the Duke of *Anjou* into his closet, said to him in the presence of the Marquis *des Rios*: 'Sir, the King of *Spain* has made you King. The *Grandeess* demand you, the People wish for you, and I give my consent. Remember only you are a Prince of *France*. But I recommend to you to love your People, to gain their affection by the lenity of your Government, and ren-

der yourself worthy of the Throne you are going to mount.' All the Princes of the blood came to congratulate the new King; but, *The Duke* however, the Duke of *Orleans*, the King of *Orleans* *France's* only brother, and his son the Duke of *Chartres*, protested against the will, because the Archduke was put next in the Succession to the will. Duke of *Berry*; whereas they alledged, that *Ibid.* the Duke of *Orleans* and his heirs ought to come before him, as younger son of *Aime* of *Austria*, whose renunciation could be of no more force than that of *Maria-Teresa*. However, this was no obstruction to the new King's setting out for *Spain*, which he accordingly did on the 4th of *December*, accompanied by his two brothers,

being in some measure recovered, make it probable, that he will answer again in the negative. Nevertheless it is invincible what measures are taken to fence off the blow. It is true, there have been many consultations but either nothing is concluded in them, or no conclusion executed. And yet one sees very little emotion in the Imperial Family at the alarming news of the King of *Spain's* desperate illness, which would persuade one, that they very leisurely expected another miracle to be wrought in their favour. If the offer be made them after the King of *Spain's* death, perhaps the seeing themselves evidently unable to withstand the execution of the treaty may force them to yield to it, though their aversion to it be so great, that it must be a great stress to bring them to it. They have rather chosen hitherto to abandon themselves to providence and chance. They seem to flatter themselves, that their steadiness will make some impression, and procure them fairer offers. The Duchy of *Milan*, the Marquisate of *Final*, and the *Stato delli Presiditi*, would in all likelihood buy their consent; and they would rejoice heartily at the bottom to see them added to the Archduke's share, to which they would join themselves the Duchy of *Mantua* after the Duke's death. I am afraid they are not likely to be gratified in their desire; but they seem to think, that, rather than enter into a chargeable war, his most Christian Majesty will enlarge their portion. Your Lordship will be more easily and better informed, than I, of what disposition there may be hitherto.

Your Excellency will observe by the following account, in what condition this Court is to oppose the execution of the treaty. They have discouraged a good while of remounting and recruiting their troops, and give out, that they have money ready for it. I can scarce believe, they have money sufficient for remounting according to their own reckoning, and a great part of the Colonels will not undertake the work at the rates the Court offers. Yet it is said, that assignments are delivered to some of them. Their troops would amount to seventy thousand men, if they were complete; but they are far from it, and the cavalry half dismounted. They cannot dispense themselves from having near thirty thousand men in *Hungary* and *Transylvania*. Their places upon the *Rhine* are very thinly garrisoned, and will never be well furnished or repaired, though there be some artillery passed by from *Buda* towards *Brisac*. They have no forces near *Italy*, and very few within a great distance of it in quarters. The Emperor is between twenty and thirty millions of florins in debt, and pays extravagant interest. It has been discoursed, that the hereditary countries would take the payment of the debts upon them. I do not find any certainty thereof; but, if it should happen, there must be a term of years allowed for it, and they will scarce be able to give the Emperor any further aid. The Chamber of Finances is in so bad a reputation, that they have no credit, and have had much ado for a long time to supply the Emperor's necessities. I do not hear of any recruits, that are yet making, though I hearken after it; but peradventure in two months they may begin to make

them, and they must begin some time, otherwise they will shortly have no troops at all. In fine, my Lord, it is apparent, that, whenever the King of *Spain* comes to die, this Court will be found unprepared to make any great resistance, as I believe any body, that is acquainted with the present constitution thereof, would easily own. But they will presume things cannot go worse for them, than according to the disposition of the treaty. They now hold daily conferences. We shall shortly see the result of them. I have asked audience three days together, and cannot yet have the honour to have one to deliver the King's orders.

The Earl of Manchester to the Earl of Jersey.

Paris, Nov. 3, 1700.

Before I left *Fontainebleau*, I was with Monsieur de *Tercy*, who, I find, is well satisfied with the proceedings in *Holland*. I must own, that, during my stay there, the King took all occasions to oblige me. You know already, that Monsieur *Galliere* is gone to the Duke of *Lorraine*. The Duke of *Savoy* has declared, that he will not act against the treaty. His Ambassador here is now more in hopes than ever, that his Master will have some advantage in the *Partage*; but I found by Monsieur de *Tercy*, that the *French King* was satisfied with the division already made, and yet he would consent to any reasonable alteration, if that was to make the King, our Master, easy. This was meant in relation to our trade in the *Levant*; and, I suppose, that Monsieur de *Tallard* has already told you as much. He arrived here on *Monday*, late at night; and, the next morning, I was to wait on him. He expressed a great sense of the King's favours to him: That he was just going to *Fontainebleau*, to give the King's Master, all the satisfaction possible of the friendship of the King, and of the *States-General*; which he could do with great truth. In short, he seemed extremely pleased.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Nov. 3, 1700.

Here are letters from *Madrid* of the 22d past, by an express; which say, That, on the 21st, the King of *Spain* made a new will, in favour of the Archduke: That he called on those, that were present, and had persuaded him, in his sickness, to make the former in favour of the second son of the *Dauphin*; and shewed a very great dislike to what they had done, signing, in their presence, another. This last action has still increased the factions and discontents here.

Mr Methuen to the Earl of Manchester.

Lisbon, Nov. 4, 1700.

The 13th of the last month I received by an express, which came from *Paris* to the *French Ambassador*, his Majesty's commands to propose to the King of *Portugal* the forms or projects of the two acts of Accession and Admission, for his being comprehended in

1700. thers, who went with him as far as the frontiers of that Kingdom (1).

The King of France's An express of the King of France's accepting the will being sent to the Count de Briord at the Hague, he immediately went to the Pensionary, and, pursuant to the orders he had received, told him, that his Master, having taken into consideration the present situation of affairs, and seeing the Emperor had not acceded to the treaty, nor but few of the northern Princes, and that the King of England was uneasy at Sicily being in the hands of the French, he had, after two days mature deliberation, resolved to yield to the desires of the Spaniards, and give them the Duke of Anjou for King. My Master (added he) is very sensible he shall be a great loser by it; but he had rather renounce the advantages which would accrue to his Crown by the treaty of Partition, than give occasion for a war to the disturbance of all Europe; and therefore hopes his resolution will be approved, as being conducive to the public tranquillity. The Pensionary was struck with this, and made strong but fruitless remonstrances against it to Count Briord. The reason of the Count's speaking of King William's uneasiness about Sicily, was, because the King, before his departure for England, had proposed the giving it to the Elector of Bavaria, for fear (said Briord) the Parliament might be disgusted, if it remained to France, on account of the Levant trade, which might be obstructed by it.

The day after this notification, the States-Ge-

neral met earlier than usual to consider of it, 1700. but came to no resolution, because they wanted to know King William's intentions. However, after many consultations, they sent orders to Heemskerke, their Ambassador at Paris, to represent in a memorial, that they did not expect the resolution which his Most Christian Majesty had taken of accepting the King of Spain's will, contrary to the late treaty; and hoped, that as the time for the Emperor's acceding was not yet expired, and as they had, upon news of the King of Spain's death, renewed their instances to him, his Majesty would take the matter into consideration again, and adhere to the treaty in every article. To this memorial a very long answer was sent to the States, which was also dispatched with the King of France's resolution to all the Courts of Europe, the substance whereof was, That the King of France considered chiefly what was the principle design of the treaty, namely, to maintain the peace of Europe; and therefore, to pursue this, he departed from the words of the treaty, but adhered to the spirit, and chief intent of it. This infamous excuse, for so notorious a breach of faith, seemed to be an equivocation of so gross a nature, that it looked like the invention of a Jesuit Confessor, adding impudence to perjury. With this answer the King of France sent a letter to the States, wherein he told them, that the peace of Europe was so firmly established by the King of Spain's will in favour of his grandson, that

in the Guaranty of the treaty of Repartition, that of Accession to be signed by the King of Portugal, and that of Admission by his Majesty. I have at last prevailed with the King of Portugal to sign that of Accession, which will be sent to England by the same express, which carries this; so that the King of Portugal will be Guaranty of the treaty for the division of the Spanish Monarchy, without any particular treaty or convention with England or Holland for that purpose.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Nov. 6, 1700.

The account we have from Fontainebleau is, that the King of Spain is very weak, and extreme ill again, and not like to live any time. The last will, which he made, and which I have already given you an account of, is kept here as a very great secret, and there is no mention made of it at Court, though I am satisfied it was the occasion of sending an express. There may be reasons for concealing it till they see what the Emperor will do.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Nov. 9, 1700.

We have now news, that the King of Spain died the 1st instant between two and three of the clock in the afternoon, which the inclosed will inform his Majesty of. The Cardinal Portocarrero was declared, by a Commission under the Privy Seal, chief Governor during his illness; and by the testament, which they have since opened, he is continued. He sent Monsieur de Blecourt a copy. The substance of it is, That whereas the King of Spain was satisfied, that the intention and design of the renunciation, which the late Queen of France, &c. made, was only in order to prevent the union of the two Monarchies in one person; and whereas the Dauphin has several sons, to whom in conscience the Succession does belong; he does therefore appoint and declare the Duke of Anjou his heir. In case he should die without children, or inherit the Crown of France, then to the Duke of Numb. XXVIII. VOL. III.

Berry, and, if the same should happen to him, then to the Archduke and his heirs: And he limits it at last to the Duke of Savoy and his heirs. He does also recommend to the Emperor and the King of France, a marriage between the Duke of Anjou and one of the Archduchesses, in order to keep up the same good understanding, that is at present.

The Queen finding, that she had no part in the Government, is fallen very ill. I waited upon Monsieur de Torcy, who gave me an account of these matters, and I did endeavour to learn what measures they intended to take. The King ordered a Council immediately, and I believe you will soon see Monsieur de Tallard. I can see they are very well pleased here with all these circumstances; and, what effect they will have, time must shew; though I am of opinion, that they will keep firm to the treaty, as that is most for their advantage.

Monsieur Zinzendorf assures me, that he has no private directions concerning the Emperor's accepting the treaty, in case of the news of the death of the King of Spain, as it was thought. I have had some discourse with him, and he is satisfied now, that there is no other party for the Emperor to take, and he does intend to write as much. He is very apprehensive lest France should now press the naming of another, as by treaty they may, the time being elapsed.

(1) This account may be compared with the following letter.

The Earl of Manchester to the Earl of Jersey.

Paris, Nov. 12, 1700.

I am just come from Fontainebleau, where I received yours of October 28, concerning the Duke of Savoy; but I must now acquaint you, that there is an end of our treaty. This morning I was with Monsieur de Torcy, who began with saying, that he did not doubt I was sensible, that since they had an account of the King of Spain's death, and the disposition he had made by his will, great difficulties must have arisen: That the King had well considered the occasion and the intent of the late treaty with England, &c. which was

1700. that he did not doubt their approbation of his accession to the *Spanish* Crown. To this letter the *States* did not return an answer till the 8th of *December*, wherein they hoped, that his Majesty would consider, that they could not immediately declare upon an affair of so great moment, without consulting their respective Provinces. Besides, it was a matter which concerned in common both themselves and his *Britannic* Majesty, and consequently they could not act without his concurrence. This letter being delivered to the King of *France* by Monsieur *Heemskerke*, he replied, That the *States* did well to wait for the resolution of their Provinces, according to the constitution of their Government, and hoped their resolution would be agree-

able to his wishes. In the mean time, he 1700. should be ready to concur in whatever the *States* should desire, for the security of the *Spanish* *Netherlands*.

These fair words were by no means satisfactory to the *States*, especially when they considered the haughty expressions in the long answer, not fit to be used to a Sovereign State. Soon after *Don Bernardo*, the *Spanish* Ambassador, received a letter from the new King for the *States*, dated *December* 18, at *Poitiers*. When this letter was offered to the *States*, the President of the week made some scruple to receive it, and desired the Ambassador to stay a few days before he delivered it. But, being told that it was ordered to be immediately presented,

to prevent a war in *Europe*. That the Emperor not having signed, and the Duke of *Savoy* actually refusing to accept of *Naples* and *Sicily*; that there having appeared discontents both in *England* and *Holland* against the *French* being masters of those two Kingdoms, in relation to the trade of the *Levant*; besides that none of the Princes, that the treaty has been communicated to, have promised more than a bare neutrality; the King could not but think there was a necessity of accepting what the will of the King of *Spain* declared in favour of the Duke of *Anjou*. Then he read to me the motives, which he had drawn up, that I might the better inform his Majesty. I desired he would let me take the copy, which I send your Lordship, and most, that passed, is contained in it. You may easily imagine I had little to say, when he told me of the resolution the King had taken. It is certain, that the proceedings of the Emperor have put them in some measure on this necessity, for Monsieur *de Torcy* observed to me, that, if the King had refused, the Archduke had then a double title, viz. that of *Philip IV.* and that of the late King's will: And he could not tell but the *Spanish* Ambassador had orders to send word to *Vienna*, that, the moment the Emperor consented to the treaty, the Duke of *Savoy* had a good title; and his humour is so well known, that we are sure he would not let slip such an opportunity; and then there must have been a war, not likely to be soon ended, whatever the success would be: That the whole Kingdom must be conquered, the *Spaniards* being intirely against dividing their Monarchy. That the ships, we and *Holland* were to furnish, would not be sufficient for such a war: That it was very doubtful, whether *England* and *Holland* would engage themselves in a greater expence; which must necessarily be the consequence. That it was certain, that the treaty was more advantageous to *France*, and was what the King could have wished. He then ended, saying, That the King hoped, that the strength of these reasons would so far prevail with the King, our Master, that there might be still the same good understanding as ever; which was so necessary for the good and quiet of *Europe*. I made no other answer, than that I would faithfully acquaint the King with what he said to me, by order, on this subject. I only asked him, If I might have a copy of the will. He said, he would first ask the King, and then send it me. It will, now, be seen public. I have already acquainted Mr Secretary *Vernon* with the substance of it; but, for fear my servant, whom I dispatched on the 9th, should not be arrived, I now repeat, that the disposition of the will is in favour of the Duke of *Anjou*, and his heirs, &c.

The account of the King of *Spain's* death came on *Tuesday*, the 9th, about one o'clock in the afternoon; and, at three, there was a Council in *Madam de Maintenon's* lodgings; at which she was present, with the Chancellor, the Duke of *Beauvillier*, and Monsieur *de Torcy*. The *Dauphin* was out a-hunting. The next morning, there was another Council, in the same manner, when the *Dauphin* was present. Monsieur *Bleau* had sent a copy of the will, which the Regents

had given him. On the 10th, the *Spanish* Ambassador received a Courier, with orders to notify the King's death. He had a letter also for this King, signed by the Regents; and the Queen's name was first. He went straight to Monsieur *de Torcy*; and, that night, there was another Council, where the matter was determined, as I suppose. On the 11th, the *Spanish* Ambassador had a private audience, when the will was read, all over, to the King; who declared, he accepted it. Soon after this, the *Spanish* Ambassador sent a Courier for *Spain*; and there is no doubt, but, as soon as he arrives, the Duke of *Anjou* will be proclaimed. I did perceive, that this would be their resolution; but Monsieur *de Torcy* did not explain himself to me, till this morning. The King will not declare it till on *Monday* next, when he will be at *Versailles*; and, I believe, the Duke of *Anjou* will, soon after that, go for *Spain*. Monsieur *de Tallard* desired me to let you know, That he should have sent the account of the King of *Spain's* death, as he promised; but that I did. He tells me, he has orders to be ready; and says, he shall soon be in *England*. I think, he ought to go. As to what is to be judged at this Court, by their look, I did perceive, that, the moment this resolution was taken, the King was very civil; but looked always much concerned, whenever I came near him.

It is, without dispute, by the Queen's signing, that she has been all along in the *French* interest, whatever she seemed to the Emperor's Minister. And, if the present posture of affairs is considered, as she was hated by all, this was the only way to save herself; and it was so managed, that, in *June* last, the King of *Spain* signed a will in favour of the Archduke; which was sent to *Vienna*. That made the Emperor proceed as he did. Besides, they have never obliged her in any thing she desired. The King of *Spain* cancelled that, and made this on the 2d of *October*. Monsieur *Zinzendorf* told me this in discourse; and he would not believe what he sees, now, to be possible; though he does not yet know, that the *French* King has accepted the will.

I cannot tell what resolution the King will take; and I am far from giving any opinion, though, if your Lordship will permit me, I cannot see but we must acquiesce. You are sensible of the posture of our affairs, and of the discontent there was in *England* against the treaty, inasmuch that my Lord *Portland*, and all, that were concerned in it, were the next Sessions to be sacrificed, if possible. I am satisfied, that this was the design; whether the Parliament will approve of it, is what I cannot say. I must desire of your Lordship, that you send my instructions in *French*, especially if I am to have an audience of the King, that so I may make use of the same expressions, which I will punctually observe. This is so nice a matter, and of so great a consequence, that you will forgive me, when I desire it.

It is observable, that, not long after the King of *France's* accepting the will, he caused Letters Patents to be registered in the Parliament of *Paris*, to preserve to the King of *Spain*, his grandson, his right to the Crown of *France*; in case the Duke of *Burgundy*, his

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1700. presented, the President received it, adding, that it must not be thought strange, if the *States* did not answer it so soon as expected (1).

The Spaniards throw themselves into the hands of the French. Burnet.

During these transactions at the *Hague*, the Spaniards seeing themselves threatened with a war from the Emperor, who declared against both the treaty and will, and apprehending that the Empire, together with *England* and the *United-Provinces*, might be engaged to join in the war, and being unable to defend themselves, delivered all into the hands of *France*. And upon that, both the *Spanish Netherlands*, and the *Duchy of Milan*, received French garriſons; the French fleet came to *Cadix*; a squadron was also sent to the *West-Indies*; so that the whole *Spanish Empire* fell now, without a stroke of the sword, into the French power. All this was the more formidable, because the Duke of *Burgundy* had then no children; and, by this means, the King of *Spain* was in time likely to succeed to the Crown of *France*. And thus the world saw the appearance of a new universal Monarchy, like to arise out of this conjunction.

Great apprehensions of the danger Europe was now in. Ibid.

The King of *Spain* wrote to all the Courts of *Europe*, giving notice of his accession to that Crown; only he forgot *England*. And it was publicly given out, that he had promised the pretended Prince of *Wales*, that, in due time, he would take care of his interests. The King and the *States-General* were much alarmed, when they beheld the French possessed of the *Spanish Netherlands*. A great part of the Dutch army lay scattered up and down in those garriſons, more particularly in *Luxemburg*, *Namur*, and *Mons*; and these were now made prisoners of war. Neither officers nor soldiers could own the King of

Spain, for their Masters had not yet done it. At this time, the French pressed the *States* very hard to declare themselves. A great party in the *States* were for owning him, at least in form, till they could get their troops again into their own hands, according to capitulation. Nor were they then in a condition to resist the impression, that might have been made upon them from the garriſons in the *Spanish Guelder*, who could have attacked them before they were able to make head. The *States* therefore came to a resolution of owning the King of *Spain*, and accordingly wrote a letter that same day to the French King for that purpose. This being done, their bat-talions were sent back, but they were ill used, contrary to capitulation, and the soldiers were tempted to desert their service; yet very few could be prevailed on to do it.

There was at this time a black appearance of a new and dismal scene. *France* was now in possession of a great Empire, for a small part of which they had been in wars (broke off indeed in intervals) for above two hundred years; while *England*, who ought to have protected and defended the rest, was, by wretched factions and violent animosities, running into a feeble and disjointed state. The King indeed, upon the news of the French King's resolution to accept the will, and recede from the treaty, was full of indignation to find himself so much abused, but he appeared quite the contrary. Inſomuch, that his cold and reserved manner, upon so high a provocation, made some conclude, that he was in secret engagements with *France*; and that he was resolved to own the new King of *Spain*, and not to engage in a new war (2). This seemed

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Coley, p. 318.

Burnet, p. 257.

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elder brother died without heirs. These letters were given in *December*; but were not sealed till *January*, nor registered till the 1st of *February*. They were, says *Lambert*, (l. 388.) not only contrary to the renunciation of *Maria Teresa*, but may moreover, one day, occasion disputes, to set aside the famous, but trifling renunciations, made at the peace of *Utrecht*.

(1) While the *States* were thus delaying to declare themselves, an accident happened, by which they gained some time. *Briard*, after a public audience, having invited to dinner, according to custom, some of the Members of the *States-General*, and the entertainment lasting a good while, he wanted to make water. But thinking it uncivil to rise from table on that account, he brought upon himself a stoppage of urine, which was like to have killed him. Surgeons were sent for from *Amsterdam*, but, the indisposition continuing, an express was dispatched to *Versailles*, and Count *d'Avaux* was sent to carry on the negotiations. However, by this means above a month was gained, for *d'Avaux* did not come till Feb. 6. N. S.

(2) The reader may see the progress of affairs in this remarkable period, in the following extract from *Mr Cole's Memoirs*.

The Earl of Manchester to Mr Secretary Vernon.

Count *Zinzendorf* had an audience of the King soon after the ceremony of declaring the Duke of *Anjou* King of *Spain*. That was appointed before he knew of this: It was to acquaint the King, That the Queen of the *Romans* was brought-to-bed of a Prince. He made all the haste he could to *Paris*, to let me know, that the Duke of *Anjou* was declared. I fear, the Emperor may thank himself; for it is probable, that he might have prevented it. He tells me, that he has news, by a Courier, that the Emperor's troops are marching for *Italy*; but I do not always rely upon his news: We shall soon hear, if it be so.

I do assure you, there is great joy at *St Germain's*. The late King goes, this day, to wait on the Duke of *Anjou*. I was, last night, at *Monſieur's*, who is at *Paris*, where I found Lord *Melfort*; who gave himself other airs, than he used to do.

I am just now told, That an offer is made to the Elector of *Bavaria*, to continue in the Government of the *Netherlands*, during his life; and that this new King of *Spain* will confirm it to him.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Novem. 20, 1700.

Since my last, there is another Courier arrived to the *Spanish Ambassador*, with the intire will; for, before, they had only an abstract. There is also a codicil, which was added to the will on the 21st of *October*; and relates only to the Queen's dowry, which was but three hundred thousand ducats, and, now, it is four. She has the choice of *Naples*, *Milan*, *Sicily*, or *Flanders*; where she is to govern with a Council; which the new King has power to appoint. There are some letters, which say, That Count *de Harrach*, the Emperor's Minister, has made a protestation against the will, both as to the matter and manner; where he alleges, that the King's hand was guided.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Novem. 27, 1700.

My being at *Fontainebleau* was the reason of my being so soon informed of the intentions of the Court. They could not well do otherwise than tell me; for, when we had the news of the King of *Spain's* death, I pressed *Monſieur de Torcy* to tell me what measures they would keep, in relation to the treaty. He answered me, from time to time, in a doubtful manner,

which

1700. so different from his own inclinations, and from all the former parts of his life, that it made many

which gave me reasons to suspect what was doing: So, at last, he had orders to acquaint me with it. Besides, he said, it was proper, that the King should know it, otherwise, than by the public news.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Nov. 18, 1700. O.S.

I have received your Excellency's letter, of the 24th instant, N.S. and have laid it before his Majesty; but the King has not given me any thing, in command, at present, to write to you. Their resolutions are taken; therefore his Majesty may be allowed to consider a little, what may be the consequence of so sudden a change in that Court; as likewise to expect, what are the sentiments of other Princes and States, who are equally concerned in the preservation of the peace of Europe, and the preventing the balance of power from being broken, by the uniting too many Dominions under any one Prince; which was the just foundation of the late treaty. But, how does it yet appear, that the security of Europe is better provided for, by a Prince of France being made King of Spain? Or, what care is taken to satisfy the world therein?

The Earl of Manchester to Mr Secretary Vernon.

Paris, Decemb. 1, 1700.

I was very much in doubt about my going to Versailles, till I received your's of the 3^d instant, which determined me. I had a very good excuse, because all, that go there now, have put their coaches in mourning, and mine are not yet done. They do already say at Court, that, till I had orders to compliment the Duke of Anjou, I do well not to appear there. I did find by the Dutch Ambassador, who went yesterday for an answer to a memorial he had given in by order of the States, that Monsieur de Torcy did intimate to him as much, as from himself.

The Duke of Anjou is to set out on Saturday next. I cannot tell but it may be deferred; and, if so, I shall be under some difficulties. Monsieur de Tallard was with me. He talks of going, but he has as yet no orders. I am still of opinion, that you will not see him very soon, unless the King our Master does signify his consent to what has passed here.

The Prince of Pavement has proclaimed the Duke of Anjou, and has writ to the Spanish Ambassador here to assure the new King of his fidelity, and he hopes he shall receive his orders before he goes for Spain, which he will punctually observe. The Savoy Ambassador has received orders to compliment him on his accession to the Crown, which he did yesterday. The Emperor's Envoy has no orders as yet; and they do here not seem to value what the Emperor can do. I am nevertheless told for certain, that a marriage will be proposed to the Emperor for one of the Archduchesses, according to the desire of the late King of Spain, by his will. If that is not accepted, then they will marry him to a daughter of the Duke of Savoy, who is about thirteen years old.

They begin to say here, that, as for Holland, if they are dissatisfied, the King of Spain ought to bring them to obedience, as formerly belonging to that Monarchy. And, if we dispute, the little Gentleman at St. Germain's is to be made use of. I wish that may not be the consequence at last, though we should act otherwise.

The Earl of Manchester to Mr Stanhope.

Paris, Dec. 3, 1700.

The Duke of Anjou sets out to-morrow for Spain—We here as yet of no proposals to make the Dutch secure; and I believe there is no thought of it, since they seem to say, that this will depend on Spain, and not on them. Monsieur de Bedmar has been here, and was at Marly. I am told, that the French King

assured him, that, if there was occasion for his assistance in Flanders, he would send what troops they desired. I cannot think, that the Elector of Bavaria will keep the Government long, notwithstanding what he has done, neither will the Dutch troops be permitted to stay there. Whatever proposals will be made to the States, they will come from the French Ambassador at the Hague, and I hope you will let me know what steps he makes—I fear that the affairs of Europe are in a very ill condition, and that in a few years France will be master of us all. There goes a report about Paris, that I have asked an audience of the King, which he denied me, because I did not acknowledge the Duke of Anjou. You will do well to let every body know, that there is no such thing, and that I have no orders of that nature. What I had to say was much the same with what the Dutch Ambassador said, and I only acquainted Monsieur de Torcy with it, and did not give it in writing.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Dec. 4, 1700.

I take it for granted, that the Duke of Anjou is to set out this morning.—I intend to go to Court on Tuesday next, and see what is doing.—I do take all the care I can to behave myself as prudently as is possible at this juncture, since all persons eyes are upon me; which I conceive is right, whatever the King's resolution may be at last. But it is impossible to prevent idle discourses here. I suppose you will hear, that I had asked an audience of the King, and was refused, by reason I had not complimented the new King of Spain. There was no ground for this; you know very well, that I had no occasion of doing it, having received no orders of that nature: Yet I am of opinion, that this might possibly have happened, if I had, and that there will be soon a declaration, that those Ministers, whose Masters do not own the Duke of Anjou, will not be received here. Their way has always been to carry things high. Not that I think, that they are in a condition of doing it, were other Princes united.

Yesterday I received the inclosed from Monsieur Schonberg to the King. What he acquaints me with is not worth taking notice of; but I am told from other hands, that there are a great many Spaniards dissatisfied, and who do not approve of the conduct of the Regents. The Queen does not come to the Council; perhaps this is only, that the House of Austria may have a better opinion of her. The Count de Harrach has entered a protestation; as has also the Pope's Nuncio, in relation to Naples; and, his pretence is, that the King, dying without children, it reverts to the Pope, as his Fief. Both these protests I have sent you, with the French King's letter, in answer to those of the Spanish Regents. The style is worth observing. I am told, that orders are given for a fleet to be set out. It is not yet known of what number of ships it is to consist. Some of the forces, that were towards Bayonne, have orders to march this way.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Decemb. 8, 1700.

I can now assure you that Monsieur de Tallard takes his leave of the King, to-morrow, and will be soon in England. I did perceive by Monsieur de Torcy, that he has a letter to the King; so that a little time will shew what we are to expect. I did not enter into discourse on that subject, nor on the late proceedings of theirs; and it is to no purpose. The less I say, the better, unless I do it by order. What assurance Europe will have of it's security, I cannot tell, unless what they say here will be thought sufficient, viz. that the French King will end his days in peace, and that his ambition is now satisfied. Here is arrived a Courier from Madrid. The letters say, That they had proclaimed

1700. many conclude, that he found himself in an ill state of health, the swelling of his legs being

much increased, and that this might have such effects on his mind, as to make him less warm and

1700.

claimed the Duke of *Anjou*; and that there were shewn great expressions of joy in all parts. They have also the same account from *Naples*. We shall soon see what the Emperor thinks of all this matter. It is certain, this might have been prevented, if he had accepted the treaty. And, as it is, it may be very fatal to *England*, even without remedy. We are not united enough at home, to expect any good; and, I fear, that those, that disapproved of the late treaty, will soon have reason to wish it had took place. My being in *France* has not given me a better opinion of their sincerity, or good inclination towards us: And I cannot see, let this matter turn which way it will, that there is any great occasion for the King to be at the expence of an Ambassador, here; neither do I believe, that Monsieur de Tallard will stay long with you.

Mr Stanhope to the Earl of Manchester.

Hague, Decem. 10, 1700.

A Courier was last night dispatched by the States to *Paris*, with their answer to the King's haughty letter. The answer contains, after such thanks as he expects, that his Majesty knows very well the nature of their constitution to be such, that they can take no new resolutions, especially in matters of this great importance, without communicating them first to their Provinces; which they are more indispensably obliged to observe in this case, because the treaty of Partage was in a most solemn manner communicated to, and approved, and ratified by, them; and therefore they cannot lay the treaty aside, but with the same essential formalities it was made: That they would immediately communicate his Majesty's letter to their Provinces, and hoped he would please to allow them so much time, as till they could know their minds about this weighty affair, seeing it was impossible for them to take any resolution of themselves. Something I hear was mentioned of the King, as their Stadtholder, whom they must also consult. The same in substance was sent last night in writing by the States Agent, both to the French and Spanish Ambassadors, here. This expedient will, probably, give them a little more time to consider what they do. They seem to be grown much cooler, and more moderate, than they were at the first news, when they talked of nothing but war; and I am now verily persuaded, the party, acknowledging the new King, will, e'er long, prevail, by a great majority. One said to me, to-day, They would have been pleased, if their Ambassador at *Paris* had done it, tho' without orders; for then they had been at liberty to have owned or disowned his action, according as they found it suit with their interest afterwards. The Emperor's Court makes a great noise, and talks of sending an army into the *Milanese* early in the spring: But little is to be expected from a Prince so irresolute, and whose finances are in so lamentable a disorder; besides that, the German name, by their barbarous actions in the last war in *Italy*, is become much more odious than the French; and, besides that, their unreasonable project, of reviving his antiquated pretensions to the Imperial Fiefs, has made all there fear, and consequently hate, the nation.

While things are in this uncertain condition between this State, and *France*, and *Spain*, nothing can be moved on either side about the Dutch troops in *Flanders*. It would be most natural to expect the proposals from the French, rather than *Spain*; because they are jealous of the French, and not of *Spain*: But, in discourse with the French Ambassador on the subject, he told me, If these people had any thing to move concerning it, they ought to address themselves to the King of *Spain*; for it no way concerned the King, his Master.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Decemb. 11, 1700.

I cannot tell from whence they have, at *St Germain's*, No. 28. Vol. III.

an apprehension, that the Prince of *Wales* will be carried away into *England*, with his own consent; and, upon this, they have increased his guards; whereas, formerly, he had six, he has now fourteen. They think their game so very sure, that there is no occasion he should make such a step. Besides, the changing of his religion will never be suffered; and they have lately declared, That they would rather see him dead.

Just as I had wrote this letter, Count Zinzendorf came to me, and told me, He had received orders to go to Court, now the Duke of *Anjou* is gone, as he used to do. He is to represent to Monsieur de Torcy the right the Emperor conceives he has to the Crown of *Spain*. He also tells me, That the Count de Gees, at the *Hague*, has full instructions; and that there is an Envoy named for *England*, who will be soon there. In short, I do perceive the Emperor is willing, now, to do any thing the King shall like—Count Zinzendorf says also, That orders are given for the troops to march towards *Italy* and the *Rhine*.

The Earl of Manchester to the Earl of Jersey.

Paris, Dec. 15, 1700.

Monsieur de Tallard is now with you, which will bring this great affair to a point. I cannot perceive, that he has orders to make any proposal in relation of what may make *England* and *Holland* secure; and I am unwilling to make any steps that way, in order to find out what their thoughts are here, till I am a little informed of the opinion the King is of, and in what manner he could wish this would end. Some pretend, that they will give all the assurances, that can be desired; but I take it, that we should, if possible, have something more substantial. To others they say, that what relates to *Flanders*, is not in their power, but what proposals are to be made, must be made to *Spain*, which cannot be done, till we acknowledge the new King. Here is a discourse, as if *Spain* would exchange *Flanders* for *Roussillon*, or some other place near them. It is not improbable, but this may be done in time, though at present they know their interest too well to give such jealousies, as this would do. The Emperor's late proceedings, and the account, that he is sending forces into *Italy*, have made the French take the resolution of sending Count de Tessé to *Milan*. He is declared General of the French forces, and goes away post on Saturday next. Twenty-five battalions, and three thousand horse, are marching with all diligence towards *Savoy*. It is said, Count Tessé is to see in what condition affairs are there, and to concert with Prince *Vaudemont*; whom, as I believe, they begin to mistrust, notwithstanding what has passed. There is no doubt but he is to ask the Duke of *Savoy* for leave to pass through his country; so that now he must explain himself, and they are not sorry it happens so. Monsieur Zinzendorf was yesterday at *Versailles*. He had orders to acquaint Monsieur de Torcy, that the Emperor had received a letter from the States-General, jointly with their Confederates, the Kings of *England* and *France*, whereby they still invite him to sign the treaty, and say, that he had yet time to do it: That Monsieur de Villars had, notwithstanding this, declared, that his Master had accepted the will, and that the Duke of *Anjou* was King of *Spain*, which was a sort of contradiction. The answer, which Monsieur de Torcy made him, was, That he did not know what the States may have done, but that the King had no part in it: That he knew what had passed here in relation to the Duke of *Anjou*, and that the King was resolved to support him with all his forces, which he did not doubt but was easy to do. This was the substance of what Monsieur de Torcy told me. Count Zinzendorf did only set out the Right of the Emperor to *Spain*, by the will of Philip IV, the renunciation of *France*, and several treaties. There is no doubt but that the answer he had to all this was in very high terms,

1700. and active, less disposed to involve himself in new troubles; and that he might think it too

inconsiderate a thing to enter into a new war, 1700 that was not likely to end soon, when he felt himself

terms, which I think could not have been expected otherwise.

Monsieur de Schonenberg to the Earl of Manchester.

Madrid, Dec. 16, 1700.

The Marquis of Harcourt is returned hither since Monday last. They care for him extremely, and it is certain, that his Commission extends itself to affairs of more importance, than the regulating only what relates to the reception of the new King. It seems, that those, who have the greatest credit in the Junta of the Regency (that is to say, the Cardinal Portocarrero and his adherents) have made a vow to abandon the fate of the Monarchy to the arbitration and the good-will of France. Who would have thought, two years ago, that the Spaniards should become so cordially tractable on this article? Thus it is true, that political maxims are no less subject to variation than other affairs. In the mean while, this Court has sent orders to the Government of the Netherlands, ordering all, without exception, absolutely to obey every thing, that his most Christian Majesty shall judge proper to order the new King to do. Orders are also sent to transport into the Milanese the few troops, that remain in Catalonia; and it is resolved to raise fifteen hundred men in Italy, to be transported to Flanders, whence they will, no doubt, endeavour to remove the foreign troops, to put the French in their places.

It is almost inconceivable how much animosity the ill-intentioned at this Court shew against England and the United Provinces; but we have reason to hope, that the perfect union of those two Protestant powers (so absolutely necessary in the present conjuncture) will dissipate the ill designs of their implacable enemies.

What is most ridiculous in these indiscreet Ministers is, that the Monarchy is so generally decayed, that of themselves they can do nothing; so that, if they should come to be attacked by very moderate forces, they would be every way exposed to irreparable losses, and especially in America. It is true, that they would be safe under the protection of France; but, in order to make them secure every way, as powerful as that Crown is, it would be obliged to exhaust itself.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Dec. 18. 1700.

The Dutch Ambassador had yesterday his audience. The King's answer was, that he waited with impatience for the last resolution of the States, which he hoped would be comfortable to what he so much desired, the peace and quiet of Europe; and that he might assure his Masters of his friendship, which he would be glad to continue to them. Monsieur de Torcy told him afterwards, that the King was ready to give the States all the assurances they could desire, in relation to their security. I am told, that the French Ambassador at the Hague has the like orders. It is certain, that here they are not for war, if it can be avoided; and that is not to be doubted, since they cannot hope for any advantage by it more than they have. They seem to value but little what the Emperor can do, yet they are resolved to take right measures in case of the worst. The posture of affairs at Vienna is such, that, if the Princes of Italy were not resolved to oppose the Imperialists, yet they would not be in a condition to march these three months; but it seems, there is such hatred against them there, by reason of their proceedings in the late war, that I find by all the Italian Ministers, that they like French troops better than Germans; so that I cannot see, but the great preparations, that are now talked of, will come to nothing. The Emperor would be glad, that others would undertake his cause.

The Envoy of the Great Duke had on Thursday last a public audience, to congratulate the King on the Duke of Anjou's accession to the Crown of Spain.

I have your's of the 2d, and I shall take what care I can to inform you of what orders are given in relation to the fitting out of a fleet. There is no doubt, but they are taking their measures to have it in readiness; and they say here, that we are doing the same.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Decemb. 10, 1700.

I now send you back Mr Chetwynd, his Majesty having thought it proper, that he should bring you the inclosed letter for Monsieur Schonenberg; which his Majesty would have you send to Madrid, by the quickest and safest way you can think of. I send you the letter unsealed, that you may see it contains the copy of an instruction, which his Majesty gives to Dr Aglionby, who is appointed to carry his Majesty's answer to the letter, that his Majesty received, the last week, from the Regency of Spain, notifying the King's death, and the disposition he made of the Crown. He is ordered to go by the way of Graye, and, I believe, will set forwards to-morrow. His Majesty would be glad, that he might reach Madrid, before the King of Spain's arrival there, it being of consequence, that no time should be lost in executing these instructions. But, since he may be delayed by contrary winds, his Majesty has thought fit, that a copy of the instructions should be sent directly, and with speed, to Mr. Schonenberg, that he may, in the mean time, make his Majesty's intentions, of living in his former friendship with Spain, rightly understood, and use his endeavours, either to keep them in, or bring them to the same disposition towards us.

Now your Excellency sees, what will be his Majesty's conduct towards Spain, if he meets with suitable returns from thence; his Majesty would have it serve as an instruction to you, how to govern yourself in the conversations you may have an opportunity for with the Spanish Ambassador, residing at Paris, or with such of the Grandees, as are coming thither from the Regency, to prevent their taking any ill impressions, in relation to his Majesty and his Kingdom. But you will defer acquainting him with what his Majesty has now ordered, since it may be doubted, what use he would make of such an information in that Court. It seems fit likewise, that nothing be said of the particulars to the Emperor's Minister.

—Monsieur Tallard took occasion to tell me, yesterday, That he never intended to stay in England above three months. That he will be expired in March next; and therefore, about February, he hoped to have orders to return home; but his Master would send another to supply his place, and such a one, as should be agreeable to his Majesty. He touched upon the alterations, that had happened since his being here last, as to their accepting the will. He said, The reasons for it were contained in a memorial sent into Holland; which he did not doubt but I had seen, and he could repeat them all by heart, if it were necessary. He did repeat most of what shewed the necessity of accepting the will, thereby to prevent the Emperor's and the Duke of Savoy's having a new title to the Crown of Spain. He said, if the Emperor thought of invading Milan, his pretensions would be unjust, since they had the original grant, by which Charles V conferred that Duchy upon Philip II, and his heirs, as well females as males. I asked him, whether, if the Emperor thought he had a right to Milan, and would assert it, that that ought to give jealousies, or disturbances in parts far remote from it, and whether that would occasion the marching of French troops into Flanders. That we were surprised to hear of messengers sent to the Elector of Bavaria, to tell him, that the French troops should march into Flanders, where-

EVER

1700. himself in a declining state of health. But the true secret of this unaccountable behaviour in the King was soon discovered.

The

ever he thought it necessary. I asked if *Holland* had given any occasion for it, or whether they imagined any alarm could come from thence. All he answered to it was, that he had not heard of any such messages or orders. I told him, that the advantages, which accrued to *France* and *Spain* by the accepting the will, were visible; but what had others to rely upon, who saw their treaty laid aside, from whence they promised themselves a prospect of peace and tranquillity? His answer was, that *Spain* would remain as it has been, and they might have the same contests with them hereafter, as they had formerly. But his Master lost by complying with the will, but was satisfied, that justice had been done to his family, and the preserving of peace was all he aimed at.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Decem. 22, 1700.

I was yesterday at *Verfailles*, and I continue to go as I did formerly. I know they are a little suspicious of what we are doing, and will be more so in case Monsieur de Tallard believes all that is said at *London*. I did take notice to Monsieur de Torcy, in general words, of the change of the scene of *Europe* in a little time: That all Princes would now be obliged to begin again, and to take measures conformable to the present posture of affairs. He could not but allow it; but still he was of opinion, that the peace of *Europe* was much more secured by this alteration. When I mentioned *Portugal*, he said they could not think themselves in any danger, since the King had ordered his Minister there, as soon as he accepted the will, to assure the King of *Portugal*, that he was ready to enter into a league offensive and defensive with him.

By this you will see they are before-hand with any proposal or offer the Emperor can make. As to *Holland*, the French Ambassador there will have given them assurances; but you may rely on what I acquaint you, that it will be on condition, that their troops leave *Flanders*, which they will not admit here on any terms; and I am apt to think, that they will be ingenuous enough to own it. Yet at the same time they will send no French troops, but in defence of the country, in case the new King of *Spain* desires it. They will, if possible, make the States declare themselves before the meeting of our Parliament. There is nothing stirring at *St Germain's*. They now disown and are ashamed of what I told you concerning the Prince of *Wales*.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Decem. 3, 1700.

Count de Tallard at his audience delivered his letter to the King, saying very little at the presenting of it, and then stood silent. The King said something to him about his own inclinations to preserve the peace of *Europe*, in manifesting whereof he might perhaps have advanced too far; but he was very desirous, that all the world should be satisfied of his dispositions towards the public tranquillity. I understand the Ambassador's answer was to this effect, That his Master had the same inclinations to peace, and thought he had given a proof of it by accepting the King of *Spain's* will. His Majesty seemed not to understand how that could be made out, and the Ambassador proceeded no farther, but only made a compliment on his own account, how much he valued the honour of returning hither again, to assure his Majesty of his profound respects, and so took his leave, and went immediately back to *London*. His Majesty had not opened the letter, while the Ambassador was with him, it not being usual; but, reading it afterwards, he finds it is there said of the Ambassador, "That he will explain distinctly the just reasons, that have obliged us to prefer the public tranquillity to our private interests, by accepting,

"as we have done, the will of the late Catholic King, in favour of the King our grandson." And therefore his Majesty seems a little surpris'd, that he did not enlarge further at his audience, or desire some other time for the doing it.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Decem. 25, 1700.

A person of distinction is come here from Prince Vaudemont; his name is Colmanero. It is thought, that he brings an account of the affairs at *Milan*, and of the march of some of the Emperor's troops towards *Italy*. Whereupon sixteen batallions are ordered thither, who are to embark, the eighth of next month this style, at *Antibes*.—All the forces, that were in *Catalonia* and towards *Bayonne*, are marching into *Dauphiné*. The army, that is intended for *Italy*, is to consist of sixty batallions, and eighty squadrons of horse; four Lieutenant-Generals, and six Major-Generals. The two first of the Lieutenant-Generals are to embark with these sixteen batallions. It is said, that the whole army will amount to forty thousand men, if there be occasion. There is no doubt but they will send what they can, since they may by these means not only oppose the Imperialists entering into *Italy*, but they may attack them in their country.

I was yesterday to make a visit of ceremony to Monsieur de Chamillard. I was willing to know his thoughts a little on what has happened, by way of discourse, which cannot have any consequences. His expression, as to *Holland*, was, that he owned it was very difficult to prevent people's fears of what may happen hereafter; but that in great measure it may be done by making of leagues offensive and defensive with each other, &c. and that the King would contribute all he could towards it. It is certain, that at present they do not desire to break with *England*. What they will aim at, here, is the sending the Dutch troops out of *Flanders*, and I am satisfied that is their design; so that it is very proper, that Monsieur de Tallard should be brought to explain himself on that subject. His coming so abruptly to *Hampton-Court*, before he had an answer from you, shews the nature of the man. But besides, as they suspect what we are doing, so I see they are here in the last impatience to know our resolutions; and there is not a time I go to *Verfailles*, that they do not expect I should say something of that matter.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Decem. 16, 1700, O. S.

Count Tallard has not been at Court since his audience on *Wednesday*, nor have I seen him, or heard from him, since I made him my visit that day. I do not know, whether he has taken any thing amiss; that he can have no reason for it, you will judge by the accounts I have sent you. If you find therefore, that the accounts he has writ into *France* are different from what I sent you last post, you will endeavour to make things rightly understood, that we may not fall into coldness upon being misapprehended. But this reserved humour, M. de Tallard seems to be in, looks as if he had writ something home, upon which he expected further orders.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Dec. 29, 1700.

Monsieur de Torcy mentioned to me the project of a league between *England*, *France*, *Spain*, and *Holland*, for the securing of *Flanders*; and any other Prince may come into it. Monsieur Lelienrost had made this proposal; and the King, here, is ready to consent to it, and give all sort of assurances, that can be desired; and

1700.
A new
Ministry.
Barnet.

The Earl of Rochester was now set at the head of affairs, and was to bring the Tories into the King's

and he hoped, I had, or would acquaint the King with the disposition they were in, to contribute towards the public peace. I said, That it could not be doubted, but the King had the same desire and concern for the peace of *Europe*, which was manifest by the treaty; and it was plain, that he could have no other prospect. As to the proposal of Monsieur *Lelienroot*, I knew nothing of it; but, I supposed, the meaning of it was, that all things, in *Flanders*, should remain as they are. Then he explained himself, and said, That, as the King did not intend to send any troops there, so it could not be expected, that the *Dutch* should stay there, except only such as belong to the King of *Spain*. I have long perceived, that this was their design; I only said, that I thought *Spain* could never apprehend any thing, from the *Dutch* troops remaining there, though I could not tell, but it might give apprehensions to others, if they were removed. He would have argued the matter, but I avoided it. I am confident that, if in *Spain* it should be approved of, it will be opposed here: Yet, if the Emperor can make any head, so as to be able to give them trouble, and *Portugal* should be dissatisfied, as, I hear, they are, I cannot but think they may be brought to what terms we please.

Monsieur Schonenberg to the Earl of Manchester.

Madrid, Dec. 30, 1700.

The affairs, here, continue to represent a lively image of the infancancy of human affairs, the Regency of *Spain* doing all that it can to draw on it the yoke of *France*; but, provided *England* and *Holland* keep firm, there may be means found to make them return to their true interest, and to maintain the new King in a convenient independency.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Jan. 1, 1701.

I cannot in the least complain of Monsieur de Torcy. He is extremely civil to me; but, in general, there is a mighty shyness, of which I take no sort of notice, and do as I used to do. All things move, here, as the King takes notice of them; and, since the accepting of the will, he has never spoken a word to me, tho' I continue to make my Court every Tuesday.

I am told, That the *French* King has wrote again to the *States*, to declare themselves, by such a time; else he shall look upon them, as taking measures with the Emperor, and act accordingly, to prevent their designs. By what I perceive of things, this was not so peremptory, as it was said; though, that they will press the *States*, is not to be doubted. I am informed, just now, That an express is come from *Madrid*; and that the Regents have desired the *French* King to accept the Generalship of the Monarchy of *Spain*; and, that they have sent orders to all the Viceroyes, Governors, &c. in all parts, to obey his orders, punctually, in all matters whatsoever. If this be true, as it is very probable, one may judge what will be the consequence.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Dec. 23, 1700, O. S.

Your Excellency's letter, of the 29th instant, arrived yesterday; and, as soon as I had decyphered it, I laid it before his Majesty, being then at *Hampton-Court*. His Majesty commanded me to acquaint you, That he does not know what Monsieur de *Lelienroot*'s project is, any further, than the account you give of it; nor does he know upon what grounds he proposes it; but he supposes it arises from Monsieur *Lelienroot*, or Monsieur *Palmguist*, without any directions from the King of *Sweden*.

His Majesty approves of what you replied to Monsieur de Torcy, upon his explaining, That it was the

intention of that Court, not to allow of the continuance of the *Dutch* troops in *Flanders*. If these methods are pursued, it will be hard to make it understood, that they are meant to free people from their jealousies and apprehensions.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Jan. 8, 1701.

I had the favour of your's, of Decemb. 23. I take it, that the proposals, which Monsieur *Lelienroot* makes, are of himself, and not by order; and that Monsieur *Palmguist* does the same thing here. They might have their ends in it, for the service of their Master; but the success, the King of *Sweden* has had lately, may be, will put an end to all those projects.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Dec. 30, 1700, O. S.

Count *Wratisslaw*, the Emperor's Envoy, arrived here on Saturday last. He goes, to-morrow, to *Hampton-Court*, where his Majesty has appointed him a private audience. I hear, he already begins to discourse of both the Emperor's pretensions, as well to the *Spanish* Succession, as to the Fief of *Milan*; and that they are publishing a manifesto at *Vienna*, in maintenance of each of those titles; and are resolved to justify them, though they stand alone in the defence of them; but, they say, they cannot fall alone, since their ruin must draw others after them.

His Majesty is not very well; his appetite abates, and his legs are more swelled; but it chiefly arises from great thoughtfulness, in relation to the public.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Jan. 12, 1701.

I cannot but think, by the proceedings of the Regents of *Spain*, that they are resolved to have the *French* King for their King; and that the Duke of *Anjou* is to have only the name. There is another express come from them; by which they acquaint this King, That they have sent orders to their Ministers in all Courts, to act in concert with the *French*, and to obey the orders, which the *French* King shall send them; and to let them know, that *Spain* shall be included in whatever treaty *France* shall think fit to make; and that they may sign it, without staying for further orders from them. It is certain, that this King said, on this occasion, that he was *Le premier Ministre du Roy d'Espagne*: I am of opinion, that the use he will make of this power, is, that he will shew all *Europe*, that, whoever intends to keep any measures with *Spain*, it must be by the means of *France*, or, at least, with their approbation. Besides, having such a power, the *French* troops may possess themselves of what places they please. So that there is some reason to fear, that, in case things should begin to look like a war, the *Dutch* troops in *Flanders* may pass their time ill. I am satisfied, that the *French* will avoid doing any thing of this nature, as long as they can, in hopes of preventing a war; and the measures, they now seem to take, are such, that they may not be esteemed the aggressors, but rather on the defensive. They are too sensible of the condition of *France*, where there are no means left to raise any considerable sum, but by a capitation, which is already signed; but, unless there be occasion, it will not be levied. It is a very hard tax on the people, especially when all other impositions remain as they were, during the late war, with an augmentation of five millions of livres for this year. The lottery, which, it was thought, would have succeeded, comes to nothing.

It is now thought, here, that the war in *Italy* is certain; and this Court endeavours to persuade the Pope, and the rest of the Princes of *Italy*, to form a league against the Emperor; for, say they, without something

1700. King's service. He was himself declared Lord Lieutenant of *Ireland* (1); and, that the most eminent man of the Whigs might not oppose them in the new Parliament, they got Mr *Montague*, now Auditor of the *Exchequer*, to be made a Baron. He took the title of *Hallifax*, which was sunk by the death of that Marquis without issue-male. The Lord *Godolphin* was made first Commissioner of the Treasury; the Lord *Tankerville* Lord Privy-Seal, in the room of the Lord *Lenfale* deceased; and Sir *Charles Hedges*, one of the Judges of the Admiralty, was appointed one of the Principal Secretaries of State, in the room of the Earl of *Jersey*. The Tories had continued, from the King's first accession to the Throne, in a constant opposition to his interests. Many of them were believed to be Jacobites in their hearts, and they were generally much against the Toleration, and violent enemies to the Dissenters. They had been backward in every thing, that was necessary for carrying on the former war; they had opposed taxes as much as they could, and were against all such, as were easily levied, and less sensibly felt by the people; and were always for those, that were most grievous to the nation, hoping, that, by these heavy burdens, the people would grow weary of the War and of the Government. On the contrary, the Whigs, by supporting both, were become less acceptable to the nation. In elections their interests was much sunk; every new Parliament was a new discovery, that they were become less popular; and the others, who were always opposing and complaining, were now cried up as the Patriots. In the three last Sessions, the Whigs had shewn such a readiness to give the King more force,

together with a management to preserve the grants in *Ireland*, that they were publicly charged as betrayers of their country, and as men, who were for trusting the King with an army. In short, they were accused of too ready a compliance with the humours and interests of Courts and Favourites, and were therefore generally censured and decried. And now, since they had not succeeded to the King's mind, some about him possessed him with this, that either they would not, or could not serve him. In some of them indeed, their principles lay against those things, whereas the Tories principles naturally led them to make the Crown great and powerful. It was also said, that the great opposition made to every thing, which the King desired, and the difficulties, that had been of late put upon him, flowed chiefly from the hatred borne to those, who were employed by him, and who had brought in their friends and creatures into the best posts. And they were now studying to recover their lost popularity, which would make them cold, if not backward, in complying with what the King might desire for the future. The Whigs also began to complain of the King's conduct, of his minding affairs so little, of his being so much out of the Kingdom, and of his ill choice of favourites; and they imputed the late miscarriages to errors in conduct, which they could neither prevent nor redress. The favourites, who thought of nothing but to continue in favour, and to be still safe and secure in their credit, concurred to press the King to take other measures, and to turn to another set of men, who would be no longer his enemies, if they had some of the best places shared among them. And, though
this

1700.

thing of that nature is done, that country will, in all likelihood, be the seat of war.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Jan. 15, 1701.

There is nothing now left to make the great union betwixt *France* and *Spain* complete, but the settling their trade; and it is said, that all the impositions on the produce of *Spain* will be taken off here, as the like will be done there, in relation to the produce of *France*. Several other regulations are considering of, and there is no doubt but *France* will find their account. The great point will be, whether *France* can furnish them with commodities proper for the *Indies*. If so, we may greatly suffer.

The Earl of Manchester to Mr Secretary Vernon.

Paris, Jan. 19, 1701.

I often meet the *Spanish* Ambassador, and I observe your directions. I do not in the least take notice to him of what his Majesty's intentions are. He began to talk with me yesterday at *Versailles*, and asked me, whether we would break with them; making many professions, that whatever had passed, yet in *Spain* they had the same desire to cultivate and increase, if possible, the friendship with his Majesty. I told him, that I did not know, but that there might be the same desire on the King my Master's part; but that he must allow, that the late proceedings of the Regents cannot but have given great jealousies to *Europe*, and the Regents had acted, as if they were desirous of being in a manner tributary to *France*, which would be also of fatal consequence to themselves at last. His

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answer was natural enough: He said, What would you have them do, whilst they are threatened with war from all parts, and are not in a condition to help themselves? But, if there was any disposition on our side to continue the ancient good understanding, we should soon see another effect. This he spake in a manner as if he had orders for what he said; and that, if I doubted, he might venture to give it under his hand, that they would renew all treaties, &c. I find, that even here they are so apprehensive of a general war, if *England* should engage itself, that they will, I am satisfied, consent to almost any thing to prevent it, even to leave the *Dutch* troops in *Flanders*, rather than fail. These matters are proper to be transacted in *Spain*, where there may be some faith still left. I am of opinion, that I partly know the proposals Monsieur *Wratislaw* will make; but I cannot see the Emperor is able to perform his part; and it is said, that Prince *Lewis of Baden* is not for having the Emperor engage in a war.

(1) The King writ the following short letter, to the Earl of *Galway*, a little before the Earl of *Rocheester's* promotion.

Lee, Aug. 15, 1700.

It is some time since I received your letter of the 13th of *July*, in which you desire to know on whom I have cast my eyes for the Government of *Ireland*; and, as I am sure, that what I write you will be secret, I scruple not to tell you, that I intend to give it to Lord *Rocheester*, and to declare it at my return to *England*; but he will not go to *Ireland* till the next spring. You will easily conceive the reasons of it. I shall expect your thoughts of a matter that concerns you, and you may always rely on my friendship.

William R.

(1) This

this method had been almost fatal, when the King had followed it soon after his accession to the Crown, yet there seemed to be less danger in trying it now, than was formerly. The nation was in full peace; and it was commonly said, that nobody thought any more of King James, and therefore it was fit, for the King's service, to encourage all his people to come into his interests, by letting them see how soon he could forget all that was past. These considerations had so far prevailed with him, that, before he went out of England, he had engaged himself secretly to them. It is true, the death, first of the Duke of Gloucester, and now of the King of Spain, had very much changed the face of affairs, both at home and abroad; yet the King would not break off from his engagements.

It might have been expected, that, when such a new unlooked-for scene was opened, the King should have lost no time in bringing his Parliament together, as soon as possible. It was prorogued to the 20th of November; and the King had sent orders from Holland to signify his resolution for their meeting on that day. But the Ministers, whom he was then bringing into his business, had other views. They thought they were not sure of a majority in Parliament for their purposes, and therefore prevailed with the King to dissolve the Parliament; and, after a set of Sheriffs were appointed, fit for the turn, a new Parliament was summoned to meet on the 6th of February.

The man, on whose management of the House of Commons, the new Ministry depended, was Mr Robert Harley, the heir of a family, which had been hitherto the most eminent of the Presbyterian party. His education was in that way; but he, not being considered at the Revolution, as he thought he deserved, had set himself to oppose the Court in every thing, and to find fault with the whole Administration. He had the chief hand both in the reduction of the army, and in the matter of the Irish grants. The high party trusted him, though he still kept up an interest among the Presbyterians; and he had so particular a dexterity, that he made both the High Church party and the Dissenters depend upon him; so it was agreed, that he should be Speaker.

All this while the new Ministers talked of nothing but negotiations, and gave it out, that the French King was ready to give all the security, that could be desired, for maintaining the peace of Europe. At this time the Emperor sent over to England Count Wratislaw, to set forth his title to the Spanish Monarchy, settled on his House by ancient entails, often repeated, and now devolving on him, by an undoubted right, since by the renunciation made by the late Queen of Spain (as was stipulated by the treaty of the Pyrenees, and then made by her in due form) this could not be called in question. But the new Ministers were scarce civil to the Count, and would not enter into any consultations with him. But the Dutch, who were about the King, and all the foreign Ministers, spoke in another style. They said, that nothing but a general union of all the powers in Europe could hinder the conjunction of the two Monarchies. So, by what those, who talked often with the King, gave out, it came to be soon known, that the King saw the necessity of a new war, but that he kept himself in a great reserve, that he might ma-

nage his new Ministers and their party, and see 1700-1. if he could engage them to concur with him.

It will not be improper to close the relation of this year, with which the Century ends, with an account of the King of Sweden's glorious campaign. He made all the haste he could to relieve Livonia, where not only Riga was for some months besieged by the King of Poland, but Narva was also attacked by the Czar, who hoped, by taking it, to get an entrance into the Baltick: The Czar came in person against it, with an army of one hundred thousand men: Narva was not provided for a siege: It had a small garrison, and had very poor magazines, yet the Muscovites attacked it so feebly, that it held out beyond all expectation, till the end of the year. Upon the King of Sweden's landing at Revel, the Saxons drew off from Riga, after a long siege at a vast charge: This being done, and Riga both opened and supplied, that King marched next to Narva; the Czar, upon his march towards him, left his army in such a manner, as made all people conclude, he had no mind to hazard his person; the King marched through ways, that were thought so impracticable, that little care had been taken to secure them; so he surprized the Muscovites, and broke into their camp, before they apprehended he was near them; he totally routed their army, took many prisoners, with all their artillery and baggage, and so made a glorious entry into Narva. This is the noblest campaign that we find in any history; in which a King, about eighteen years of age, led an army himself against three Kings, who had confederated against him, and was successful in every one of his attempts, giving great marks, both of personal courage and good conduct in them all.

On the 6th of February, the Parliament met, but was prorogued to the 10th, when the Commons were directed by the King to chuse a Speaker. Sir Thomas Littleton had been sent for by the King, who told him, that he thought it would be for his service, that he should give way at that time to Mr Harley's being chosen into that office; which Sir Thomas acquiesced in, and accordingly absented himself from the House on the day of election, when Mr Harley, being the first person proposed for Speaker, and afterwards Sir Richard Onslow named by others, the former had two hundred and forty-nine votes for him, against one hundred and twenty-five in the negative. The next day, the King made the following speech to both Houses:

My Lords and Gentlemen,

OUR great misfortune, in the loss of the Duke of Gloucester, has made it absolutely necessary, that there should be a further provision for the succession to the Crown in the Protestant line after me and the Princess. The happiness of the nation, and the security of our religion, which is our chiefest concern, seems so much to depend upon this, that I cannot doubt but it will meet with a general concurrence; and I earnestly recommend it to your early and effectual consideration.

The death of the late King of Spain, with the declaration of his Successor to that Monarchy, has made so great an alteration in the affairs abroad, that I must desire you very

The King of Sweden defeats the Czar at Narva. Burnet.

Mr Harley chosen Speaker. Cole, p. 303.

speech to the first Parliament III. 127.

maturely

1700-1. "maturely to consider their present state; and
 "I make no doubt, but your resolution there-
 "upon will be such, as shall be most conducing
 "to the interest and safety of *England*, the pre-
 "servation of the Protestant religion in gene-
 "ral, and the peace of all *Europe*.

"These things are of such weight, that I
 "have thought them most proper for the con-
 "sideration of a new Parliament, to have the
 "more immediate sense of the Kingdom in so
 "great a conjuncture.

"I must desire of you, Gentlemen of the
 "House of Commons, such supplies, as you
 "shall judge necessary for the service of the
 "current year; and I must particularly put you
 "in mind of the deficiencies and publick debts,
 "occasioned by the late war, that are yet un-
 "provided for.

"I am obliged farther to recommend to you,
 "that you would inspect the condition of the
 "fleet, and consider what repairs or augmen-
 "tations may be requisite for the navy, which
 "is the great bulwark of the *English* nation,
 "and ought, in this conjuncture most especially,
 "to be put in a good condition; and that you
 "would also consider what is proper for the
 "better security of those places, where the
 "ships are laid up in winter.

"The regulation and improvement of our
 "trade is of so public a concern, that I hope
 "it will ever have your serious thoughts; and,
 "if you can find proper means of setting the
 "poor at work, you will ease yourselves of a
 "very great burden, and at the same time add
 "so many useful hands to be employed in our
 "manufactures, and other public occasions.

My Lords and Gentlemen,

"I hope there will be such an agreement
 "and vigour in the resolutions you shall take
 "upon the important matters now before you,
 "as may make it appear we are firmly united
 "among ourselves; and, in my opinion, nothing
 "can contribute more to our safety at home,
 "or for our being considerable abroad."

*A party
for France
in the Par-
liament.
Burnet.*

As soon as the Parliament was opened, it ap-
 peared, that the *French* had a great party in it.
 It is certain, great sums came over this winter
 from *France*; the packet-boat came seldom
 without ten thousand *Louis d'Ors*; it often
 brought more. The nation was filled with
 them, and in six months time a million of
 guineas were coined out of them. The Mer-
 chants indeed said, that the balance of trade
 was then so much turned to our side, that, where-
 as we used to carry over a million of our money
 in specie, we then sent no money to *France*,
 and had at least half that sum sent over to ba-
 lance the trade. Yet this did not account for
 that vast flood of *French* gold, that was visible
 in the nation. And, upon the departure of
 Monsieur de Tallard, the *French* Ambassador,
 whose place was supplied by Monsieur Poussin,
 with the character only of Secretary, a very vi-
 sible alteration was found in the bills of exchange.
 For which reason it was concluded, that great
 remittances had been made to that Ambassador,
 and that these were distributed among those,
 who resolved to merit a share in that wealth,
 which came over so copiously beyond the exam-
 ple of former times.

Upon the view of the House it appeared 1700-1.
 evidently, that the Tories were a great majority; *Partiality,*
 yet they, to make the matter sure, resolved to *in judging*
 clear the House of a great many, who were en- *elections*
 gaged in another interest. Reports were brought
 to them of elections, that had been scandalously
 purchased by some, who were concerned in the
 new *East-India* Company. Instead of drinking
 and entertainments, by which elections were
 formerly managed, now a most scandalous prac-
 tice was brought in of buying votes, with so
 little decency; that the electors engaged them-
 selves by subscriptions to chuse a blank person,
 before they were trusted with the name of their
 candidate. The old *East-India* Company had
 driven a course of corruption within doors with
 so little shame, that the new Company intend-
 ed to follow their example, but with this dif-
 ference, that, whereas the former had bought the
 persons, who were elected, they resolved to
 buy elections. Sir *Edward Seymour*, who had
 dealt in this corruption his whole life-time, and
 whom the old Company was said to have bought
 before at a very high price, brought before the
 House of Commons the discovery of some of
 the practices of the new Company. The exa-
 mining of these took up many days. In con-
 clusion, the matter was so well proved, that se-
 veral elections were declared void; and some
 of the persons so chosen were for some time
 kept in prison, after they had been expelled the
 House. In these proceedings great partiality
 appeared; for, when in some cases corruption
 was proved clearly against some of the Tory
 party, and but doubtfully against some of the
 contrary side, that, which was voted corruption
 in the Whigs, was called the giving alms in
 the Tories.

A design was laid in the House of Commons, *A design*
 to open the Sessions with an address to the King, *laid for*
 that he would own the King of *Spain*. The *an address*
 matter was so far concerted that they had a- *to own, by*
 greed on the words of the vote, and seemed *King of*
 not to doubt of the concurrence of the House. *Spain.*
 But Mr *Monkton* opposed it with great heat, *Burnet.*
 and among other things said, that, if this vote
 was carried, he should expect, that the next
 vote would be for owning the pretended Prince
 of *Wales*. Upon this occasion it appeared, how
 much popular assemblies are apt to be turned by
 a thing boldly said, though the consequence is
 ever so remote; since the connexion of these
 two points lay at some distance; for the issue
 of the debate was quite contrary to that, which
 was designed, and the address was laid aside.

On the 14th, upon reading the King's speech, *An address*
 the consideration of it was adjourned till the *of the Com-*
 next day; but in the mean time the House came *mons to*
 to this resolution, "That they would stand by *support the*
 "and support his Majesty and his Government, *King.*
 "and take such effectual measures, as may best
 "conduce to the interest and safety of *England*,
 "and the preservation of the Protestant Religion."
 This resolution was presented to the King by
 the whole House, on the 17th of *February*, to
 which he gave them this answer:

"I thank you for this address, and your *The King's*
 "ready concurrence to those great ends therein *Answer.*
 "mentioned, which I take to be extremely *Pr. H. C.*
 "important to the honour and safety of *En-*
 "gland; and I assure you, I shall never propose *III. 128.*
 "any thing, but what is for our common ad-
 "vantage

1700-1. "vantage and security. Having this occasion, I think it proper to acquaint you, that yesterday I received a memorial from the Envoy Extraordinary of the *States-General*, a translation whereof I leave with you. As to the first part of it, I think it necessary to ask your advice; and, as to the latter part, I desire your assistance."

The memorial of the Dutch communicated to the Commons Cole, P. 320.

In this memorial, mentioned by the King, the *States-General* acquainted his Majesty, "That they having considered, that their delay of owning the Duke of *Anjou* for King of *Spain* was subject to malicious interpretations, as if their aim had been only to gain time to put themselves in a warlike posture, they thought themselves obliged to acknowledge the Duke of *Anjou* without any condition, reserving to themselves to stipulate, in the negotiation ready to begin, the necessary conditions to secure the peace of *Europe*; in which negotiation they are firmly resolved to do nothing without the consent of his Majesty and the other powers interested in the maintenance of the peace, as they have expressly declared to the Ambassador of *France*. That therefore they prayed him to send to his Minister at the *Hague*, necessary instructions and orders to act conjointly in this negotiation, and that nothing be concluded but wherein *England* and *Holland* may equally find their security, and which at the same time may tend to strengthen the public tranquillity. But as it may happen not to be possible to agree with *France* and *Spain* on reasonable conditions, and that, the negotiation being interrupted, they may be suddenly attacked by the numerous troops, which *France* has ordered to move towards their frontiers, their Envoy is to represent to his Majesty the urgent necessity they should have, in so great a danger, of the assistance of *England*, and to desire him to get the succours, stipulated by the treaty, in readiness, that they may rely on them, if occasion required."

The next day, this memorial was communicated to the House of Lords. And the Commons, upon report of the King's answer to their address, resolved, "That an humble address be made to his Majesty by such Members, as are of his Privy-Council, that he will please to cause the treaty between *England* and the *States-General* of the 3d of *March* 1677, and all the renewals thereof since that time,

to be laid before the House." Which being done by Mr Secretary *Hedges*; the House resolved, "That an humble address be made to his Majesty, that he will please to enter into such negotiations, in concert with the *States-General* of the *United-Provinces*, and other Potentates, as may most effectually conduce to the mutual safety of these Kingdoms, and the *States-General*, and the preservation of the peace of *Europe*; and giving him assurances of support and assistance, in performance of the treaty made with the *States-General* the 3d of *March* 1677."

It is observed, that the desiring the King in this address to enter into new alliances with the *States* for our mutual defence, and for the preservation of the peace of *Europe*, was not carried without much difficulty; those words being considered, as indeed they were, an insinuation towards a war.

The address was presented, the day following, by the whole House, when the King made them this answer: "Gentlemen, I thank you heartily for the advice you have given me, and your unanimous resolution to support and assist me in making good the treaty mentioned in your address; and I will immediately order my Ministers abroad to enter into negotiations in concert with the *States-General* and other Potentates, for the attaining of those great ends, which you desire. Nothing can more effectually conduce to our security, than the unanimity and vigour you have shewn on this occasion. And I shall always endeavour, on my part, to preserve and increase this mutual trust and confidence between us."

On the 17th of *February*, Mr Secretary *Vernon* communicated to the Commons by his Majesty's orders a letter, which came to London not designedly, as is supposed, in the French mail. This letter, was dated the 13th of *February*, N. S. and was written by the Earl of *Melfort* to his brother the Earl of *Perth*, then Governor to the pretended Prince of *Wales*. It contained his schemes to set on foot another invasion, and discovered that he held a close correspondence with the Earl of *Arran*, now Duke of *Hamilton*. *Melfort* urged in it many arguments, to get the Earl of *Middleton* discarded, and recommended himself, as much fitter to be trusted.

This letter was also communicated to the House of Lords, who ordered it to be printed (1), and the

(1) This letter was as follows:

My dearest Brother,

Since I promised to put in writing what we had not time to talk fully of, I am set down to it in the morning, that my letter may be ready for the messenger, if any call. I told all that I had heard at *Versailles*, and the favourable audience I had of *Madam Maintenon*; for which I beg it of you to return my most humble thanks to the Queen, and beg her to be so good, as to thank *Madam Maintenon*, and know of her, what can be done in that matter: It will be a great charity in the Queen. I told you, among other things, the great fleet the King intends to put out, this summer; the orders being given, and the money ready, the stores full, and every one concerned active in their station. There is no doubt, but this fleet will be master of the sea, for some time, if not for all the summer; because the Dutch dare not stir, till the *English* be ready; and

they have long debates, yet, before they can be in a condition to act, if they have the will; and it is a question, if they will have it at all. The King never had so favourable a conjuncture, if he can persuade this King, that his affairs are really in the circumstances they are in; but there is the difficulty. The King and Queen have more authority with the King, and with *Madam de Maintenon*, than any other in the world can have; but that is not all. There should be some one, acceptable to the Ministers, who should lay before them those proofs their Majesties cannot enter into the detail of, and explain the reasons, make plans and memoirs, by their Majesties approbation, to convince them of the necessity, and shew the easiness of restoring the King, the glory it brings their Kingdom, and the advantage to Religion. How this will be done, their Majesties are wise enough to consider; and, I think, it is not a subject fit for me to enter upon; but their friendships, in general, who know not

1700-1. the next day presented an address to the King, Address of
the Lords
on the
King's
speech.
Pr. H. L.
II. 20.

" Humbly returning their thanks and acknowledgments to his Majesty for his concern expressed in his speech for the Protestant Religion, and his care for it's preservation, by recommending to their consideration a further provision for the Succession to the Crown in the Protestant line. They added, that, being deeply sensible of the weight of what his Majesty had further recommended to them, they could not but desire he would be pleased to order all treaties made by him, since the late war, to be laid before them, that they might thereby be better enabled to give their advice. They likewise requested his Majesty to engage in such alliances abroad, as he should think proper for preserving the balance of Europe, assuring him, that they would readily concur with whatever should be conducive to the honour and safety of England,

" preservation of the Protestant Religion, and the peace of Europe. Next they humbly thanked his Majesty for communicating the Earl of Melfort's letter to them, and desired he would be pleased to order the seizing of all horses and arms of Papists, and other disaffected persons, and have those ill men removed from London, according to law; but especially they desired he would please to give directions for a search to be made after arms and provisions of war mentioned in the letter. Lastly, they requested, that such a fleet might speedily be fitted out, as his Majesty in his great wisdom should think necessary for the defence of Himself and Kingdoms." His Majesty thanked their Lordships for this address, and for the concern they expressed in relation to the common security both at home and abroad; and told them, he would give the necessary orders for those things they desired of him,

not the half of what I know, in this matter, think, that it will not be well done by a Protestant Minister, lazy in his temper, an enemy to France by his inclination, tainted with commonwealth principles, and against the King's returning, by any other power, than that of the people of England, and upon capitulation and terms; who is suspected of giving aid to the Compounders, if not worse. That Mr Carrill is qualified, no body doubts, but in society with the other. Those, who must be instrumental, will not trust him, as they ought; so that, so long as the other is within distance of penetrating the affairs, they will never be secure. And yet the King has no such game to play, as by these very persons, who are thus diffident; namely, the true Church of England party, the Catholics, and the Earl of Arran; and I shall say something of every one of them.

The King cannot but be sensible, that the true Church of England party, and their principal head, now the Bishop of Norwich, has been silent for a long time; and their Majesties may remember, what weight the Court of France laid upon their joining the King (I mean the Non-swearing Clergy) in case of a landing. Therefore all arts should be used, without delay, to get them to enter into a correspondence again; and every impediment ought to be removed, I say, without exception. And though, sometimes, it is of hard digestion for Sovereigns, who ought to be obeyed, without reserve, to yield to the humours of subjects, yet prudence should teach them, when they cannot, without injuring their affairs, do what they would, to do what they can; and remember the fable of the dog, who lost the substance, by catching at the shadow. Assurances from the Non-jurors, the soundest and most venerable part of the English Church, would be of great use, at this time, to persuade to undertake this great affair; for, besides their own example, at a landing, and their preaching and writing to the people, that their Religion was in no danger, it is most certain, they know better than any other can do, what the Church of England, in general, would do for the King's service; and they, being to run all the hazard, would be better believed at the French Court, than any other, as I found by experience.

As to the Catholics, and other affiliates with them, unfortunately for the King, they were thought to have too much inclination for me, and so have been reckoned as useless to the King. And I must beg leave to say, that undertaking was the best feather in his wing; and was most justly thought so by him, and the Court of France, even to that degree, that they pretended, if this, and the other article, concerning the Clergy, could be made appear, they would concur with the King to invade England. They consisted of seven Regiments of horse and dragoons; their arms, trumpets, kettle-drums, standards, &c. were all ready,

and are yet in surety. Their men were all lifted, and their officers chosen, and they had twenty horses to a troop; which troops lying at a distance, in a horse-country, twenty horses would soon have mounted the rest. Those, who could not divine the greatness and use of the undertaking, blamed the rashness of it; and even some Churchmen have not been disapproved, for endeavouring undutifully (because contrary to the King's written orders) to break the design. But I desire you, now, for all this, to believe, that you have not such an argument to use to the Court of France, as this. And, if you can make it appear, as it might have been, some years ago, I should have very good hopes of this summer's work; nay, let the King have what other hopes, even promises, you please, from the Court of France, this is to be put into the circumstances it was in. For, if there will ever be a landing in England, to purpose, it must be before they can be armed; and they cannot be armed, before the Parliament come to a resolution concerning the war; and, considering the few troops in England, suppose these men to be no better than militia, what a diversion would it be? It is not necessary for me to say any more of this article, till I know whether their Majesties have as good an opinion of this undertaking, as I have. If so, I shall shew what I think is to be done in it; if otherwise, I save the pains. As to the Earl of Arran, it would be of great use to have an understanding with him. He will have none, where * ——— can pry. His all is at stake, * Middle-

and he ought to be wary with whom he ventures to ton. deal. I think it better for the King's service, that the Court-party prevailed, in the manner they have done, in the Parliament of Scotland, than that the Country-party should have got their will. Opposition swells the water to a flood; and, so long as the Country-party is not discouraged, they gain more ground in the Kingdom, than they lose in the Government; so that the disaffection to the Government will increase; and one may judge of the nation, in general, which is of another temper, than this pretended Parliament, or, rather, Presbyterian rabble, in representing the nation. For, since even in it there is such a struggle against the Government, what would there be in a free Parliament, which the Prince of Orange durst never hazard to call? The nation, then, at least, a great part of it, being disaffected to this Government, it is of great consequence, that the Earl of Arran may know what to do, in case of an invasion of England; or, in case he and his friends be obliged, for self-preservation, to rise in their own defence. The army, who are, and ever were, well affected, are to be gained by money; and a little goes a great way with them. The disbanded troops would be engaged, and the officers are well inclined. The places of strength would be secured, and such as can be put in defence, with-

1700-1. him, and take care for fitting out such ships, as in that conjuncture should be necessary for their common safety.

All about Exchequer bills. Drake's Hist. of the late Parl. p. 27. Among other inconveniencies occasioned by the dissolution of the last Parliament, and delay of the Session, which was the consequence of it, one was, that the allotted time for circulating *Exchequer bills* was so near elapsed, that the credit of those bills must necessarily sink, unless some effectual remedy were provided, which the shortness of the time seemed not to allow. However such diligence and dispatch was used, that, on the 26th of February, a bill for renewing the bills of credit, commonly called *Exchequer bills*, was brought into the House, and on the 6th of March sent up to the Lords; and on the 13th passed the Royal assent.

The King having earnestly pressed the Parliament to provide for the Succession of the Crown after Himself and the Princess of Den-

The first vote about the act of Succession. Drake, p. 28. Burnet.

mark, the Commons took the same into consideration, and on the 3d of March resolved, "That, for the preserving the peace and happiness of this Kingdom, and the security of the Protestant Religion by law established, it is absolutely necessary, a further declaration be made of the Limitation and Succession of the Crown in the Protestant line, after his Majesty, and the Princess, and the heirs of their bodies respectively. And that further provision be first made for the security of the rights and liberties of the people." The new Ministers spoke for this resolution with great zeal; from which their friends made inferences in their favour, that certainly men, in the interests of France, would not promote a design so destructive of all they drove at. This was so little of a piece with the rest of their conduct, that those, who were still jealous of their sincerity, looked on it as a blind to cover their

ill
1700-1.

out expences, fortified. To do all this, at least, such a part of them, as can be begun with, a small sum will serve; and he ought to have hopes of it, and of the command.

These being only heads to be discoursed of, and much to be said of every part, it is not to be thought, that this letter can carry a final conclusion; for it may be, upon discourse, I might change my mind, or be more confirmed in it, and see further. This makes me insist, again, to you, upon two things, as appearing, to me, absolutely necessary to put things upon a right foot. The first is, the removing of all impediments out of the way, and sending all suspected persons to *Champagne* or *Burgundy*, according to their guilt. And the second is of the last use, both to their Majesties and the Prince; which is, the establishing of such a number, under no qualifications, to talk of their affairs, in their Majesties presence; with whom we can freely converse, and propose what may be for their Majesties service.

As for the first, it will be for the King's reputation, both at the Courts of *Rome*, *France*, and with all his true friends in *England*, for many reasons. As for the second, it is according to scripture, *In the multitude of Counsellors there is safety*. Nothing is so dangerous, as to determine what one will do, and then hear reasons against it, and imitate the deaf adder, who hearkens not to the voice of the charmer, let him charm never so sweetly. Reasons, against a resolution taken, offend; and, the more force they have, they offend the more; whilst, before the resolution be taken, reason has it's effect, and the determinations are not the effect of humour and faction, but of prudence and justice. If in any thing I fail, I'll swear it is want of understanding, and not of will. And I beg, that their Majesties may be persuaded, that it is no humour nor vanity, but their service, I have in my view; who am,

My dearest Brother,

Most humbly your's.

There are some remarkable circumstances, relating to this letter, in *Mr Cole's Memoirs*; as will appear from the following extracts.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Feb. 17, 1700, O. S.

I cannot but mention one expression in the letter, viz. "That this opportunity must be improved, now the Court of France is dissatisfied with the Prince of Orange, for his treacheries discovered in their hands." His Majesty does not know what they should mean by it, unless it arises from the letters *Jolly* brought, which his Majesty knows nothing of.

You know all that we have sent to *Spain*; which is assurances of friendship, if they have the same disposition on their side, and to exhort them to preserve their liberty. If this be an offence, it is impossible to avoid it, with *France*. I suppose, you will hear a good deal of this letter, and that the parties concerned will not well like, that it is come hither, and made thus public.

Mr Secretary Vernon to the Earl of Manchester.

Whitehall, Feb. 20, 1700, O. S.

I send you, inclosed, the Earl of *Melfort's* letter, printed by order of the House of Lords. I suppose, there will be no question made at *St Germain's*, whether the letter be genuine, or not; at least, *Monfieur de Tallard* does not call that in doubt, though he seems much offended at the letter's being communicated to the Lords and Commons. He endeavoured to speak with me on Monday night, but I was gone to *Kensington*; and, upon his writing to me, next morning, that I would appoint him a time, when he might speak with me, I went to him. He was full of expostulation, of the letter's being carried to the two Houses, by my Lord Chamberlain and myself, as if it were done to create an animosity between the two nations, and to give the alarm, That the French had formed a design to invade *England*; whereas this appeared to be only a chimerical notion of *Melfort*, who (as he often repeated) was *un fou & un extravagant*; that he was banished from the Court of King James, and had nothing to do in the Court of France; that his waiting upon *Madam de Maintenon* was only to get two of his daughters put into the nunnery of *St Cyr*; that he had no access to the French Ministers, but was spinning cobwebs of his own; and there ought to have been no occasion taken, from thence, to create jealousies and misunderstandings. That the French had shewn their disposition to live in friendship with *England*; and he thought care ought to be taken, on our side, not to give any grounds to believe, that we were picking a quarrel with them; and this he thought necessary to tell me, as a matter that deserved attention.

I told him, The letter contained something, that might appear notional, and like a project of his own; but other parts of it laid down facts, that it extremely concerned us to provide against; such as the fitting out a fleet in France, that was like to be master of the sea, this summer; that we could make no provision for our safety, but in Parliament; and therefore it was fit they should be acquainted with our danger, and that the proofs of it should be laid before them. That, in France, they could dispatch every thing *dans le cabinet*. We had not so ready a way, in *England*, but what we did must be publicly, and *dans le marche*. Whoever had suppressed such an advice, here, might

1700-1. ill designs, and to gain them some credit; for they could not but see, that, if *France* was once possessed of the power and wealth of *Spain*, our laws, and every thing that we could do to support them, would prove but feeble defences. The manner, in which the motion of the Succession was managed, did not carry in it great marks of sincerity. It was often put off from one day to another, and it gave place to the most trifling matters. At last, when a day was solemnly set for it, and all people expected, that it should pass without any difficulty, Mr *Harley* moved, that some things previous to that might be first considered. He observed, that the haste the nation was in, when the present Government was settled, had made them go too fast, and overlook many securities, which might have prevented much mischief; and therefore he hoped they would not now fall into the same error; since nothing pressed them at present. He moved then, that they would settle some conditions of Government, as preliminaries, before they should proceed to the nomination of the Person; that so they might fix every thing, that was wanting, to make their security complete. This was popular, and took with many; and it had so fair an appearance, that indeed none could oppose it. Some weeks were spent upon it. Suspicious people thought, this was done on design to blast the motion, and to offer

such extravagant limitations, as should quite change the form of the Government, and render the Crown titular and precarious. At last, these preliminaries were agreed on:

I. That whoever shall hereafter come to the possession of this Crown, shall join in communion with the Church of *England*, as by law established.

Heads of the bill of Succession.
Pr. H. C.
III. 130.

II. That, in case the Crown and Imperial dignity of this Realm shall hereafter come to any person not being a native of this Kingdom of *England*, this nation be not obliged to engage in any war for the defence of any dominions or territories, which do not belong to the Crown of *England*, without the consent of Parliament.

III. That no person, who shall hereafter come to the possession of the Crown, shall go out of the dominions of *England*, *Scotland*, or *Ireland*, without consent of Parliament.

IV. That, from and after the time, that the further limitation by this act shall take effect, all matters and things relating to the well governing of this Kingdom, which are properly cognizable in the Privy Council, by the laws and customs of this Realm, shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Privy Council, as shall advise and consent to the same.

V. That

justly have expected an accusation of treason against him.

He said, He did not disown, but they were fitting out ships to sea; but they did it upon the preparations making in *Holland*, where they were at work, night and day, as well *Sundays*, as other days, to get out their fleet; therefore, they could not do less, in *France*; but they were not fitting so many ships, as was represented; and that they had no thoughts of being at sea these three or four months.

I told him, I should be glad there might be no occasion for any fleets coming out on either side. I was sure, all that we aimed at was, to be on the defensive; and I should be much better pleased, and think it more our interest, to be disarming of ships, than arming them. As to the character he gave my Lord *Melfort*, of *fou & insensé*, when we saw him treated as such in *France*, we should be willing to have the same opinion of him; till then, we could not but remember, what an instrument he had been, in promoting the intended assassination and invasion, and must be concerned, that he is bringing himself again into play, upon the same bottom; and, by his way of writing, at least, one must suspect, that he is admitted into conversations with the *French* Ministers. It seemed very extraordinary, that he should press the improving this opportunity, now the Court of *France* had resentments, upon the discovery of some treachery they thought his Majesty guilty of. He said, this was a pure fiction of *Melfort's*. I told him, I was glad to hear them say so; and his Majesty was very well satisfied, that he had given no occasion for any one's having such hard thoughts of him. I asked him, once or twice, whether he knew of any discovery of this kind. He said, he never heard any thing like it, and there was no such thing, in reality.

In conclusion, he said, that people ought rather to appease jealousies on both sides, than inflame them. I told him, he could contribute a great deal towards it, and, I hoped, he would make use of his power. What I could do, in any case, would be inconsiderable; but no endeavours of mine should be wanting to remove misunderstandings, and so secure the public peace.

The Earl of Manchester to Mr Secretary Vernon.

I am glad, that the letter of my Lord *Melfort* is fallen into your hands. Certainly, it will open people's eyes, in *England*; and those, that seem to doubt, that they have such thoughts here, have reasons for it. The only hopes they have now left, at *St Germain's*, are, that they are to be restored by a *French* power, in a short time; and the intrigues, carried on in *Scotland*, are too apparent to be doubted on.

The expression, in the letter, which you mention, must mean what was found in the packet of Mr *Jolly*, which he grounded on the reports, at *Paris*; and this went so far, that they said, there was a design to poison the King of *Spain*. This shews how little the *French* Court trusts any of them, else they would have been better informed. There can have been nothing in Monsieur *Schonenberg's* letter, but an answer to the instructions he had; whereby we might have seen in what disposition they were, in relation to us, &c. As for *Spain's* depending on *France*, I have often shewn to Monsieur *de Torcy*, what jealousy that might and does give to *Europe*. But he always assured me, that it was not the King's intention, though, at present, he could not but assist them, they not being in a condition to help themselves; that so that matter can have no ill effect, &c.

I believe, this Court will be very angry with Lord *Melfort*; for it is plain, by several accounts, and particularly by Monsieur *de Tallard's* printing M. *d'Avaux's* memorial, they are not willing to break with us; though I still admire at their proceedings in *Flanders*.

The Earl of Manchester to Mr Secretary Vernon.

Paris, March 9, 1701.

I had not your letter of *February 10*, till I came from *Versailles*, where I found, that a Courier of Monsieur *de Tallard* was arrived the day before with the resolutions of the Parliament, and a copy of Lord *Melfort's* letter. The conference I had with Monsieur *de Torcy* was much the same with what you had with the Count *de Tallard*, his discourse turning in the same manner, that the exposing this letter was only

1700-1.

V. That, after the limitation shall take effect, no person born out of the Kingdom of *England*, *Scotland*, or *Ireland*, or the dominions thereunto belonging, although he be naturalized, or made a denizen (except such as are born of *English* parents) shall be capable to be of the Privy Council, or a Member of either House of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown to himself, or to any others in trust for him.

VI. That no person, who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a Member of the House of Commons.

VII. That, after the limitation shall take effect, Judges Commissions be made, *quandiu se bene gesserint*, and their salaries ascertained and established. But, upon the address of both Houses of Parliament, it may be lawful to remove them.

VIII. That no pardon under the Great-Seal of *England* be pleadable to an impeachment by the Commons in Parliament.

The King was alarmed at these proceedings, for almost every article implied a reflection on him and his administration, chiefly that of not employing strangers, and not going out of the Kingdom. As these, as well as most of the

other articles, were unacceptable to the King; so many, who had an ill opinion of the design of those, who were now at the helm, began to conclude, that the delays were affected, and that these limitations were designed to raise disputes between the two Houses, by which the bill might be lost. When some time had been spent in these preliminaries, it came to the nomination of the person to the Succession, after the King and the Princess of *Denmark*, and their heirs; Sir *John Bowles*, who was then disordered in his senses, and soon after quite lost them, was set on by the party, to be the first, who should name the Electress Dowager of *Brunswick*; which seemed to be done to make it less serious, when moved by such a person. He was, by the forms of the House, put into the chair of the Committee, to whom the bill was committed. The thing was still put off for many weeks. At every time, that it was called for, the motion was entertained with coldness, which served to heighten the jealousy. The Committee once or twice sat upon it, but all the Members ran out of the House with so much indecency, that the contrivers seemed ashamed of this management. There were seldom fifty or sixty at the Committee; yet in conclusion the bill passed, and was sent up to the Lords, where it was expected that great opposition would be made to it. Some imagined, that the act was only an artifice, designed to gain credit to those, who at this time were so ill thought of over the

to create and excite animosities in the nation: That it shewed a desire of breaking with *France*. That he had sent for Lord *Melfort*, who was with him this morning; and did own, that he had wrote a letter of that date, and that it was lost, which he believed gave occasion for the framing of this: That he had mentioned something in it of *Madam de Maintenon*, whom he had seen about his private affairs; but he denies almost all that is in the letter. As for that of the Bishop of *Norwich*, he could have no grounds to say it, since he hardly knew him, and he was satisfied of the contrary. As for Lord *Arran*, he was convinced he was not in King *James's* interest; that he was rather setting up for himself, as having some pretence to the Crown of *Scotland*. In short, I found his opinion was, that it was contrived only to frame a design to incense the nation, and to break with *France*, &c. He said, that I was sensible how little credit Lord *Melfort* had at this Court, or at *St. Germain's*. He read the letter to me, as also a paper cried about the streets of *London* of a new plot or conspiracy of *France* against *England*. The answer I made him was, that by my last letter I had some account of this letter: That, by as much as I knew of it, I did not in the least doubt but they were Lord *Melfort's* thoughts, and wrote by him; but at the same time I was satisfied, that the *French* Court was far from taking such measures. That, as to the communicating it to the Parliament, if he knew our Constitution, he would know, that it was impossible to do otherwise in this conjuncture, when greater preparations by sea and land were never known to be made than are actually making now in *France*, which was no secret, nor did I believe, that there was any desire, that it should be so. That he must forgive me, if I thought Lord *Melfort* was not so despicable a person, since I saw him often at Court, which, here especially, is no sign of it, since men of that character were not permitted to approach so near the King. That, not having yet my letters of the last post from *England*, I could not tell what effect it had caused; but that my opinion was still, that we were far from desiring a war; neither could it be

our interest; unless we were obliged to it for our own security, and consequently that of *Holland*. I also took notice of the expression of the discovery of some treachery, which the King was supposed to be guilty of, and which I did not understand, unless it meant the extravagant reports, that were at *Paris*, of letters found, which my servant, who was drowned, brought from *Madrid*; and I did not doubt but he knew the substance of them very well, and was convinced of the contrary of the reports. I told him also, that the proceedings of the Viceroy of *Navarre* in opening the letters, and sending them to *Madrid*, could not be any ways justifiable, since he could easily see, that they were directed to a public Minister residing at the Court of *France*. He did own, he could not tell the meaning of that expression, since the King was far from having any such thoughts. He seemed to know nothing of the letters, but he had heard of this accident; but he condemned very much the opening of them. I said further, that, as for the paper cried about the streets, I did believe it was not done by order; that they printed what they pleased in *England*, though, if the authors were discovered, they were liable to be punished. Because it is not sent to me, I am of opinion it is such a paper, as we have often at *London*; but I do assure you, it makes more impression here than the letter. Endeavours are used to make it to be believed, that it was forged only to serve a turn, as they say has been the custom at the beginning of Parliament. This must reflect on the honour of his Majesty; and I did venture to say to Monsieur de *Tercy*, that, in case it could be supposed such a letter was forged, I did not doubt but I might produce the original, if there was any occasion. I wonder he did not mention to me what had passed between you and Monsieur de *Tallard*. In short, I am told, they take it for granted, that we shall enter into a war; and, as I happened to come a little later to *Versailles* yesterday than usual, the whole Court had it, that we had declared war; but, when they saw me, it soon put a stop to that report.

Mr

1700-1. the nation, that they wanted some colourable thing to excuse their own proceedings. Many of the Lords absented themselves on design. Some little opposition was made by the Marquis of *Normanby*; and four Lords, the Earls of *Huntington* and *Plymouth*, and the Lords *Guilford* and *Jefferies*, protested against it (1). Those, who wished well to the act, were glad to have it passed any way, and so would not examine the limitations that were in it. They thought it of great importance to carry the act, and that, at another time, those limitations might be better considered. Thus the act passed, and the King sent it over by the Earl of *Macclesfield* to the Electors, with the Garter. It was reckoned a great point carried, that there was now a law in favour of a Protestant Successor; for it was evident, that a strong party was formed against it, in favour of the pretended Prince of *Wales*. He was now past thirteen, bred up with a hatred both of the Religion and Constitution of *England*, in an admiration of the *French* Government; and yet many, who called themselves Protestants, seemed fond of such a Successor; a degree of intimation, that might justly amaze all, who observed it, and saw the fury with which it was promoted.

In the mean time, the settlement of the Succession was a great subject of discourse and alarm abroad. Those Popish Princes, who were descended from the blood-royal of *England*, and were more nearly related to the Crown than the Princess *Sophia*, were offended at being struck off from their remote hopes, and presumptive right. But the person more immediately concerned, as being next in blood, after the King and the Princess *Anne*, was the Duchess of *Savoy*, daughter to the late Duchess

of *Orleans*, and grand-daughter to King *Charles I.* 1700-1. who therefore ordered Count *Maffey*, Ambassador from *Savoy*, to make a protestation of her right, to this effect: "That *Anne of Orleans*, Duchess of *Savoy*, &c. Princess of the blood royal of *England*, by the Royal Princess of *Great-Britain*, *Henrietta* her mother, put so high a value upon that prerogative, that she gladly made use of the opportunity, that then offered, to set it forth before the eyes of the whole *English* nation, as an evidence, she drew from thence, of having a right to that august Throne. That therefore being informed, that it had been resolved in the Parliament, that, being the only daughter of the late Princess Royal, *Henrietta* her mother, she was the next in Succession after his Majesty *William III.* and the Princess *Anne of Denmark*, according to the laws and customs of *England*, which always preferred the nearest to the remotest line. That her title, being thus notoriously known and indisputable, stood in need of no farther proof. However, that she thought fit to protest against all resolutions and decisions contrary thereto, in the best and most effectual manner, that might be practised in such a case; wherein she complied rather with custom than necessity, because she had so great an idea of the wisdom and justice of the King and Parliament, that she had no cause to fear they would do any thing prejudicial to her and her children."

This *Savoy* protestation seemed to be an affront to King *James*, his Queen, and the pretended Prince of *Wales*; since the Duchess of *Savoy* vouchsafed not to take the least notice of them, but substituted herself immediately after the Princess of *Denmark*, and thereby appeared

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Mr. Secretary Vernon to the Earl of Manchester.

Whitehall, March 3, 1701, O. S.

I have your Excellency's letters of the 5th and 9th to acknowledge. The first arrived late on *Thursday*, and the other this morning. They have been both laid before his Majesty. I cannot but smile at the turn my Lord *Melfort* gives to his letter, that he should own his having lost the letter he writ about that time, and think to impose upon any body, that gave occasion to the forging of another. Monsieur *de Tallard* (as I acquainted you) made no doubt but it was his letter, and I imagine Monsieur *de Torcy* thinks so too. My Lord *Seafeld* being newly come up from *Scotland*, I shewed him the original letter, this morning: He is well acquainted with Lord *Melfort*'s hand-writing and seal, and knows both to be genuine.

As to the printed paper, that was sent to Monsieur *de Torcy*, of the discovery of a new *French* plot upon *England*, I know nothing of it, nor have I met with any body that has seen it. I suppose it must be some *Grub-Street* writer; and those, you know, print any stuff, to get a penny; and their news dies as soon as it comes out: Therefore I wonder Monsieur *Torcy* should lay stress upon such unknown, unauthorized pieces, which he knows creep out daily on both sides, and are not taken notice of by either. It is not a fair charge upon us, that we seek occasions to stir up animosities, and to pick quarrels with them. For my part I should be glad they would shew us the way, how they are to be avoided with any reasonable security to ourselves and neighbours.

The Earl of Manchester to Mr. Secretary Vernon.

Paris, March 16, 1701.

Lord *Melfort* is sent to *Angiers*. The Court of Numb. XIX. Vol. III.

France concerted with that of *St. Germain*'s first. Lord *Middleton* is not a little pleased.

The Earl of Manchester to Mr. Secretary Vernon.

Paris, March 19, 1701.

Lord *Melfort* was ordered to *Angiers* by a *Lettre de Cachet*, yet some will have it, that he has underhand had assurances, that he shall be restored, when affairs will admit of it.

The Earl of Manchester to Mr. Secretary Vernon.

Paris, March 23, 1701.

What I mentioned first to Monsieur *de Torcy*, was to know, whether he still doubted of Lord *Melfort*'s letter. He said, not in the least, and that his wife had owned it. The excuse he made was, that the confusion he was in, and its being read to him in *French*, made him think, that there was something added; but that he since found it otherwise, and that thereupon he was banished. The use I made of this was to shew him those suspicions they had, that it was done to inflame the nation against *France*, could no longer remain; neither could I learn any thing about such a paper as Count *Tallard* sent, and was cried about the streets.

(1) *Lamberty* says, (I. 499.) Six Lords came to the Count de *Briançon*, and proposed to him, that the Duke of *Savoy* should deliver up one of his sons to be educated in *England* in the Protestant Religion; declaring, that, in that case, the act for the *Hanover* Succession should never pass. But the Duke refused to consent to it.

1700-1. to confirm the just suspicions of the Pretender's birth.

The King being very solicitous to defend the States of *Holland* from the insults and approaches, that were made upon them by the *French* in *Flanders*, and, if possible, to restore and preserve the balance of *Europe*, sent instructions to Mr. *Stanhope*, Envoy Extraordinary to the States, to enter into negotiations with the Ministers of *France* and *Spain*, pursuant to the addresses of both Houses. Accordingly Mr. *Stanhope*, after concerting matters with the States, delivered in proposals to the Count d'*Avaux*, the *French* Ambassador at the *Hague*, importing, that the King, his Master, and the States-General, had, on the 25th of *March* 1700, concluded a treaty of Partition with the *French*, to prevent a new war, which they had all the reason to apprehend, in case the King of *Spain* should die without issue; and that among other things, the principal aim of the contractors was to preserve peace, and particularly in those parts; but it was evident, that, though his most Christian Majesty had thought fit to accept the will of the late King of *Spain*, going in this manner off from the Partition, yet nevertheless his Britannick Majesty must not lose the effect of that treaty; that is to say, the peace and general tranquility; and that particular security must be given him, by some equivalent or otherwise. That for this end Mr. *Stanhope* had orders to propose the following points and articles.

That his most Christian Majesty shall, in a certain time limited, as short a one as can be agreed on, withdraw all his troops out of the *Spanish Netherlands*, without leaving any there; and that he shall not be allowed the sending any thither; but that hereafter no troops shall be kept in the *Spanish Netherlands* (except in the places of security, which will be mentioned in the following article, but *Spaniards*, *Walloons*, or those of other subjects of the Monarchy of *Spain* exclusively, under the oath, and in the pay of *Spain*, and no troops of his most Christian Majesty, directly or indirectly; yet it shall, nevertheless, be permitted to the King of *Great-Britain*, and the States-General, to send troops for the defence of the *Netherlands*, whenever they shall be lawfully required.

That, for the particular security of his Britannick Majesty, the cities of *Ostend* and *Nieuport*, with their ports, castles, and citadels, and all the forts and fortifications thereunto belonging, shall be given up to the exclusive care of his Majesty; all in the condition which they are now in, with a power to put in what garrison he pleases, either of his own troops, or of his Allies, that he may desire for that use, and what troops he shall think fit, whilst *France* or *Spain* shall not be permitted to put the least garrison, or to build behind, or about these cities, ports, and fortresses, any other forts, lines, or fortified works, or to do any thing, that might cause a prejudice to the guarding of these cities and fortresses, and hinder its effect.

That his Britannick Majesty may augment, diminish, and change the garrisons of these cities and fortresses, as often as he shall think fit, and send thither provisions, ammunition, arms, materials for fortifications, and in general, all that may be fit and necessary for the use of the garrisons and fortifications, without any hindrance by sea or by land, directly or indirectly.

That his Majesty shall have the full power and authority over these cities, ports, castles, and fortifications, where he shall have such his garrisons and commanders, as he shall think fit; having, and without prejudice to the other rights and revenues of *Spain* over and in these castles.

That, besides, his Britannick Majesty shall have liberty to fortify and repair the fortifications of these cities, ports, and fortresses, as he shall think proper; and in general to do all that he shall find necessary for their defence. That no kingdoms, provinces, cities, lands, or places, belonging to the Crown of *Spain*, within as well as out of *Europe*, and particularly no cities, places, or lands of the *Spanish Netherlands*, shall be allowed to be yielded or transferred, nor be able to devolve or come to the Crown of *France*, by donation, purchase, exchange, contract of marriage, succession by will, or intestate, nor by any other title that can be; and that they shall not be liable to be subjected to the power or the authority of his most Christian Majesty in any manner.

That the subjects of his Britannick Majesty shall keep and enjoy all the privileges, rights, immunities, and other advantages, in the Dominions and Kingdoms of *Spain*, as well within as out of *Europe*, and by consequence also in the *Spanish Netherlands*, both in regard to their navigation, commerce, and liberty of the ports, and every thing else, which they did enjoy, or ought to have enjoyed, at the death of the late King of *Spain*; and that thus every thing whatever, except that, about which it shall be otherwise agreed in the treaty to be made, shall be left in the condition in which it was at the death of the late King of *Spain*.

That all the treaties of peace and commerce, and other conventions, between *England* and *Spain* shall be renewed in the manner it shall be agreed on together, as far as it shall be changed by the treaty, that shall be made.

That, besides this, the subjects of his Britannick Majesty shall enjoy, in the kingdoms, dominions, cities, places, bays, and harbours of the Crown of *Spain*, within and without *Europe*, the same privileges, rights and franchises, as also all the immunities and advantages, which the subjects of his most Christian Majesty, or of any other Prince or Potentate enjoy, as well as those which shall be granted to any of them, and which they shall hereafter enjoy.

That it shall be promised solemnly, on the part of *France*, and of *Spain*, that this shall be exactly performed in all these points in general, and in each in particular.

That the treaty, to be made on this subject, shall be guaranteed by such Kings, Princes, and Potentates, which the one or the other of the contractors shall desire to do it, and that in the strongest manner they shall think fit.

All this to be done, with a reserve, to enlarge on these points in the negotiation, as much as shall be found necessary, to clear up their true sense and intention, as also to prevent all sorts of disputes.

These proposals were the same they seconded by others from the States-General, which agreed with them in every thing material, except that instead of *Nieuport* and *Ostend*, which were demanded by King *William*, as cautionary towns, the States required to have those of *Venlo*, *Ruremond*, *Stevenswaert*, *Luxemburg*, *Namur*, *Charleroy*,

1700-1. *leroy, Mons, Dendermonde, Damme, and St. Donas*, with all their appurtenances.

They are transmitted to the King of France. Cole.
The French Ambassador, after hearing both these proposals read, seemed greatly surprised, saying, that, as he expected the King of England and States General would demand to have the French troops withdrawn out of the Spanish Netherlands, to he came prepared to give satisfaction in that article, by assuring, that it should be done as soon as the King of Spain should have forces of his own to guard the country: But, as to the other articles, they were such, as could not be higher, if his Majesty had lost four battles; so that it was impossible he could give them any other answer for the present, than that he would transmit them to the King, as he did the same night. He added, that it seemed as if the States resolved to have war, and confirmed the advices he had from the French Minister at Vienna, that they had lately concluded and signed a league with the Emperor. From this charge the Dutch Deputies cleared themselves, by absolutely denying, that there was any such treaty, and alledging that it was notorious to all the world how much the States were inclined to peace, when they might have it with security, which was all they aimed at by these proposals.

The French, seeing these demands of the English and Dutch run so high, and being resolved to offer no other security for the peace of Europe, but the renewal of the treaty of Ryfwick, set all their engines at work in England, to involve us into such contentions at home, as should both disable us, from taking any care of foreign affairs, and make the rest of Europe conclude, that nothing considerable was to be expected from England. In this they were but too well seconded by the Parliament, as will presently appear.

The King acquaints the Parliament with these proceedings. Fr. H. C. III. 131.
On the 18th of March, the King sent a Message to the Commons by Mr. Secretary Hedges, importing, "That his Majesty having directed Mr. Stanhope, his Envoy Extraordinary and Plenipotentiary at the Hague, to enter into negotiations in concert with the States-General, and other Potentates, for the mutual security of England and Holland, according to an address of their House to that effect; and that Mr. Stanhope having transmitted to his Majesty copies of the demands made by himself and the Deputies of the States, upon that subject, to the French Ambassador there; his Majesty had thought fit to communicate the same to the Commons; it being his intention to acquaint them from time to time with the state and progress of these negotiations, into which he had entered, pursuant to their address."

Address on the Partition treaty. Ibid.
When this message was considered by the Commons on the 21st of March, and the proposals of Mr. Stanhope and the Dutch Deputies to the French Ambassador were read, they resolved, that the treaty of Partition be read likewise; which being done, they voted, "That

"an humble address be presented to his Majesty, to return the thanks of this House for his gracious message, wherein he is pleased to communicate his Royal intentions to acquaint this House from time to time with the state and progress of those negotiations, into which his Majesty has entered pursuant to the address of this House: And also to lay before his Majesty the ill consequences of the treaty of Partition (passed under the Great Seal of England, during the sitting of Parliament, and without the advice of the same) to this Kingdom and the Peace of Europe, whereby such large territories of the King of Spain's dominions were to be delivered up to the French King".

When this address was presented to the King, he somewhat resented the unkindness of it, and thought there was much more reason to complain of the perfidious breach of the treaty, than of the making of it. However, without taking any notice of that part of the address, he returned the following answer: "That he was glad, that they were pleased with his communicating to them the state of the negotiations he had entered into; and that he should continue to inform them of the progress, that should be made in them; and be always willing to receive their advice thereupon, being fully persuaded, that nothing could contribute more effectually to the happiness of the Kingdom, and the peace of Europe, than the concurrence of the Parliament in all his negotiations, and a good understanding between him and his people."

But the Lords had, before this, on the 17th of March, entered upon the consideration of the Partition treaty, the debate being begun by the Sheffield Marquis of Normandy, and the rest of the Tories. This they managed with great dexterity, while the matter was as much neglected by the King, who went that day to Hampton-Court, where he staid some time. By this means no directions were given, and those, who had been concerned in the treaty, were involved in great difficulties, before the Court was aware of it. The King either could not prevail with his new Ministers to excuse the treaty, if they would not justify it; or he neglected them so far, as not to speak to them at all about it. Those, who attacked it, said, they meant nothing in that but to offer the King advices for the future, to prevent such errors, as had been committed in that treaty, both as to matter and form. They blamed the giving such territories to the Crown of France, and the forsaking the Emperor. They also complained of the secrecy, in which the treaty was carried on, it not being communicated to the English Council or Ministry, but privately transacted by the Earls of Portland and Jersey. They blamed likewise the putting the Great Seal, first to blank powers, and then to the treaty itself, which, the King's new Ministers said, was unjust in the contrivance, and ridiculous in the execution (1).

To

(1) The treaty was likewise treated with great severity of language in the books and pamphlets of that time. *Devenant*, in his *Essay upon the Balance of Power*, represents, that the authors of the treaty "knew well enough, that it must bring difficulties almost in-

superable upon any future Ministry. They could not, says he, but foresee, that the prodigious increase of power and strength, which the Partition treaty, had it taken effect, gave to the French, would to the last degree have alarmed all the thinking men of

1700-1.

To all this it was answered, that, there not being a force ready and sufficient to hinder the *French* from possessing themselves of the *Spanish* Monarchy, which they were prepared for, the Emperor had desired the King to enter into a treaty

of Partition, and had consented to every article of it, except that which related to the Duchy of *Milan*. But the King, not thinking that worth the engaging in a new war, had obtained an exchange of it for the Duchy of *Lorraine*.

The

1700-1.

“of *England*. Did not *Naples*, and the influence they would have had upon *Milan*, intirely subject *Italy* to their dominion? If, with the ports they have already on the southern coast of *France*, they had likewise had *Sicily*, had they not been masters of the *Levant*-trade? And was not the Province of *Guipuscoa* a hook in the very throat of *Spain*? Had they not by this triple league in one instant more cities, people, and kingdoms, than probably they could have obtained by the sword attended still with victory in the course of a hundred years? But the Emperor did not acquiesce in it. *Portugal* terrified, but would possibly have declared against it, if any strong alliance had been formed. The *Conclave* began to tremble. *Venice* did not think it safe; and all the Princes and States of *Italy* began to find it high time to enter into alliances for their common preservation. Of all this war must have been the consequence.” Dr. *Drake* in his *History of the last Parliament*, endeavours to shew, that the late King of *Spain*’s will was the product of the Partition treaty; and that, if *France* had abode by that treaty, the balance of *Europe* had been as effectually broken, as it was by their acceptance of the King of *Spain*’s will. Under this second head he remarks, that “the possession of *Naples* and *Sicily*, and all the *Spanish* dependencies on the coast of *Tuscany*, with the adjacent islands, *Santo Stefano*, *Porto Hercole*, *Orbitello*, *Telamone*, *Porto Longone*, *Piombino*, *Final*, with the Marquisate belonging to it, *Pontarabia*, *St. Sebastian*, with the whole province of *Guipuscoa*, &c. gave the *French* such a number of good harbours in the *Mediterranean*, that the advantages of them, improved with their usual application and judgment, must have made them in a short time absolute Masters of the *Mediterranean*, and, in consequence of that, of the ocean also. How far this would have gone towards that universal Monarchy, which *France* so passionately longs for, the meanest capacity may judge. By this means, the Pope, the *Tuscan*, the *Genoise*, and the *Spaniard*, had been directly locked up; not a ship belonging to any of them durst have peeped out of harbour without a *French* pass. The *Spanish* *flota* would constantly and inevitably have been at their mercy; for all their commerce with the *West-Indies* must necessarily have ceased, and the King of *Spain*, how much soever he might have stomached it inwardly, must have lain as still as *King Log*, while the *French* played at leap-frog over him. The least show of repentment would have furnished him with a pretence to seize on the treasures of the *West-Indies*, and, like a kind neighbour, to have conveyed the galleons into their own harbours.”

The treaty was also animadverted upon, in a pamphlet, intitled, *An account of the debate in town concerning Peace and War*, in letters to a Gentleman in the country, the third letter of which is directly against the Partition treaty, the reasons for which are represented as merely plausible, but not solid; that it was a disingenuous one; that great services were done to *France* by it; that it was carried on without the confederates; that the Parliament was not consulted in it; that the balance of *Europe* was lost by it; that the Archduke should have been sent into *Spain*, which would have prevented that treaty; that the treaty produced the will of the King of *Spain*; and that the *Spaniards* complained of the treaty.

However, the treaty had some advocates in print, and particularly the author of two letters to a friend concerning the Partition treaty, republished in the third volume of the *State Tracts*, p. 184. Bishop *Burnet* had some hand in these letters, in the former of which the occasion of the treaty is thus stated: “We and the

Dutch had got through a war at a vast charge, and with infinite danger. We saw the weakness of *Spain* in the business of *Barcelona*. There was no reckoning on them as capable of making a stand, if the King of *France* were freed from a war, since, when that pressed him on all hands, yet with a small army he could at his leisure take that important place. Had *Spain* any intrinick strength to resist, there was time enough given them to have brought it all together. If, I say, *France* then with so small a body made such a conquest, what could be expected from *Spain*, when the *French* King should send his whole strength against them? A fleet before *Cadix*, and two small armies marching in through *Catalonia* and *Navarre*, might have found it hard to subvert, but not to conquer *Spain*. The Emperor abandoning all other thoughts, had during the last war pursued his advantages against the *Turks*, and thereby had both exhausted his own strength, and disgusted his Allies. And, on the conclusion of the peace of *Ryswick*, he had shewed so great an inclination to run Hereby at any rate, and so little regard to the honour of a Prince to whom he owed so much, that this with some other things (which I love not to remember, because I hope that Court will grow wiser) had given so just a discontent, that few seemed willing to engage in a new war for him and his family. And his councils were so dilatory and uncertain, that, instead of pressing the renewal of a general alliance upon the conclusion of the peace, he seemed not to regard it, when pressed thereto. We here were so weary of taxes, and so jealous of a standing army, that we brought down our land-force, first to twelve thousand, and then to seven. Our fleet kept proportion to our army. The *Dutch* did not dissent so fast; yet they had no force to spare; and, to be sure, they would unwillingly engage in the quarrel deeper than we did. While the debates concerning the army were on foot, the ill health of the King of *Spain* was not forgot to be mentioned; and the danger of the progress, that the *French* might make, if we were reduced to such an incapacity of protecting the *Spaniards*, was often represented, but was often rejected with indignation, as an artifice of the Court to get an army kept up. Things being in such a state, might not the King think, that what was left for him to do, was to make the best bargain he could?” The Author then proceeds to shew, that, how bad soever the Partition might be, it seemed still more defensible to yield up some parts of the *Spanish* Monarchy, than to let *France* conquer it, or rather take it all. *Spain* itself, the *West-Indies* and *Flanders*, were the branches of that Monarchy, in which we were chiefly concerned; and, while these were kept intire in the same hands, our interests were pretty safe. It is known, that, what advantage soever the *Spanish* *Grande*es may make of the Dominions in and about *Italy*, *Spain* itself is not the stronger or richer for them, but much to the contrary. It is true, their interests at *Rome* are fortified by them; but we are little concerned in those. It was not to be imagined, that *France*, which had made so much noise with their pretensions to that Succession, and (how slight soever they may be) had involved all *Europe* in war upon yet slighter, and that saw how sure they were of conquering so feeble an enemy, and so weak a rival, would let all this go for nothing. They did not fear a new alliance against them; they knew well the temper both of the *English* and *Dutch*: They therefore pretended to the *Italian* Dominions. If the King had been in condition to have talked roundly to them, certainly that had been both the

“wisest

1700-1. The Emperor did not agree to this, yet he pressed the King not to break off the treaty, but to get the best terms he could for him; and, above all things, he recommended secrecy, that so he might not lose his interest in *Spain*,

by seeming to consent to this Partition. It is certain, that, by our Constitution, all foreign negotiations were trusted intirely to the Crown: That the King was under no obligation by law to communicate such secrets to his Council, or
to

" wisest and best method. But those, who seem, " now, the most inflamed against the Partition treaty, " know, in their consciences, that they themselves " would never have engaged in a new war, if the " Dominions in *Italy*, much less if the Duchy of " *Milan* had been the only point in debate. I leave " it to you to judge what a Parliament would have " said, if they had been called, and had found the " *French* King in possession of, perhaps, all the *Span- " ish* Monarchy (as, no doubt, by what we have " seen, he would soon have been upon the death of " the King of *Spain*) if they had discovered, that " offers had been made to have compounded for that " whole succession, by yielding up the Dominions in " *Italy*, but that the King and his Ministers had re- " jected the proposition? I doubt not, but then we " should have had impeachments upon impeachments; " and the suspicions of selling and betraying the world " into the hands of the *French*, would have carried " such characters of probability, that we would, in " reverse of St. Bartholomew Shower's subtle dis- " covery, have concluded who they were, that were " the instruments of *France*, and supposed them to " have been as well paid for it, as perhaps some have " been for later services." The Author then proceeds " to shew, that the Dominions in *Italy*, though very " valuable, yet, no naval power belonging to them, were " not, now, so considerable as they had been some years " before; nor was it certain, that, notwithstanding the " Partition treaty, they would have been a sure ac- " cession to the Crown of *France*, which, perhaps, would " have found as much opposition to it, as the was like to " receive now to her taking possession of the whole. " He next remarks, That King *William* did not build " much upon the faith and honour of the *French* King, " but might imagine, that age had qualified that un- " quiet spirit, which had given the world so much dis- " turbance. " He might think, that a bigotted Prince " would, above all other things, desire to have the Pa- " cacy under his protection, that is to say, at his " mercy. He would, perhaps, chuse rather to have " the Dominions, that were yielded to him by the trea- " ty, which he might expect, without the trouble and " charge of a war, of which it is not easy to see the " end: A Lady, that has great credit with him, might " be known to be fond of this Accession of Empire, " both as laying a great obligation on the Succession, " and as securing the quiet and life of one, in whom " she has so particular an interest: A Ministry com- " posed of such young persons, as might hope to out- " live their Monarch, for all his immortality, would " probably conclude, that it would be more merito- " rious, in another reign, to have extended the Em- " pire of *France*, than to have raised a younger son " of *France*, so as, perhaps, he might be able, one " day, to dispute matters with his elder brother. " Upon one, or more, of these reasons, or, perhaps, " upon much better, the King might have reckoned, " that the treaty would have been better stood to by " the *French*, without relying so intirely upon a faith, " that had been so often given, and so seldom kept." " He shews likewise, that his Majesty had other things " to depend on; as, particularly, that it was reasonable " to think, that the Emperor would have come into the " treaty, though it had been only with this design, that, " by his son's being in possession of the best part of the " *Spanish* Monarchy, he might thereby be the better " enabled to lay claim, and struggle for the rest. " Was " it reasonable to think, that a Prince, who had no " naval force, would have maintained a dispute in " opposition to all the naval power of the world, " united against him? And, could a Prince of such " exhausted revenue hope to succeed, in competition " against a Court, so dextrous in all the methods of

" it, and so well furnished with all that was necessary " for making it most effectual? The Emperor's con- " duct, in this matter, had been so unaccountable, in " being so inactive to prevent it, that there was no " reason to suspect his not submitting to the Partition " treaty, when he saw it could not be helped. The " King might likewise trust, somewhat, to the virtues " and to the vices of the *Spaniards*. They have had " an antipathy to the *French*, of above two hundred " years standing. The *Spaniards* have never, before " this time, been guilty of betraying their country. " A fidelity, without example, has long supported a " sinking Monarchy; and so it might have been " still depended on. And their coming so tamely " under a *French* yoke, is a thing that was so little " looked for, that, till all saw it, none could believe " it. Upon all these accounts it might seem reason- " able enough, for the King to imagine, that the " treaty would have been stuck to, without an abso- " lute confidence in the virtues of the Christian King. " And, after all, as the King of *Spain* had lived be- " yond all men's expectations, so the King might have " hoped, that he might languish out yet a few years " more; and then the revenue of the Crown of *Eng- " land* would have been cleared of all anticipations, " and, in the mean while, the *French* King would " have been obliged to keep such measures, as would " have secured us from all attempts, and have sunk " the hopes of a treacherous party among ourselves, " who had set up their rest upon the greatness of " *France*, and begin now to revive their dead hopes, " which seemed quite withered by the peace of *Rys- " wick*, and by the seeming friendship between our " Court and that of *Versailles*." In the second letter, " the Author considers the objections made to the justice " and to the wisdom of the treaty. It was laid to be un- " just in itself, as being a disposition of the Dominions " of a third person, then alive, made by a confederacy " of two strangers, with one of the Pretenders to the " Succession, without the consent of the other; and, as, " being inconsistent with the separate article of the Grand " Alliance, made in 1689, whereby the *States-General* " stipulated with the Emperor, to assist him in taking " the succession of the *Spanish* Monarchy, in case of " the then King of *Spain's* death without issue. For " the better conceiving the force of the objections and " the answers, it will be proper to state the several pre- " tensions to the Succession. *Philip* the Third had issue " besides his son *Philip* the Fourth, three daughters; " *Anna*, the eldest, married to *Lewis XIII.*, father of " *Lewis XIV.*; *Margaret*, the second, married to the " Emperor, *Ferdinand III.*, Father of the reigning Em- " peror; and *Catharine*, married to the Duke of *Savoy*. " *Philip* the Fourth had issue, besides the last King of " *Spain*, dead without issue, two daughters; the eldest, " *Maria Theresa*, married to *Lewis XIV.*, who had issue " the Dauphin; the other, *Margaret*, married to the " then Emperor, by whom she had issue only *Maria " Antonietta*, first wife to the Elector of *Bavaria*, and " they had one child, the late Electoral Prince, born in " 1691, and who died the 6th of *February* 1698. " Upon the several marriages of the two Infanta's with " *Lewis XIII.* and *Lewis XIV.*, solemn renunciations " were made of all claims to the Succession of the *Spanish* " Dominions, by them or their descendants. Those " renunciations the House of *Austria* insisted upon as " valid, and so their claim took place. The *French* " pretended to object to their validity, and claimed the " Succession, as if nothing had passed to bar them. " This being the case, it appears, that the first treaty " of Partition was not liable to the objection of want of " proper parties; for, as the *French* King and the Dau- " phin entered into it, so the Elector of *Bavaria*, in be- " half of his son, in whom at that time the whole

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to hear, much less was he obliged to follow their advice. In particular it was said, that the Keeper of the great Seal had no sort of authority, to deny the putting it, either to powers for a treaty, or to any treaty, which the King should agree to. That the law gives no direction in

such matters, and he could not refuse to put the Great Seal to any thing, for which he had an order from the King, unless the matter was contrary to law, which had made no provision in this case. They insisted most on the other side upon the concluding a treaty of this importance, without

right of the House of Austria was indisputably lodged, was not only consenting, but promoted it. And this first treaty had a very good consequence; for, as soon as the transaction took air, it not only occasioned the King of Spain to make a will, by which he declared the Electoral Prince his universal heir, but it made the Emperor to acquiesce in it, who, till that time, was vigorously soliciting, by his Minister at Madrid, for a will in favour of the Archduke. As to the second treaty, it appears, by the powers, which are in print, that it began in Holland, by a joint negotiation of the Emperor's Plenipotentiary, with those of England, France, and the States-General; but, the Emperor not thinking it fit to appear a party in such a negotiation, for reasons which were obvious enough, the treaty was afterwards concluded without him. "To say it was unjust, for that reason, is, at the same time, to say, the separate article of the Grand Alliance was unjust; for that was disposing of the Dominions of a King then living, by an agreement of two strangers, with one only of the Pretenders. As the Emperor was no party to this last treaty, so France was no party to the first. If it was consistent with justice for the King of England and the States to agree, that one of the Pretenders should have the whole, without any privacy or consent of the other, or of Spain; how could it be unjust (as to the nature of the contract) to enter into an agreement with one, only, of the Pretenders, for distributing the succession among all that claimed? "When controversies arise between sovereign Princes, there is no judicature to determine of the right; and they are at liberty to refuse to submit to a mediation, which is often hard to bring about, because both parties must agree in the Mediators. Controversies of this sort, would never have an end, but in the ruin of one of the parties, and, perhaps, of neighbouring nations, in the consequence, unless other Princes and States may, by a proper interposition, in such a manner as they think most agreeable to the justice and to the good of their own subjects, oblige all the Pretenders to recede from extremities, and, in case of obstinacy, on any side, to assist those, who are willing to yield, for the sake of peace. This has been the approved practice of all ages. A well founded apprehension of an unreasonable increase of power, in a neighbouring Prince, has been always held to be a just ground of making war: It may be better defended to be a just reason to prevent it by treaty. An Accession of the intire Spanish Dominions, either to the Emperor (whose claim was for himself and his lineal descendants,) or to France, must, unquestionably, have formed a power extremely terrible to the rest of Europe. It was, therefore, necessary to think of dividing the Succession, or turning it out of the direct line, for the common security of Christendom. Princes are bound to provide for the safety of their subjects, by all reasonable ways: If the most eligible cannot be arrived at, they must pursue such methods as are practicable. It was visible, the French King was resolved not to acquiesce in the renunciations: His flatterers had absolutely hardened him in the opinion, that all those solemn acts were insignificant; and, to make good these sentiments, he had not only employed his Lawyers, but his Arms, in the dispute, for many years. This the Emperor well knew; nay, it is expressly declared in the separate article of the Grand Alliance: "So that, when the accident happened, the war was inevitable; and the accident was expected every day. No care had been taken to form the necessary alliances, on the conclusion of the treaty of

Ryswick; nothing was determined, as to the Spanish Succession; no provision for securing any thing stipulated by the Grand Alliance. On the contrary, some things had passed, at that time, which necessarily made a strangeness between the Emperor and the Protestant Princes. No arguments were omitted to draw him into new measures, in order to make the separate article of the Grand Alliance significant and effectual. And it was highly reasonable to insist upon terms, when it was so fresh in memory, where the burden of the last war lay. But, by reason of the very slow measures of the Court of Vienna, and the particular interests, which the Emperor thought himself under the necessity of managing with the Court at Madrid, nothing had been done, or was likely to be done, on that side; and, at the same time, the subjects of England and Holland seemed neither willing, nor able, to enter into a new war. France did not only continue armed, as during the war, but was at vast expence in buying horses for remounting their cavalry, and lifting the ablest men, as fast as they were disbanded by the Confederates. Without a treaty, a war was inevitable, or rather, France was master of all, without a war. This was the unhappy necessity, under which the King and the States found themselves. And, in such circumstances, where was the injustice, to accept of the contract of the French King and the Dauphin, to content themselves with a part only of the vast succession, and such a part, as would not only be at least inconvenient to the parties contracting, but to the general liberty and security of Europe, rather than leave him in circumstances to seize the whole, or, at least, to take the immediate possession of those parts, which would necessarily and suddenly endanger the trade and safety of the English and the Dutch? Upon the foot of this treaty, the King and the States acquired an explicit and direct right to compel the French King to acquiesce in the share allotted to him, which perhaps was wanting before. For though Spain, in respect of the several renunciations and solemn acts, had an express right to oppose the future pretences of France to any part of that Succession, yet it was not plain, that, by renewing his claim, he violated any league with England and Holland, which would be the case after his entering into that treaty. There is another very considerable thing to justify this treaty, if it be true, as it has been affirmed, that, during the transactions in Holland in the Summer 1699, the Emperor's Ministers, though they declared they could not make themselves parties to an agreement for dismembering of the Spanish Monarchy, which would wholly ruin their affairs at Madrid, yet they did not express any great aversion to be seemingly forced to some reasonable terms. It has not often been known, that a deliberate act of three Sovereign powers, made upon very weighty grounds, has been so frankly called unjust. The Emperor has not found cause to give it that hard name; nay, the French themselves, who have violated this treaty in the most open and shameless manner, and want to the highest degree an excuse for breach of faith, and had a good one, if the treaty was unjust, yet they have never called it by that name, but have contented themselves to take up the wretched pretence, that, by breaking the league, they have pursued the spirit and meaning of it." The Author then proceeds to justify the wisdom of the treaty, and to shew, that it was the only means left to prevent the impending destruction of Europe; and that, in the making of it, the interest of the House of Austria was sincerely

1700-1. out communicating it first to the Privy Council. During this debate, some Lords having spoke very reflectingly on the *French* King, the Earl of *Rocheſter* animadverted upon them, alledging, that all men ought to ſpeak reſpectfully of Crowned Heads; and that this duty was more particularly incumbent on the Peers of a Kingdom, who derive all their honour and luſtre from the Crown. This was ſeconded by another Earl, who ſaid, That the King of *France*

was not only to be reſpected, but likewiſe to be feared. To whom another Lord replied, That he hoped no man in *England* needed to be afraid of the *French* King; much leſs the Peer, who ſpoke laſt, who was too much a friend to that Monarch, to fear any thing from him. Thus ended the firſt day of the debate (1).

The Earl of *Portland* apprehending, that this might fall too heavily upon him, got the King's leave to communicate the whole matter ^{The Lords adviſed with in the next treaty ſigned it.} to *Burnet*.

ſincerely eſpouſed, and a ſollicitous care uſed, that the balance of *Europe* ſhould not be intirely broken, and at the ſame time *England* and *Holland* did not neglect themſelves, but made ſuch a diſtribution, as might be leaſt prejudicial to their intereſt. "The three things," ſays he, which they were principally obliged to take care of, were their ſecurity, their trade, and the common intereſt of the Proteſtant Religion. In order to this, they were firſt to take care of the Barrier in *Flanders*, for making good whereof ſo much money had been ſpent, and ſo much blood had been ſhed, it being demonſtrably plain, that, if *France* was poſſeſſed of the *Spaniſh Netherlands*, it was not poſſible for the *Dutch* to bear long the expence of ſupporting themſelves; and when they fell a prey to *France* (notwithſtanding the vain diſcourſes we heard not long before) *England* was not likely to be free any great while.

"The ſecond thing, which concerned both nations highly, was the preſerving the trade of *Spain*, and the uſe of her ports.

"The third thing, which concerned *England*, and the *Dutch* not a little, was to keep the *Weſt-Indies*, and the trade thither, in the condition they then ſtood. For it will not be denied, if ever *France* can appropriate to itſelf the trade of *Spain*, and the management of the *Spaniſh Weſt-Indies*, ſhe will ſoon be miſtreſs of the world.

"Theſe were the things to be firſt looked after, and for theſe the treaty did fully provide. It is not to be denied but that the *Turky* trade was of great conſequence to both nations, and the trade of *Italy* not inconfiderable, eſpecially, to *Holland*; and it were to be wiſhed, that every thing could have been intirely gained: But, when that was impoſſible, the moſt weight was to be laid on what was of the greateſt conſequence."

"—The treaty of Partition, if it had been ſtood to, had placed *Spain*, the *Weſt-Indies*, the *Netherlands*, and *Milan* in ſuch hands, as *France* could expect no ſincere aſſiſtance from. What real addition of power *Naples* and *Sicily* would have brought to her, is not ſo plain. *France* is a compleat united ſtrength. Whether ſhe would have been ſtronger by the poſſeſſion of two remote countries, whoſe natives have the utmoſt hatred to the *French*, experience only would have ſhewn. *Italy* would have been alarmed to the laſt degree, to ſind the *French* taking poſſeſſion of ſo large a part of it, which it could not be poſſible to prevent, conſidering the power and preparations of *France*. But this would not have been the firſt time, that the *French* had got to be maſters of *Naples* and *Sicily*, and yet were not able to hold them. Certain it is, the Court of *Rome* would have found itſelf obliged to ſet all its engines on work to prevent the eſtabliſhing of that ſlavery, which was inevitably coming upon them. They would be diſcerning enough to ſee, that from that hour the *French* King became peaceably ſettled in the poſſeſſion of *Naples* and *Sicily*, the Pope muſt ſink in his character, and would be no more than a *French* Biſhop. The reſt of the Catholic world would hardly conſider him as a common Father, who could be made and unmade at the pleaſure of *France*. Without pretending to prophecy, one may ſay literally, that heaven and earth would have been moved upon this occaſion. The Church would have drawn out all her forces ſpiri-

tual and temporal; and, beſides the influence ſhe would always have upon the *Italian* Princes and States, which is avowedly not little, they themſelves are quick-fighted enough to ſee, what different figures the Princes of *France* make in this age from what they made heretofore, and to learn caution from ſo ſignificant examples. Beſides the Pope's remonſtrances would have had the more authority as well as vigour, from the ſcandalous appearance it would have had to the whole world, that *France*, in conjunction with two Heretic powers, ſhould diſpoſe of the ſiefs of the Church. The Emperor would undoubtedly have been ſollicited by all ſorts of arguments to aſſiſt the Church, and aſſert the liberty of *Italy*; and, how far he might have been able to reſiſt, might not be difficult to gueſs. All the Catholic Princes of *Germany* were at liberty to act as the conjuncture invited them. The *Italians* would not have apprehended any thing from *Spain*; they would have underſtood eaſily, which way the Archduke's wiſhes would go. The Duke of *Lorain's* affection to the Houſe of *Auſtria* is ſo well known, that it is certain the *French* could have depended on nothing from *Milan* in his hands. And though the late Chancellor in his letter ſaid, That, if the treaty ſhould take place, and *Milan* could not be relieved by ſea, it would be of little ſignification in the hand of any Prince, we ſee he was miſtaken, and that very powerful reliefs might be ſent by land to *Milan*, and the Emperor and Empire might always have an open way into *Italy* through that country. The King of *France* would have been cautious to have left his Frontier naked towards *Flanders*, when in poſſeſſion of a Prince of the Houſe of *Auſtria*, or to have left the *Rhine* unguarded, when the Pope would be ſure to have a prevailing power with the Eccleſiaſtical Electors, and the other Catholic Princes of the Empire. This would have been the higheſt ſecurity to the Proteſtant intereſt, for which certainly we were above all other things concerned. *Italy* would have been the ſcene of the war, where upon all accounts we ought to wiſh it, and not only as being the moſt remote from us. The apprehenſion of a Catholic league, which is no chimera, and which it is to be too juſtly feared may be the immediate conſequence of a ſettled peace among the Papiſh powers, when the zeal of the Emperor, as well as of the *French* King, is conſidered, would have been far removed. In ſuch a ſtate of things we could apprehend nothing to our trade, not even in the *Mediterranean*. All parties would have found it reaſonable to be courting the great naval powers of the world. We might be neuter, if we thought fit, or might have made our own terms. We were not bound to take any other ſhare in the war than we pleaſed; for, though we ſtood obliged to ſee the treaty executed, yet in the utmoſt ſtrictneſs that was all. We were not bound to maintain the reſpective parties in poſſeſſion: We might have enjoyed the advantages of peace, or we might have otherwiſe found our advantages in return for our aſſiſtance, in caſe we choſe to give it to either ſide."

(1) There was ſo great warmth in the debates of the Commons concerning this treaty, that more than one of the Members broke in upon common decency and good manners to a high degree. *Seymour*, *Bolles*, and others compared the dividing another man's Kingdom

1700-1. next day to the House, when he told them, Burnet. that he had not concluded the treaty alone, but had, by the King's order, acquainted six of his chief Ministers with it, who were the Earls of *Pembroke* and *Marlborough*, the Viscount *Lonsdale*, the Lord *Somers* and *Hallifax*, and Secretary *Vernon*. Upon which these Lords, being likewise freed by the King from the oath of secrecy, informed the House, that the Earl of *Jersey* having in the King's name called them together, the treaty was read to them; and that they excepted to several things in it, but they were told, that his Majesty had carried the matter as far as was possible, and that he could obtain no better terms. That therefore when they were thus assured, that no alterations could be made, but that every thing was settled, they gave over insisting on particulars; and only advised, that his Majesty might not engage himself in any thing, that would bring on a new war, since the nation had been so uneasy under the last. This was carried to the King, and that, a few days after, he told some of them, that he was made acquainted with their exceptions; but, how reasonable soever they were, he had driven the matter as far as he could. The Earl of *Pembroke* said to the House of Lords, he had offered the King those advices, that he thought were most for his service, and for the good of the nation; but that he did not think himself bound to give an account of that to any other persons. He was not the person aimed at; for which reason there was nothing said, either against him, or the Earls of *Marlborough* or *Jersey*. Upon this the debate went on. Some said, this was a mockery, to ask advice, when there was no room for it. It was answered, that the King had asked advice of his Privy Council, and they had given it; but that, such was the Royal prerogative, that it was still free to him to follow it or not, as he saw cause.

The Lords
address
about it.
Fr. H. L.
II. 25.

In conclusion, after three days debate, the House of Lords resolved to set out this whole matter in an address to the King, complaining both of the Partition treaty, and of the method, in which it had been carried on. The Lord *Wharton* moved an addition to the address, that, whereas the *French* King had broke that treaty, they should advise his Majesty to treat no more with him, or rely on his word, without a real security. This was much opposed by all those, who were against engaging in a new war: They said, all motions of that kind ought to come from the House of Commons, who only could support such an advice, which did in effect engage us in a new war; nor could they lay the blame on the breaking of a treaty, which they were resolved to condemn. They also excepted to the words *real security* as ambiguous; but the majority of the House agreed to it, for there was such treachery in the *French* negotiations, that they could not be relied on without a good guarantee, and the pledge of some strong places. It now plainly appeared, that the design was to set on the House of Commons to impeach some Lords, who had been concerned in the Parti-

tion treaty; for it was moved to send the address to the Commons for their concurrence, but that was not carried. The address was to this effect: "That their Lordships, having considered the treaty of the 21st of February, or the 15th of March 1700, made with the *French* King, together with the separate and secret articles, which his Majesty had been pleased to communicate to them, did most humbly represent to him, that, to their great sorrow, they found the matters thereof to have been of very ill consequence to the peace and safety of Europe; for that, besides the occasion it might have given to the late King of Spain, to have made his will in favour of the Duke of Anjou, if that treaty had taken effect; the prejudice to his Majesty and his subjects, and indeed to all Europe, by the addition of Sicily, Naples, several ports of the Mediterranean, the Province of Guipuzcoa, and the Duchy of Lorain, had been not only very great, but contrary to the pretence of the treaty itself, which was to prevent any umbrage that might have been taken, by uniting to many States and Dominions under one head. That, by all the informations they had had of that fatal treaty, they could not find, that the verbal orders and instructions (if any were given to his Majesty's Plenipotentiaries) were ever considered in any of his Majesty's Councils; or that the draught of that treaty had ever been laid before his Majesty, at any meeting of his Council, much less that it was advised or approved of by any Council or Committee of Council. Wherefore they thought themselves bound in duty to his Majesty, and justice to their Country, most humbly to beseech him, that, for the future, he would be pleased to require and admit, in all matters of importance, the advice of his natural born subjects, whose known probity and fortunes might give him and his people a just assurance of their fidelity to his service; and that, in order thereunto, he would be pleased to constitute a Council of such persons, to whom his Majesty might be pleased to impart all affairs both at home and abroad, which might any way concern him and his dominions. For as interest and natural affection to their country would incline them to wish the welfare and prosperity of it much more than others, who had no such ties upon them; and as their experience and knowledge of their country would also render them more capable than strangers, of advising his Majesty in the true interests of it; so they were confident, that, after such large and repeated demonstrations of his subjects duty and affection, his Majesty could not doubt of their zeal in his service, nor want the knowledge of persons fit to be employed in all his most secret and arduous affairs. And that, since it appeared the *French* King's accepting of the King of Spain's will was a manifest violation of that treaty, they humbly advised his Majesty, in future treaties with " that

1700-1.

dom to robbing on the high-way. It was called, by *Howe*, a felonious treaty, which, as the report then was, the King so highly relented, that he dropped an expression, signifying, that, if the disparity of their condition had

not restrained him, he would have demanded the satisfaction of him, which all Gentlemen have a right to demand of one that gives the lye.

(1) The

1700-1. "that Prince, to proceed with such caution, as might carry a real security."

This address being carried by the Lord-Keeper alone to *Kensington*, who there found two or three of the Lords in waiting, to make a shew of a House, it was presented, on the 24th of *March*, to his Majesty, who answered, "That it contained matter of very great moment; and that he would always take care, that all treaties, he made, should be for the honour and safety of *England*". The King seemed to bear this censure of the treaty with his usual coldness: And the new Ministers continued still in his confidence, but he laid the matter much to heart. Now he perceived the error he had fallen into, by the change he had made in the Ministry. It was plain, they resolved to govern him in every thing, and not to be governed by him in any one thing.

On the 31st of *March*, the King acquainted the Commons, "That having received an account from Mr. *Stanbope*, his Envoy, at the *Hague*, that the *French* Ambassador there had declared, that the King his Master had no other answer to return to the demands of the *States-General*, than that he was ready to renew the treaty of *Ryswick*, it being all the security the *States* were to expect; and that he had no orders to give any answer to his Majesty's Envoy; but, if his Majesty had any thing to demand, it might be done by his Ambassador at *Paris*, or the *French* Minister at *London*; and that he had no command to treat with any but the *States*. And his Majesty having also received two resolutions of the *States*, and a memorial from their Envoy in *England*, relating to the ships they were sending to join his Majesty's fleet, and the succours they desired might be hastened to them, by virtue of the treaty of *March* 3, 1677; his Majesty had thought fit to communicate the whole to that House, that they might be particularly informed of the present state of affairs abroad, where the negotiations seemed to be at an end, by the positive answer the *French* Ambassador had given to the *States*, which his Majesty recommended to the serious consideration of that House, as a matter of the greatest weight and consequence, and desired they would give him such advice upon it, as might be for their own security, and that of the *States-General*, and the peace of *Europe*."

The Commons, having taken this message into consideration on the 2d of *April*, resolved unanimously, "That the humble advice of this House be given to his Majesty, to desire, that his Majesty will be pleased to carry on the negotiations in concert with the *States-General*, and take such measures therein, as may most conduce to their safety; and that his Majesty would pursue the treaty made with the *States-General*, the 3d of *March*, 1677; and to assure him, that they would effectually enable him to support the treaty of 1677." By this treaty made by King *Charles* with the *Dutch*, *England* was bound to assist

them with ten thousand men, and twenty ships of war, if they were attacked. Though the King knew what the Commons meant by confining him to the treaty of 1677, and speaking in general terms of his providing for their security, namely, to evade his desire of forming a Confederacy for a new war, without which he foresaw *France* would never yield up any part of the *Spanish* Monarchy; he returned, however, to their resolution of advice, this lost answer, "That, according to their advice, he had given orders to his Envoy at the *Hague* to carry on the negotiations in concert with the *States-General*, and to take such measures therein, as might most conduce to their security. He thanked them for the assurance they had given, that they would effectually enable him to support the treaty of 1677; and told them, that he would pursue the same, as they advised; and he did not doubt, but the readiness, which they had shewn upon this occasion, would very much contribute to the obtaining such a security, as was desired."

Though the Commons could not, upon this occasion, be carried farther than to advise the King to pursue the treaty of 1677; the House of Lords, however, addressed him to enter into leagues offensive and defensive with the Emperor and other Princes and States, who were interested against the conjunction of the *French* and *Spanish* Monarchies. This coldness and uncertainty in the *English* Councils gave the *French* great advantages, in their negotiations both in *Germany* and *Portugal*. They tried the Courts of *Italy*, but without success; only the Duke of *Mantua* consented, that they should make a shew, as if they had surprized him, and so force him to put *Mantua* into their hands. The Pope and the *Venetians* would not declare themselves. The former favoured the *French*, as the latter did the Emperor, who began the war with a pretension on the Duchy of *Milan*, as a fief of the Empire, that devolved on him; and he was making magazines, both in *Tirol* and at *Trent*. The *French* seemed to despise all he could do, and did not apprehend, that it was possible for him to march an army into *Italy*. Both the King and the *States-General* pressed him to make that attempt. The Elector of *Bavaria* and some of the Circles had agreed to a neutrality this year; so that there was no hope of doing much upon the *Rhine*; and the *French* were making the *Italians* feel, what insolent masters they were like to prove. This produced a general uneasiness among them, which determined the Emperor to send an army into *Italy* under the command of Prince *Eugene*. *England* was all this while very unwilling to engage; yet, for fear we should at last see our interest so clearly, that we must have fallen into it, those, who were practised on to embroil the nation, so that we might not be in a condition to mind foreign affairs, set on foot a design to impeach the former Ministry.

In the mean time, a letter written in *Latin* came to the King from the King of *Spain*, giving notice of his Accession to the Crown (1).

This The King owns the King of Spain.

(1) The translation of the letter is as follows.
"Philip by the grace of God King of *Spain*, both *Sicily*, &c. to the most potent Prince and Lord
No. 29. Vol. III.

"William King of Great Britain, &c. Our most Cole.
"dear Brother and Cousin, health and prosperity. Burnet.
"Most serene and most potent Prince, most dear Bro-
5 Z
"ther

The King's message about the French King's answer.
Pr. H. C. III. 132.

The Commons advise upon it.

1700-1. This letter was delivered by *Torcy* on the 19th of *April*, N. S. to the Earl of *Manchester* at *Paris*, who desired him, as Count *Tallard* had left *England*, to transmit it to his Master. It was dated, the day after King *Philip* entered into *Spain*; but the date and the letter were visibly written at different times. The King ordered the letter to be read in the Cabinet-Council on the 13th of *April*; where there was a short debate concerning it, but it was never brought into any further deliberation there. The Earl of *Rocheſter* ſaw, that the King ſeemed diſtrufteful of him, and referred to him in the matter, and was highly offended at it. He and the reſt of the new Miniſtry preſſed his Maſteſty to own the King of *Spain*, and to answer the letter; and, ſince the *Dutch* had done ſo, it ſeemed reaſonable, that the King ſhould likewiſe do it. They prevailed at laſt, but with much difficulty. The thing was kept ſecret, and was not communicated to the Privy Council or to the two Houſes; nor did the King ſpeak of it to any of the foreign Miniſters. The *Paris Gazette* gave the World the firſt notice of it. This, being carried in ſuch a manner, ſeemed the more ſtrange, becauſe his Miniſtry had ſo lately condemned a former one, for not communicating the Partition treaty to the Council, before it was concluded; and yet had, in a matter of great conſequence, ſo ſoon forgot the cenſures, which they had thrown out ſo liberally upon the ſecrecy with which that matter had been tranſacted (1).

Cole, p.
373.

The Earl of *Manchester*, having received an account from Mr. Secretary *Vernon* of his Maſteſty's answer to the King of *Spain*'s letter, informed *Torcy*, the *French* Miniſter, of it; and took notice of it to the *Spaniſh* Ambaſſador, who did not know before, that his Maſter had wrote to King *William*. But the Emperor's Miniſter at *Paris*, ſoon hearing what had paſſed, expreſſed great ſurprize to the Earl of *Manchester*,

and ſaid, that this ſtep would diſcourage the Emperor's friends. The Earl answered, that it was no more than what the *States-General* had done, and that he ſaw how the Empire itſelf was divided.

Mr. *Stanbope* likewiſe complimented the *Spaniſh* Ambaſſador at the *Hague*, upon the recognition of the King of *Spain* by King *William*, while *Monſieur d'Avaux*, the *French* Ambaſſador at the *Hague*, preſented an amuſing Memorial to the *States-General*, ſetting forth, "That having transmitted their reſolution of the firſt of *April* to his Maſter, wherein they deſired the negotiations might be reſumed, in conjunction with the King of *England*'s Envoy, for maintaining the peace of *Europe*, and providing for their own ſecurity; and that their Lordſhips having at the ſame time declared, they wiſhed nothing ſo much, as that thoſe negotiations might be brought to a ſpeedy and good conclusion with his Maſter; to whom he had given an account of the answer he gave their Lordſhips concerning the admittance of the *Engliſh* Envoy, and he had intirely approved the ſame, and was pleaſed with the aſſurances given by their Lordſhips of the deſire they had to preſerve the peace. And, as his Maſteſty continued in the reſolution of maintaining the public tranquillity, he would conſent to every expedient, that might conduce towards ſecuring the common good and repoſe of *Chriſtendom*; and that, in order thereunto, his Maſteſty had no ſooner been acquainted with their Lordſhips deſign of renewing the conferences, but he had commanded his Ambaſſador to reſume the ſame, and continue at the *Hague*."

Notwithſtanding this ſpecious declaration, The *States* the deſign of the *French* politics was ſtill to reſuſe to keep out the *Engliſh* Envoy, and to engage the *States* to treat ſeparately. The *Dutch* Deputies immediately apprehended their meaning by ambiguity

"ther and Couſin; ſince we are, after perfecting of our journey, arrived at this Court, and have there taken poſſeſſion of all the Kingdom and Dominions belonging to the Crown of *Spain*, we will not delay giving your Maſteſty notice of it, and to aſſure you at the ſame time, that nothing is more deſired by us than the cultivating of a mutual friendſhip with your Maſteſty and your Crown, that ſo we may by real ſigns let your Maſteſty ſee the inclination of our mind, and that we may alſo in this imitate the examples of the moſt ſerene Kings, our predeceſſors, always mindful of the welfare of the Chriſtian world. Thus may the moſt good and great God bleſs your life with his grace."

Your Maſteſty's moſt loving Brother,

Given at our Palace, Philip, King.
of *Buen-Retire*, Joſeph M. de la Puerta,
the 24 of *March*
1701.

(1) His Maſteſty's letter to the King of *Spain* was likewiſe in *Latin*, and the tranſlation of it is as follows:

"*William* the Third, by the Grace of God, King of *Great-Britain*, *France*, and *Ireland*, Defender of the Faith, &c. to the moſt ſerene and potent Prince, the Lord *Philip* the Fifth, by the ſame Grace, King of *Spain*, both *Sicilies*, *Jeruſalem*, *India*, &c. Archduke of *Austria*, Duke of *Burgundy*, *Brabant*, and *Milan*, Earl of *Hapsburg*, *Flanders*, *Tirol*, &c. our moſt dear Brother and Couſin, greeting.

"Moſt ſerene and moſt potent Prince, Brother, and Couſin, we have received your Maſteſty's letter of the 24th of *March* laſt, which was for many reaſons very acceptable to us, as well becauſe it gave us notice of your happy arrival in your Kingdom of *Spain*, and of your coming to the poſſeſſion of it, and taking upon you the Government of the Dominions thereunto belonging; as becauſe you have aſſured us, that your Maſteſty hath a mind, that the moſt ancient friendſhip and correſpondence betwixt the two Crowns ſhall remain inviolable. We have indeed willingly embraced this opportunity to congratulate your Maſteſty, on your happy Acceſſion to the Crown of *Spain*, and to certify to you how much we value you; and how great a deſire we have, that your Maſteſty ſhould know, that we will, with great application, do all that we can, that the mutual union ſubſiſting betwixt us by treaties and friendſhip be cloſer united, and that the advantages of both nations may every day be more and more promoted and flouriſh; which we hope will alſo end in the advantage and proſperity of all *Europe*. For the reſt, we recommend your Maſteſty to the care and protection of Almighty God. Given at our Palace at *Kenſington*, the 17th of *April*, in the year of our Lord 1701, and the 13th of our reign."

Your Maſteſty's moſt loving Brother and Couſin,

William R.
James Vernon.

(1) This

1700-1. ambiguity of the memorial, and therefore preferred Count d'Avaux to explain himself, letting him know at the same time, that the *States* would not enter into any negotiation with *France*, but in conjunction with *England*, their interests in this case being inseparable; and that they must insist upon a positive answer to that point, especially now that his *Britannic* Majesty's owning the King of *Spain* had removed the principal objection, that was before insisted upon against treating with the Ministers of *England*. The *French* Ambassador, to delay his answer, desired time to send for new instructions to Court, which they appeared no way forward to send him; their design being to draw the business into a considerable length; which gave them opportunity to strengthen themselves daily on the frontiers of *Holland*, and to secure the *Milanese*.

And press
the King
for suc-
court.

Two or three fruitless conferences passed at the *Hague*, wherein the *French* Ambassador was still attempting to draw in the *States* to treat alone, without the concurrence of *England*, which they would by no means agree to. His Majesty in return did all that lay in his power to assist them; for which end he sent the three *Scots* regiments, retained in his own pay in *Scotland*, over into *Holland*. When the *States* had procured all possible supplies and reinforcements by their money and interest from Princes abroad, and had exerted their Power to the utmost at home, they wrote a letter to the King, to inform him how matters stood with them, and to desire the troops to be sent over to their assistance without delay, as stipulated by the treaty of 1677 (1). Upon which the King, on the 8th of *May*, sent this message to the House of Commons.

"William R.

"HIS Majesty having lately received an account from Mr. *Stanhope* of the present posture of affairs in *Holland*, and likewise a letter from the *States-General*, which is of the greatest importance. And his Majesty, who has so perfect a knowledge of their country, being intirely convinced of the hardships of their present condition, and the great pressures they now lie under, which are particularly expressed in their letter, has thought it absolutely necessary to communicate the same to this House; that the Expectations the *States* have of present assistances from his Majesty, may more fully appear. And his Majesty does not doubt, but this House will be so justly sensible of those immediate dangers, to which they stand exposed, as to take the same into their most serious and effectual consideration; it being most evident, that the safety of *England*, as well as the very being of *Holland*, does very much depend upon your resolution in this matter."

This message was considered the next day, *The resolution of the Commons*. and the Commons resolved, "That they will effectually assist his Majesty to support his Allies, in maintaining the liberty of *Europe*, and will immediately provide succours for the *States-General*, according to the treaty of the 3d of *March* 1677". This resolution being presented to the King by the whole House, *May* the 10th, he gave them the following answer:

"Gentlemen,

"I Return you my hearty thanks for the ready assurances you give me of providing immediate succours for the *States-General*, and

The King's answer.

(1) This letter was as follows (*Cole*, p. 379.)

SIR,

After the protestations, which we have made to your Majesty, in our last letter, of the 23d of *April*, not to enter into any negotiation with *France*, but in concert with *England*, we have thought fit to ask of the Count d'Avaux, Ambassador Extraordinary of his most Christian Majesty, if he was inclined and authorized to re-enter into the negotiation, in the manner it was begun, in conjunction with the Minister of your Majesty; as you may see, by our resolution of the 2d of this month, here annexed. Count d'Avaux, having sent this to his most Christian Majesty, presented us, after the return of his Courier, with the memorial, of which we join likewise a copy to this letter. We have immediately communicated it to Mr. *Stanhope*, Envoy Extraordinary from your Majesty, and, after having concerted with him about it, we found in the said memorial, certain obscurities, which made us doubt of its true sense: For that reason, we thought it necessary to shew the Count d'Avaux the letter, which we did ourselves the honour to write to your Majesty, on the 23d of *April* last, and our engagements to take no measures in the negotiation, but in concert with you. The Count d'Avaux answered our Deputies, That he was come hither only to treat about means to preserve the general peace, and to establish our particular security: That, if we concert on this with your Majesty, he had nothing to say against it; and that he was contented, that your Majesty's Envoy should assist at the conferences to be held about this; but that he was not at all authorized to enter into a negotiation with us, about the interests of *England*, which were to be treated of elsewhere. Upon this, our Deputies represented, That, in the con-

ferences about a general peace, your Majesty was equally concerned with us: That our security could not, by any means, be separated from that of *England*: That the two nations had, in this, a common interest; and that we could not but look upon your Majesty as a principal party concerned, as much as we, in the present negotiations, without our injuring your Majesty. But, notwithstanding several instances of our Deputies, and all the reasons they could alledge, Count d'Avaux persisted in the forementioned answer, saying, That he had no other orders: That he would send our resolution (of which your Majesty will here see the copy) to the Court of *France*, without giving the least hopes of an answer conformable to our sentiments. Upon the report, which has been made to us, we have judged, that thus they would separate the interests of *England* from those of our Republic. We look upon them as inseparable; and, as it is a plain case that they are so, we could draw no other conclusion from this proceeding, but that, on the side of *France*, there was a design to end the conferences, and to consent to none of the securities demanded, which are so necessary to the preservation of the Kingdoms of your Majesty, and of our Republic. We are obliged to give your Majesty notice of all this. We protest, that, our interests being the same with those of your Majesty, in this negotiation, and inseparable one from the other, we shall not suffer them to be divided in any manner. In the mean while, Sir, we cannot but represent to your Majesty the pressing occasion we have to be assisted, without loss of time, and the apparent danger, in which we are. You know, to the bottom, the State of our affairs; and you can easily judge, if it be possible, in the situation, in which we are, to resist forces so much superior, as those

1700-1

"and for the zeal you express for the common cause. I know nothing, that can be more effectual for its support both at home and abroad than the unanimous concurrence, which you have shewed upon this occasion. And it will be a particular satisfaction to me, in my time, to revive the glory, which the *English* nation has formerly had, of maintaining the liberty and balance of *Europe*."

The King likewise communicated the letter from the *States General* to the House of Lords, who, on that occasion, presented this address on the 14th of May:

The Lords
address
upon the
States
letter.

"WE your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, return your Majesty our most humble thanks, for communicating to us the letter from the *States General* to your Majesty. It gives us an opportunity (with great satisfaction) to repeat to your Majesty the assurances of our duty, and zeal for your service. And we take this occasion further to assure your Majesty, we are very sensible of the great and imminent danger, to which the *States-General* are at present exposed. And we do perfectly agree with them in believing, that their

"safety and ours are so inseparably united, 1700-1.
"that whatsoever is ruin to the one, must be fatal to the other. And we humbly desire your Majesty will be pleased, not only to make good all the articles of any former treaty to the *States-General*, but that you will enter into a strict league offensive and defensive with them, for our common preservation; and that you will invite into it all Princes and States, who are concerned in the present visible danger, arising from the union of *France* and *Spain*. And we further desire your Majesty, that you will be pleased to enter into such alliances with the Emperor, as your Majesty shall think fit, pursuant to the ends of the treaty of 1689. Towards all which, we assure your Majesty of our hearty and sincere assistance, not doubting, but, whenever your Majesty shall be obliged to engage for the defence of your allies, and the securing the liberty and quiet of *Europe*, Almighty God will protect your Sacred Person in so righteous a cause; and that the unanimity, wealth, and courage of your subjects will carry your Majesty, with honour and success, through all the difficulties of a just war. And in the last place, with great grief, we take leave humbly to represent to
"your

those of *France* are. It is that which made us desire, with so much earnestness, the execution of the treaty, which received the approbation of the Parliament, in the year 1678, betwixt King *Charles II.*, of glorious memory, and this *State*. We repeat, now, our most earnest instances to have quickly the stipulated succours, and the intire execution of the said treaty. We flatter ourselves, that your Majesty will make a serious reflection on the condition in which we are, particularly after the positive assurances, which you have given us, that the resolutions of your Parliament were to interest themselves vigorously in our preservation, and to assist us in the necessity, in which we are, by furnishing the succours we are agreed about. We will tell you, Sir, in what condition *France* puts itself; and your Majesty will judge, by that, if our fear, which re-animates our demands, be ill-founded. *France*, not contented with having taken possession of all the places in the *Netherlands*, that remained to *Spain*, has thrown into them, and causes, actually, every day, formidable forces to march thither. They draw a line from the *Scheld*, near *Antwerp*, to the *Maese*. They are going to begin to draw such a line, according to our advices, from *Antwerp* to *Ostend*. They send a numerous artillery into the places, that are nearest to our frontiers. They make, with great diligence, many magazines in *Flanders*, in *Brabant*, in *Guelderland*, and at *Namur*, which they fill up with all sorts of ammunition for war and subsistence, besides the great stores of forage, which they gather from all parts. They build forts under the cannon of our places. Besides they have worked, and work still, continually, to draw the Princes, that are our friends, from our interest, to make them enter into their alliance, or to engage them to a neutrality, at least. In short, by intrigues and divisions in the Empire, they make our friends useless, and increase those of *France*. Thus we are almost surrounded, on all sides, except on the side of the sea. See here, Sir, without any disguise, the true situation, to which we find ourselves reduced, without adding any thing to what is said. This makes us hope, that, as your Majesty understands our affairs perfectly well, you will agree with us, that at present our condition is worse, than it was during the late war, and worse than if we were actually at war; whilst they make forts under the cannon of our strong places, and lines along our

frontiers, without our being able to hinder it, as we might do, if we were at war.

These reasons oblige us to put ourselves in a state of defence, more than if we were actually attacked, by overflowing our country, and even to cut the dikes, to secure our frontiers. We are forced to employ these means, and all those we could bear in an open war; so that our subjects suffer, already, more than they did, during the last war. Hitherto, the winter has served us as a sort of security. That season is over, and we are at the brink of being invaded and overturned every moment, if we do not get prompt succours. We promise ourselves, Sir, that it will come from your side, especially, since it has pleased your Majesty to assure us, that your Parliament had taken resolutions, that were favourable for us. As our necessity is pressing, we pray you to consider well the extremity in which we are, and the impossibility of avoiding our intire ruin, and the overthrow of our Republic, if we are left in this condition. We believe, Sir, that the interests of *England* are so strictly united with ours, that we would sooner expose ourselves to all hazards, than suffer, that they should be separated, or take any measures, but in concert with your Majesty. It is quite unnecessary to represent to you, that the preservation of your own Kingdoms ought to induce you to prevent our ruin, whilst we believe their loss to be inseparable from ours. The reasons, Sir, are better known to you, than to us, as well as the fatal consequences, to which we are exposed, by leaving us in this condition. This convinces us, that your Majesty will direct every thing by your consummate wisdom, and the good intentions of your Parliament, in such a manner, as to shew to all *Europe*, that nothing is more advantageous to it, than the alliances with *England*, and its friendship. As for us, we expect, without delay, the accomplishment of the above-named treaty: And, we pray God, Sir, to preserve the sacred person of your Majesty, in long health, and your Dominions in a flourishing prosperity.

Hague, May
23, 1701.

Your Majesty's very humble Servants,
The *States-General* of the United
Provinces of the *Netherlands*.

J. Van Wicher.
By their order, F. Fagel.
(1) The

1700-1. " your Majesty, that the dangers to which
" your Kingdoms and your Allies have been
" exposed, are chiefly owing to the fatal coun-
" sels, that prevented your Majesty's sooner
" meeting your people in Parliament."

To this the King returned the following an-
swer :

My Lords,

*The King's
answer.*

" I thank you for the expressions you make
" of your duty and zeal to my service, and
" the concern you shew for the imminent dan-
" ger, to which the *States-General* are at pre-
" sent exposed. I shall take into consideration
" your desires to me, of entering into new mea-
" sures with them and other Princes and States,
" for our common preservation. And you may
" be sure, it shall be always my care to make
" such Alliances with our neighbours, as may
" tend to our own and their greatest security ;
" which will be the most effectual means to
" raise the honour of the *English* nation, in our
" days, to the reputation it hath maintained in
" any former times."

*The old
Ministry
impeached.
Burnet.*

The design of impeaching the former Mi-
nistry was now beginning to be executed. The
handle for bringing it about was given by the
Earl of *Portland*. When he was excusing his
own part in the Partition treaty, he said, That,
having withdrawn himself from business, and
being at his country-house in *Holland*, the King
sent for him, desiring him to enter upon that
negotiation. Upon this, he wrote to Secretary
Vernon, to ask his advice, and the advice of his
other friends, whether it was fit for him to
meddle in that matter, since his being by birth
a Foreigner seemed a just excuse for not enga-
ging in an affair of such consequence. To
this the Secretary answered, that all his friends
thought he was a very proper person to be em-
ployed in that treaty, since he had known the
progress of all those treaties, and the persons
who were employed on that occasion ; and he
named the Lord *Sommers* among those who had
advised this. The Earl of *Portland* had mistaken
this circumstance, which did not belong to
the last Partition treaty, but to that of the
year 1699 in favour of the Electoral Prince
of *Bavaria*. The House of Commons hearing
of this, required Secretary *Vernon* to lay before
them that letter, with his answer to it ; for the
Earl of *Portland* said, that he had left all papers
relating to that matter in *Holland*. The Secre-
tary said, he had received no such letter in the
year 1699 ; but that led them to inquire farther,
and they required him to lay before them
all the letters he had, relating to both the
treaties of Partition. He answered, that those
were the King's secrets, writ in confidence by
the persons whom he employed. But as in

such a case a House of Commons will not be
put off, and a denial rather raises in them more
earnestness in following their point ; it was re-
plied, that the King had dispensed with the
oath of secrecy, when he ordered all matters
to be laid before them ; and they would admit
of no excuse. The Secretary upon this went
to the King, and told him, since these were
his secrets, he was ready to expose himself to
the indignation of the House, and to refuse to
shew his letters. But the King answered, that
his refusing to do it would not only raise a storm
against himself, from which he could not pro-
tect him, but likewise occasion an addrefs to
the King, to order him to lay every thing be-
fore the House, which, in the state that things
were in then, he could not deny. The Secretary,
upon these orders given him at two different
times, carried all the letters, and laid them be-
fore the House of Commons. It appeared by
these, that he had communicated the treaty to
the King's Ministers, who were in town, about
the end of *August* 1698 : That, Lord *Sommers*
being then at *Tunbridge*, he went to him ; and
that he had communicated the project both to
the Earl of *Orford* and Lord *Halifax*. Several
objections were made by them to many parts of
the treaty, which were mentioned in the Secre-
tary's letters ; but, if better terms could not be
had, they thought it was more eligible to con-
clude the treaty, than to leave the *Spanish* Mo-
narchy to be over-run by *France*, or to involve
Europe in a new war. Lord *Sommers* had also
put the Great Seal to blank powers for conclu-
ding this treaty. When all this was read,
those, who were set on to blow up the flame,
moved the House to impeach some of the Mi-
nisters, who had been concerned in this trans-
action ; yet in this they proceeded with so visible
a partiality, that though the Earl of *Jersey* had
signed the treaty, and had been Ambassador in
France, and Secretary of State, while the Par-
tition treaty was negotiating ; yet he, having
joined himself to the new Ministry, was not
questioned about it. The party said, that he
had been too easily drawn into it, but that he
was not in the secret, and had no share in the
councils that projected it.

On the first of *April* the House of Commons
resolved, That William Earl of *Portland*, by ne-
gotiating and concluding the treaty of Partition, land im-
(which was destrutive to the trade of this King-
dom, and dangerous to the peace of Europe) is
guilty, and shall be impeached, of high crimes
and misdemeanors. And they ordered Sir *John*
Levison Gower to go up to the Lords, and at
their bar to impeach the Earl, and to acquaint
their Lordships, that they will in due time ex-
hibit particular articles against him. They then
appointed a Committee to draw up articles of
impeachment (1) ; and desired a conference
with

(1) The Committee were as follow :

Mr. Finch,
Sir Christopher Musgrave,
Sir Godfrey Copley,
Sir Thomas Pouys,
Lord Mordaunt,
Mr. Bridges,
Sir Edward Seymour,
Vo L. III. N° 29.

Sir John-Levison Gower,
Col. Gramville,
Sir Humphry Mackworth,
Sir Bartholomew Shower,
Mr. Howe,
Mr. Hammond,
Mr. St. John,

Dr. Dovenant,
Sir William Coryton,
Mr. Conyers,
Mr. Gwynn,
Mr. Bromley,
Mr. Harley,
Sir Joseph Tredenham,
Sir Thomas Meers,
Mr. Brotherton,

Mr. Bertie,
Mr. Dolben,
Mr. Attorney-General,
Sir Rowland Gwynn,
Mr. Harcourt,
Mr. Winnington,
Mr. Scobel,
Mr. Paget,
Mr. Tredenham.

1701. with the Lords, at which the Commons delivered this paper to the Lords:

"It appearing by your Lordships journal, that your Lordships have received information of some transactions between the Earl of Portland and Mr. Secretary *Vernon* relating to the Partition of the *Spanish* Monarchy; the Commons, having the said matter under their consideration, desire your Lordships will be pleased to communicate to the Commons what informations your Lordships have had of any transactions relating to any negotiations or treaties of Partition of the *Spanish* Monarchy, by letter or otherwise. And the Commons are fully assured, that your Lordships will readily concur in assisting them in this inquiry, which they conceive absolutely necessary for the safety and honour of this Kingdom, and the preservation of the peace of *Europe*."

Upon this, the Lords ordered to be delivered to the Commons the two *Latin* Commissions of powers granted to the Earls of *Portland* and *Jersy*, for negotiating the treaties; one dated the 1st of *July* 1699, and the other on the 2d of *January* 1700, with the paper of the Earl of *Portland's* relating to his correspondence with Secretary *Vernon* about the first treaty.

Kidd is
tampored
with and
executed.

But, though the Earl of *Portland* was impeached first, the chief design was against the Earl of *Orford*, and the Lords *Sommers* and *Halifax*. Their enemies tried again what use could be made of Captain *Kidd's* business, who had been taken, and brought over. He was examined by the House of Commons, but either he could not lay a probable story together, or

some remnants of honesty, raised in him by the near prospect of death, restrained him. He accused no person of having advised or encouraged his turning pirate. He had never talked alone with any of the Lords, and never at all with Lord *Sommers*. He said, he had no orders from them, but to pursue his voyage against the Pirates in *Madagascar*. All endeavours were used to persuade him to accuse the Lords: He was assured, that, if he did it, he should be preferred; and, if he did it not, he should certainly die for his piracy (1); yet this could not prevail on him to charge them; so that he, with some of his crew, were hanged on the 23d of *May* 1701, there appearing not so much as a colour to fasten any imputation on those Lords. However, their enemies tried what use could be made of the grant of all that Captain *Kidd* might recover from the Pirates, which some bold and ignorant Lawyers affirmed to be against law. This matter was therefore, for the fourth time, debated in the House of Commons; and the behaviour of those Peers in it appeared so innocent, so legal, and, in truth, so meritorious, that it was again let fall. The insisting so much on it served to convince all people, that the enemies of these Lords wanted not inclinations, but only matter to charge them, since they made so much use of this. But so partial was a great part of the House, that the dropping this was carried only by a small majority. When one design failed, another was set up.

It was pretended, that by *Vernon's* letters it was clearly proved, that the Lord *Sommers* had consented to the Partition treaty; so, a debate coming on in the House of Commons concerning that, Lord *Sommers* desired he might be admitted to give an account of his share in it.

Some

(1) The author of the *Full account of the proceedings, in relation to Captain Kidd*, published in 1701, and reprinted in the third volume of the *State Trials*, during the reign of King William, has the following passage in his second letter: "Kidd was a fellow, whose actions did not only shew, that death must needs be terrible to him, but that he was not like to stick at any thing, upon the account of conscience, to avoid it; and therefore, probably, would set himself to work, as soon as he saw his certain danger. This is not a mere conjecture, but it is proved by Sir *Edward Seymour's* so greedily laying hold of that information, which he made to the House, on *Monday, March* 31. viz. That he had a letter from *Kidd*, wherein he desired to be brought up, having something to say to the House. His manner of opening it, and the warmth with which it was seconded by a well-spoken Gentleman, whose tongue, the Earl of *Bellmont* says, in one of his letters, is as foul and corrupt as his breath, raised every one's expectations; and, you may be sure, *Kidd* was sent for immediately. But, being come, and heard, the poor creature had nothing to say, which, in any sort, answered the expectations of those, who gave the information, or were so forward to send for him, and thereupon he was remanded. Sir *Edward Seymour* had such indignation at his disappointment, that he declared, The fellow was a fool, as well as a rogue; and that he would never credit what he should say hereafter. To speak the truth, it was no fault of that Gentleman's, that *Kidd* said no more to the purpose. He watched his bringing up, and presently got to him, alone, in the room where he was kept. Their conversation, through God's mercy, was quickly interrupted. Two worthy Merchants, who heard that Sir *Edward Seymour*

"was alone with *Kidd*, had so much sense of his behaviour throughout that whole matter, and so just an abhorrence of such a practice, that they rushed immediately into the room, and put an end to the privacy. But, if there be a curiosity of knowing what passed in that little time it lasted, the Mistress of the Tavern at *Charing-Cross*, where *Kidd* stayed a little while, and he was carried back to *Newgate* that morning, and the Keeper, who took care of him, and drank with him, are both alive, and can tell what *Kidd* naturally related of that short conference, soon after it was over. I think I ought to tell you, how Sir *Edward Seymour* came to make this mistake in procuring *Kidd* to be sent for thus fruitlessly, that you may the better see his zeal to make somewhat more than he could find. For though he told the House he had a letter from *Kidd*, that was but a mending the story, to give the more expectation of what was to come; and therefore you will observe care was taken to omit any mention of a letter in the printed votes." The fact was thus: "When *Kidd* was brought up the first time, he became indebted to one *Kisfale* a coffee-man, near the House of Commons, in seven or eight shillings. The coffee-man and his son went to him to *Newgate*, on the *Sunday*, to demand the debt; and, drinking together, *Kisfale* said to *Kidd*, 'You are a fool to be hanged for any body, and you may certainly save your life, if you can say any thing against the Lord *Orford*, and the Lord *Sommers*.' *Kidd* replied, 'I will hang for no body, and I am resolved to speak all I know.' *Kisfale* and his son went immediately with this story to Sir *Edward Seymour*, and upon that he founded the information he gave the House, which he called the receiving a letter; whether the coffee-man acted by order in talking

Lord Som-
mers heard
by the
Commons,
Burnet.

1701.

Some opposition was made to this, but, as it had been always granted, it could not be denied him. He had obtained the King's leave to tell every thing: So that, when he appeared before the House, he told them, the King had writ to him, that the state of the King of Spain's health was desperate; and that he saw no way to prevent a new war, but to accept of the proposition, which the French made for a Partition. That the King sent him the scheme of this, and ordered him to communicate it to some others, and to give him both his own opinion and theirs concerning it, and to send him over powers for a treaty, but in the most secret manner possible. Yet his Majesty added, that, if he and his other Ministers thought that a treaty ought not to be made upon such a project, then the whole matter must be let fall, for he could not bring the French to better terms. Lord Sommers upon this said, that he thought it was the taking too much upon himself, if he should have put a stop to a treaty of such consequence. If the King of Spain had died before it was finished, and the blame had been cast on him for not sending the necessary powers, because he was not ordered to do it by a warrant in full form, he could not have justified that, since the King's letter was really a warrant, and therefore he thought he was bound to send the powers that were called for, which he had done. But at the same time he wrote his own opinion very fully to his Majesty, objecting to many particulars, if there was room for it, and proposing several things, which, as he thought, were for the good and interest of England. That, soon after the powers were sent over by him, the treaty was concluded, to which he put the Great Seal, as he thought he was bound to do; and that in this, as he was a Privy Counsellor, he had offered the King his best advice, and, as he was a Chancellor, he had executed his office according to his duty. That as for putting the Seal to the powers, he had done it upon the King's letter, which was a real warrant, though not a formal one; that he had indeed desired, that a

warrant in due form might be sent him for his own security; but he did not think it became him to endanger the public, only for want of a point of form, in so critical a time, wherein great dispatch was requisite. Having finished what he had to say, the Speaker asked him the question, which had been resolved before his admission, "Who had informed him, that there was a debate in the House about him?" To which he answered, "That he was strangely surprized at a question, that he never knew was put to any man, that came to desire the favour of being heard; and that, if that question was asked to bring the least prejudice to any man in England, he would not only be content to lie under the censure of the House, but suffer the worst thing that might befall him upon earth, rather than do such a dishonest thing." He then withdrew, but came back immediately, and desired to leave with the House the King's letter to him, and the copy of his answer; which, he acquainted the House, he had leave to lay before them. His defence of himself was so full and clear, that it was believed, if, upon his withdrawing, the question had been quickly put, the whole matter had been soon at an end, and the prosecution let fall. But his enemies drew out the debate to such a length, that the impression which his speech had made was much worn out; and, the House sitting till it was past midnight, they at last carried this resolution by a majority of seven or eight, "That John Lord Sommers, by advising his Majesty, in the year 1698, to the Pr. H. C. treaty for Partition of the Spanish Monarchy, III. 134. whereby several territories of the King of Spain's Dominions were to be delivered up to France, is guilty of a high crime and misdemeanor." And the House ordered Mr. Simon Harcourt to go up to the Lords, and impeach him. Immediately after they resolved, "That Edward Earl of Orford, and Charles Lord Halifax, be, for the same reasons, impeached of high crimes and misdemeanors." Accordingly, the general impeachment was brought

1701.

Journal of the House of Commons.

Vote against him; to the Pr. H. C. III. 134.

And the Lords Orford and Halifax. Apr. 15.

"so to Kidd, or whether he only guessed where he should be welcome with a bad story, I know not. Sir Edward Seymour little knew himself, when he said he would never credit Kidd again. He was so unwilling to let this matter end without more prejudice and reflection, on those whose ruin he wished, that, ten days after, he and his good-natured friend were engaged in bringing another yet more impertinent story before the House. He informed them that Kidd, since his being in Neugate, had been in some other place besides the House of Commons; this occasioned a new examination of all the Keepers of Neugate. But there also followed a disappointment, it proving to be as ridiculous as well as a false tale, and ended only in the confusion of those whose malice and desire to oppress innocence could never end. The story is as follows: One Symonds, who had been formerly an officer in the marine regiments, and lives now as he can, told Sir Edward Seymour and Mr. John Howe, that one Stockdale told him, that the first time Kidd was brought up to the House, as he was going back to Neugate, he was carried to the Lord Halifax's House in Westminster. Stockdale said, he saw him there, together with that Lord and the Lord Sommers; incredible stupidity and effrontery! My author proceeds, if you would know the quality of this Stock-

"dale, he is a poor fellow that waits at an Alehouse at Charing-Cross, to be sent on errands, but was brother to a maid-servant in my Lord Halifax's family; by pretence of which, he used very often to get victuals there, and so knew the way into the House. Upon the examination of these two fellows, procured by Seymour and Howe, it appeared it was not possible the tale should be true, because all that day hundreds of people followed Kidd wherever he went, so that this interview must have been a very public one. If the Gentlemen, who thought fit to give this notable information to the House of Commons, had not been blinded with malice, they must have seen the folly of it. Was it probable that one of those Lords, who was wholly unconcerned in the business of Kidd, should so unnecessarily desire his company at his house on so remarkable a day? Or was it possible to believe, that the other of these Lords, who certainly thought himself not a little fortunate, that Kidd upon all his examinations had declared he had never seen him, would begin an acquaintance with him at that time? I have told you that this third inquiry vanished into smoke; and I cannot forbear observing to you, that it ended without any censure or indignation expressed against those who continued to act a part so shamelessly malicious."

1701. brought up the next day, against all three, to the bar of the House of Lords.

Contrary
addresses
of the two
Houses.
Burnet.

The Commons were very sensible, that those impeachments must come to nothing, and that they had not a majority in the House of Lords to judge in them as they should direct. They resolved therefore on a shorter way, to fix a severe censure on the Lords, whom they had thus impeached. They voted an address to the King, for removing them from his Council and Presence for ever; which was presented by the House, on the 23d of April, in these terms:

Most gracious Sovereign,

Pr. H. C. III. 137. "WE your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, do humbly crave leave to represent to your Majesty the great satisfaction we have from our late inquiry concerning the treaty of Partition, made in the year 1698, (on which the treaty of 1699 was founded) to see your Majesty's great care of your people and this nation, in not entering into that negotiation without the advice of your *English* Counsellors: And finding, that *John Lord Sommers*, on whose judgment your Majesty did chiefly rely in that so important affair, did, in concert with *Edward Earl of Orford*, and *Charles Lord Halifax*, advise your Majesty to enter into that treaty, of so dangerous consequence to the trade and welfare of this nation; and who, to avoid the censure, which might justly be apprehended to fall on those who advised the same, endeavoured to insinuate that your Majesty, without the advice of your Council, entered into that treaty, and under your Sacred Name to seek protection for what themselves had so advised; of which treatment of your Majesty, we cannot but have a just resentment. And, that they may be no longer able to deceive your Majesty, and abuse your People, we do humbly beseech your Majesty, that you will be pleased to remove *John Lord Sommers*, *Edward Earl of Orford*, and *Charles Lord Halifax*, from your Council and Presence for ever; as also *William Earl of Portland*, who transacted these treaties, so unjust in their own nature, and so fatal in their consequences to this nation and the peace of *Europe*. And we humbly crave leave, upon this occasion, to repeat our assurances to your Majesty, that we will always stand by and support your Majesty, to the utmost of our power, against all your enemies both at home and abroad."

To this address the King returned this answer:

"I am willing to take all occasions of thanking you very heartily for the assurances you have frequently given me, and now repeat, of standing by and supporting me against all our enemies both at home and abroad; towards which nothing, in my opinion, can contribute so much, as a good correspondence between me and my people. And therefore you may depend upon it, that I will employ none in my service, but such as shall be thought most likely to improve that mutual trust and confidence between us, which is so necessary in this conjuncture, both for our

own security, and the defence and the preservation of our Allies."

Such an address had never gone along with an impeachment before. The House of Commons had indeed begun such a practice in King *Charles the Second's* time. When they disliked a Minister, but had not matter to ground an impeachment on, they had taken this method of making an address against him; but it was a new attempt to come with an address after an impeachment. This was punishing before trial, contrary to an indispensable rule of justice, of not judging before the parties were heard. The House of Lords saw, that this made their judicature ridiculous, when, in the first instance of an accusation, application was made to the King for a censure, and a very severe one, since few misdemeanors could deserve a harder sentence. Upon these grounds the Lords prevented the Commons, and sent some of their body to the King with this counter-address:

"WE your Majesty's most loyal and dutiful subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to represent to your Majesty, that the House of Commons have severally impeached, at the bar of our House, *William Earl of Portland*, *John Lord Sommers*, *Edward Earl of Orford*, and *Charles Lord Halifax*, of high crimes and misdemeanors. — We do most humbly beseech your Majesty, that your Majesty will be pleased not to pass any censure upon them, until they are tried upon the impeachments, and judgment be given according to the usage of Parliament, and the laws of the land."

The King made no other answer to this address, than by letting the names of the impeached Lords continue still in the Council-books, contrary to the address of the Commons. As this seemed to be a refusing to grant what they had desired, though it was but a piece of common justice, it was complained of, and it was said, that these Lords had still great credit with the King. The Commons had, for form sake, ordered a Committee to prepare articles of impeachment, but they intended to let the matter lie dormant, thinking that what they had done already, had so marked those Lords, that the King could not employ them any more; for that was the chief thing they aimed at.

Accordingly, the impeachments lay long neglected in the House of Commons, and probably would have been dropped, if the Lords concerned had not moved for a trial. On their motion, on the 5th of May, a month and five days after the impeachment of the Earl of *Portland*, and twenty-one days after that of the other three Lords, the House of Lords, to quicken the proceedings of the Commons, sent them a message to put them in mind, that, as yet no particular articles had been exhibited against the impeached Lords; which, after impeachments had been so long depending, was due in justice to the persons concerned, and agreeable to the methods of Parliament in such cases. Upon this articles were framed against the Earl of *Orford*, and, on the 9th of May, were sent up to the Lords by Colonel *Bierly*, who, by order of the Commons, demanded that the Earl should give security to abide the judgment of the House

Remarks
on this address.

Proceedings upon the impeachments.

1701. House of Lords; but, after inspecting the journals, the Commons were told that there was no precedent of giving any such security upon an impeachment of high crimes and misdemeanors.

Articles
against
the Earl
of Orford.

In the articles, the Earl was charged for taking great grants from the King; *Kidd's* business was objected to him; he was also charged for abuses in managing the fleet, and victualling it, when it lay on the coast of *Spain*, and for some orders he had given, during his Command; and in conclusion, for his advising the Partition treaty. And, in setting this out, the Commons urged, that the King, by the alliance made with the Emperor in the year 1689, was bound to maintain his Succession to the Crown of *Spain*, which they said was still in force; so the Partition treaty was a breach of faith, contrary to that alliance; and this past current in the House of Commons, without any debate or enquiry into it; for every thing was acceptable there, that loaded that treaty, and these Lords: But they did not consider, that by this they declared, they thought the King was bound to maintain the Emperor's right to that Succession; yet this was not intended by those, who managed

the party, who had not hitherto given any countenance to the Emperor's pretensions: So apt are parties to make use of any thing, that may serve a turn, without considering the consequences of it.

The Earl of *Orford* put in his answer in four days; he said he had no grant of the King, but a reversion at a great distance, and a gift of ten thousand pounds, after he had defeated the *French* at *la Hogue*, which he thought he might lawfully accept of, as all others before him had done: He opened *Kidd's* matter, in which he had acted legally, with good intentions to the public, and to his own loss: His accounts, while he commanded the fleet, had been all examined and were past; but he was ready to wave that, and to justify himself in every particular, and he denied his having given any advice about the Partition treaty; this was immediately sent down to the Commons; but they let it lie before them, without coming to a replication, which is only a piece of form, by which they undertake to make good their charge (1).

On

(1) If the reader desires a larger account of the articles and answer, it is as follows:

I. That in a long and expensive war the Earl had procured from his Majesty grants of several manors, messuages, &c. as also exorbitant sums of money:

To which the Earl answered, "That, he having for several years rendered to the King his utmost service and duty, as a good and loyal subject, his Majesty was graciously pleased, upon several occasions, to take notice of the same, and out of his wonted bounty was pleased to give him two grants, one a reversionary grant for years of some Houses; the other a grant of the remainder of a gross sum amounting to about 2000 *l.* a year for five years."

II. That, in breach of the trust reposed in him, whilst he was Commander in chief of the navy in or near the *Streights of Gibraltar*, he did receive great sums of the public money, which he converted to his own private use, and unlawfully procured a Privy-Seal to discharge him from accounting to the public for the same. To which he answered, by denying the facts, and saying, "That he did make up, and upon oath pass his accounts for the monies imprest to him, and hath his *Quietus est* in due course of law upon the same."

III. That he received from the King of *Spain* and others considerable sums of money, and great quantities of wine, oil, and other provisions for the fleet, for which he ought to have accounted; but that he converted the same to his own use; and, for securing himself from rendering any account, he possessed divers great offices, inconsistent, and designed as checks one upon the other. To which the Earl answered, "That whatever he received from the King of *Spain*, or any others, for the fleet, was duly delivered and distributed amongst the officers and seamen; and he denied, that he enjoyed any offices inconsistent, or which ought to be checks one upon the other."

IV. That he hath clandestinely, contrary to the law of nations, sold several vessels taken under pretence of prize, without condemnation, and converted the money to his own use. To which he answered by denying the fact, and saying, "That he did from time to time give orders, that the prizes taken should be carefully preserved without imbezement, and duly proceeded against, and the product answered as the law directs."

V. That he, presiding in the commission for execution. Numb. XXX. Vol. III.

ing the office of Lord High Admiral of *England*, had discouraged and rejected the request and proposal of the *East-India* Company for suppressing piracies in the *South-Seas*; and had procured a Commission for one *William Kidd*, who had committed divers piracies and depredations on the high seas, being thereto encouraged through the hopes of being protected by the high station and interest of the said Earl. To which he answered, "That he did never discourage or reject the Company's request, unless it were by telling them, that the Admiralty by law could not grant the same: And as to the matter of *Kidd*, his Commission was according to law, and his expedition intended for the public good and service; and, if he had committed any piracies, he is answerable for the same, he never being ordered or encouraged by the said Earl so to do."

VI. That, while the Kingdom was under an apprehension of an immediate invasion from *France*, he, preferring his hopes of gain to himself, to the safety of the public, did order Captain *Steward*, Commander of the *Duchess*, to put on board Captain *Kidd* a great number of able seamen, to the prejudice of the public security, and to the endangering the *Duchess*, if she had been attacked by the enemy, to which he answered, "That the men taken from on board the *Duchess* were but some of the very persons, that were just before taken from on board of Captain *Kidd*, and returned by their own consent again, not being above twenty in number, and that when all fears of an invasion were over."

VII. That, during the war, he did by misrepresentations procure an order for his Majesty's ship the *Dolphin*, to be employed in a private voyage for the advantage of himself and others concerned with him. To which he answered, "That what was done therein, was done after the peace concluded, and by his Majesty's command, at the instance and request of other persons, contrary to his opinion."

VIII. That, during the time of his commanding the navy, he did, through neglect, and in contempt of orders, unnecessarily hazard and expose the fleet, and lose the opportunities of taking or destroying the *French* ships, and suffer them to return safe into their own harbours. To which he answered, "That he is not guilty of any neglect or omission of his duty herein, nor did expect in this particular to be charged therewith, considering his faithful services rendered against the *French* fleet."

6 B

IX. That

1701.
Articles of
impeach-
ment a-
gainst the
Lord Som-
mers.

On the 19th of May, after another quickening message from the Lords, articles of impeachment were next sent up to the Peers against the Lord Sommers, by Mr Harcourt, and the demand for giving security to abide by their Lordships judgment was repeated.

In these articles the two Partition treaties were copiously set forth, and it was laid down for a foundation, that the King was bound to maintain the Emperor's right of Succession to the Crown of Spain; Lord Sommers was charged, for setting the Seals, first to the powers, and then to the treaties themselves; he was also charged, for accepting some grants, and the manner of taking them was represented as fraudulent, he seeming to buy them of the King, and then getting himself discharged of the price contracted for; Kidd's business was also mentioned, and dilatory and partial proceedings in Chancery were objected to him. He put in his answer in a very few days: In the Partition treaty, he said, he had offered the King very faithful advice, as a Counsellor, and had acted according to the duty of his post, as Chancellor; so he had nothing more to answer for: As for his grants, the King designed him a grant to such a value; the King was not deceived in the value; the manner of passing it, was according to the usual methods of the Treasury, in order to make a grant sure, and out of the danger of

being avoided. Kidd's business was opened, as was formerly set forth; and as to the Court of Chancery, he had applied himself wholly to the dispatch of business in it, with little regard to his own health or quiet, and had acted according to the best of his judgment, without fear or favour (1).

A copy of the Lord Sommers's answer was, with great dispatch, sent down to the Commons, and upon that they were at a full stand. At the motion of the Earl of Orford, the Lords, four days before, had also acquainted them, that the House had been desired by the Earl, that a day might be appointed for his speedy trial; but, finding no issue joined by replication of the House of Commons, they thought fit to give them notice of it. The same day they likewise put the Commons in mind of the articles against the Earl of Portland and Lord Halifax, and that the delay was not only a hardship to the persons concerned, but very unusual. Notwithstanding these messages, the replication to the Earl of Orford's answer, though framed and ingrossed, was never sent up to the Lords; and no articles were drawn against the Earl of Portland, which was represented as an expression of their respect to him. Nor was it till the 14th of June, that the articles against Lord Halifax were sent up to the Lords by Mr Bruges, which shall be mentioned here, to

1701.

Articles of
impeach-
ment a-
gainst
Lord Hal-
ifax.

IX. That he did, in concert with other false and evil Counsellors, advise the King in the year 1698, to enter into one treaty for dividing the Monarchy and Dominions of Spain; in pursuance whereof, in 1699, another treaty was entered into for the like purpose: Both which treaties were prejudicial to the interest of the Protestant Religion all over Europe, ruinous to the trade of England, and dishonourable to the King and the Nation. To which he answered, "That he does deny, that he did advise his Majesty to enter into the treaty of Partition; and, so far as he was any ways acquainted therewith, he objected to and gave his opinion against the same." *Pr. H. C. III. 147.*

(1) The following extract gives a larger account of this affair:

I. That John Lord Sommers, well knowing the most apparent ill consequences, as well as the injustice of the Partition of the Spanish Monarchy, did advise his Majesty to enter into a treaty for it, and did so far encourage and promote the same, that the said treaty was concluded and ratified in 1698, under the Great Seal of England, then in custody of the said Lord Sommers. To which his Lordship answered, by a full and plain account of all the steps of that treaty, referring himself to the letters on that subject between the King and him, "wherein, as he conceived, he had fully and faithfully discharged his trust, and the duty incumbent on him."

II. That, for the more effectual carrying on the said treaty, Commissions were prepared, amended, enlarged, or altered, by the Lord Sommers, without any lawful warrant for his so doing; whereunto, without communicating the same to the rest of the then Lords Justices of England, or advising with the Privy Council, he did presume to affix the Great Seal of England, with a blank for Commissioners names, to be afterwards inserted.

III. That, having affixed the Great Seal without lawful warrant, in hopes of concealing that evil and most dangerous practice, after he had settled the said Commissions, he used his endeavour to procure a warrant to be transmitted to him for affixing the Great

Seal, that it might not be known, but that he had it in due time. To which second and third articles he answered, "That having received his Majesty's express commands to send his Majesty full powers under the Great Seal, for negotiating the said treaty, with blanks for his Majesty's Commissioners names, he thought it sufficient warrant for him so to do. And that he did afterwards desire his Majesty, that a particular warrant for signing the said Commission might be signed and returned; not that he doubted his Majesty's said letter to be a sufficient warrant, but for that such warrant would be more proper to be produced, if occasion should require."

IV. That, contrary to his duty, he affixed the Great Seal of England to the ratification of the said treaty in 1698, not having communicated the same to the rest of the three Lords Justices, or advised with the Privy Council, leaving one intire blank sheet, and many other blanks in the said ratification, with an intent to be afterwards filled up by other persons beyond the seas. To which he answered, "That, Mr Secretary Vernon having prepared, by his Majesty's commands, the instruments for ratification, with blanks therein, he did affix the Great Seal, which he conceives and is advised he might lawfully do, not communicating the same, because he had his Majesty's command, that the said treaty should be kept secret."

V. That, in the year 1699, another treaty of Partition was concluded and ratified under the Great Seal, then in the custody of the said Lord Sommers, evidently destructive to the trade of this realm, dishonourable to his Majesty, highly injurious to the interest of the Protestant Religion, and manifestly tending to disturb the general peace of Europe, by altering the balance of power therein, and strengthening France against the good Friends and Allies of our Sovereign Lord the King. To which he answered, "That he had not any knowledge of the said treaty, or any transaction in order thereunto, save only that a draught of the said treaty was read over in the presence of divers Lords of the Privy Council (whereof he was one) to which draught he, as well as others then present, did make several objections; but they were afterwards informed by his Majesty's Plenipo-

tenaries

1701. end this matter at once. The Commons charged him for a grant that he had in *Ireland*, and that he had not paid in the produce of it, as the act concerning those grants had enacted: They charged him for another grant, out of the forest of *Dean*, to the waste of the timber, and prejudice of the navy of *England*: They charged him, for holding places that were incompatible, being at the same time both a Commissioner of the Treasury, and Auditor of the Exchequer; and, in conclusion, he was charged for advising the two Partition treaties. He was as quick with his answer as the other Lords had been: He said, his grant in *Ireland* was of some debts and sums of money, and so was not

The Lord
Hallifax's
answer.

thought to be within the act, concerning confiscated estates; all he had ever received of it was four hundred pounds; if he was bound to repay it, he was liable to an action for it; but every man was not to be impeached, who did not pay his debts, at the day of payment. His grant in the forest of *Dean* was only of the weedings; so it could be no waste of timber, nor a prejudice to the navy; the Auditor's place was held by another, till he obtained the King's leave to withdraw from the Treasury; as for the first Partition treaty, he never once saw it, nor was he ever advised with in it; as for the second, he gave his advice very freely about it, at the single time, in which he had ever heard

1701.

"tentatives for transacting the said treaty, who were then also present, that the said treaty was so far perfected, that nothing could then be altered therein; and, his Majesty afterwards, by his warrant, requiring the ratifying of the said treaty under the Great Seal, he did affix the Great Seal to such ratification, being, as he conceives, obliged so to do."

VI. That whereas, by the laws and usages of this realm, all Commissions under the Great Seal, for the making any treaty or alliance, ought to be enrolled and entered on record in the Court of *Chancery*, he, the said Lord *Sommers*, not minding the duty of his office, did not in any manner enroll or enter on record any of the said Commissions or Ratifications. To which he answered, "That he conceives it was not incumbent upon him as Lord Chancellor, to see the Commissions or Ratifications enrolled, the same being prepared and brought to the Great Seal, by the Secretaries of State, ready ingrossed, and, when sealed, taken away by them, and the original treaties remaining in their custody: But the care of enrolling the same, if necessary, doth (as he conceives) belong to the Prothonotary of the Court of *Chancery*."

VII. That the said Lord *Sommers*, contrary to his oath as Lord Chancellor of *England*, did pass many great, unreasonable, and exorbitant grants, under the Great Seal, of divers manors, lordships, and lands, &c. belonging to the Crown of *England*; and did advise, promote, and procure divers like grants of the late forfeited estates in *Ireland*, in contempt of the advice of the Commons of *England*. To which he answered, "That he doth acknowledge he did pass several grants to divers persons of several lands, tenements, and hereditaments belonging to his Majesty in right of his Crown of *England*; but that, before any of them came to the Great Seal, the same were regularly passed through the proper offices, and brought with sufficient warrants for the Great Seal; and he believes, more considerable grants have passed in the like number of years in most of his predecessors times; and conceives, and is advised, that, being required by his Majesty, by warrant, to pass the same, he ought so to do; and denies, that he did ever advise, promote, or procure any grant to be made to any person whatsoever, of any forfeited estate in *Ireland*, or did procure any act or bill prepared for confirming any such grant in the Parliament of *Ireland*, to be approved in the Privy Council in *England*; and faith, that what bills of this nature were remitted under the Great Seal of *England*, to be passed into laws in *Ireland*, the same were first approved and passed in the Privy Council in *England*, according to the usual form in such cases; and, being so approved, were, by order of Council, sent to the said Lord *Sommers*, who was by the said order required to affix the Great Seal thereto."

VIII. That he did not only receive and enjoy the fees, profits, and perquisites belonging to the Great Seal, but had received an annual pension from the Crown of 4000*l.* and had further begged and procured for his own benefit many great, unreasonable, and ex-

orbitant grants of revenues belonging to the Crown of *England*. To which he answered, "That the annual pension or allowance of 4000*l.* had been allowed to several of his predecessors; but he denied, that he did ever beg or use any means to procure any grant whatsoever for his own benefit; but that what his Majesty was pleased to give him, proceeded from his Majesty's own motion, and of his mere bounty, and as his Majesty was pleased to declare upon that occasion, as an evidence of the gracious acceptance of the said Lord *Sommers*'s zealous endeavours for his service."

IX. That, in order to procure a grant of fee-farm rents, he did enter into several treaties, and had many communications with the Auditor of the rates, and with the Clerk of the Trustees for sale of the said rents, and contracted and agreed with them, as a reward for their discovery, one full fourth part of all such rents so discovered.

X. That, notwithstanding the said pretended contracts, there was not any sum of money really paid, but the contracts and payments were colourably and fraudulently contrived in deceit of his Majesty, and elusion of the acts of Parliament. To which ninth and tenth articles he answered, "That after his Majesty had given directions to the Lords of the Treasury for granting fee-farm rents to the benefit of him and his heirs; his Majesty's intended bounty would have been lost, without information could be gained of such particular rents; and therefore application was made to the said Auditor and Clerk, as the most likely to give information therein; but they refused to give any account of such rents, unless they might have near a fourth part for so doing; which the said Lords *Sommers* did, as he conceives he lawfully might, comply with. And there was not any sum of money paid, as the consideration of the grants of the said rents, but the contracts were made, and the payment discharged, without any deceit of his Majesty, or elusion of the acts of Parliament."

XI. That many rents standing in charge for payment of pensions, stipends, salaries, annuities, alms, and allowances for schools, churches, bridges, &c. and many quit-rents of manors omitted and annexed to the castle of *Windsor* for support of the same, and maintenance of the officers, servants, and attendants in the said castle, were conveyed by the said Lord *Sommers*, contrary to the true intent and meaning of the said acts of Parliament, to the great vexation and oppression of many of his Majesty's good subjects, and creating many new and unreasonable charges on the other revenues of the Crown. To which he answered, "That some things might be inferred by mistaken informations, and not out of any designs; but he denied, that as to his knowledge, or belief, any of the said rents were ever united or annexed to the castle of *Windsor*, for any purpose whatsoever; or that any oppression or vexation hath happened; and little or no new charge to the Crown."

XII. That by the direction of the said Lord *Sommers* the persons, in whose names the purchases were made,

did

1701. heard any thing concerning it; this was sent down to the Commons, but was never so much as once read by them (1).

Pr. H. C. As it would be too tedious to relate the meffages from the Lords to the Commons, preffing the trials of the impeached Lords, and the answers of the Commons evading it on account of formalities, the substance of the whole, from Bishop Burnet and others, is inserted as follows.

*Message
between
the two
Houses.*

The Lords had resolved to begin with the trial of the Earl of Orford; because the articles against him were the first that were brought up; and, since the Commons made no replication, the Lords, according to clear precedents, named a day for his trial, and gave notice of it to the House of Commons: Upon this, the Commons moved the Lords, to agree to name a Committee of both Houses for settling the preliminaries of the trial, and they named two preliminaries; one was, that the Lord, who was to be tried, should not sit as a Peer; the other was, that those Lords, who were impeached for the same matter, might not vote in the trial of one another: They also acquainted the Lords, that the course of their evidence led them to begin with the Lord Sommers. The Lords judged their last demand reasonable, and agreed to it; but disagreed to the other. They considered themselves as a Court of Justice, and, how great soever the regard due to the House of Commons

might be, in all other respects, yet in matters of justice, where they were the Accusers, they could only be considered as Parties. The King, when he had a suit with a subject, submitted to the equality of justice; so the Commons ought to pretend to no advantage over a single person, in a trial; a Court of Justice ought to hear the demands of both parties pleaded fairly, and then to judge impartially; a Committee named by one of the parties, to sit in an equality with the Judges, and to settle matters relating to the trial, was a thing practised in no Court or Nation, and seemed contrary to the principles of law, or rules of justice: By these means, they could at least delay trials, as long as they pleased, and all delays of justice are real and great injustices. This had never been demanded but once, in the case of the Popish Plot; then it was often refused; it is true, it was at last yielded to by the Lords, though with great opposition; that was a case of treason, in which the King's life and the safety of the nation was concerned; there was then a great jealousy of the Court, and of the Lords that belonged to it; and the nation was in so great a ferment, that the Lords might at that time yield to such a motion, though it derogated from their Judicature: That ought not to be set up for a precedent for a quiet time, and in a case pretended to be no more than a misdemeanor; so the Lords resolved not

1701

did surrender several of the said rents to them granted, amounting to the yearly value of 347*l.* 11*s.* 5*d.* on suggestion of wrong conveyance, and procured other rents of the yearly value of 391*l.* 0*s.* 3½ to be allowed by way of reprice, as if the said rents so surrendered had been really and bona fide purchased. To which he answered, "That the Trustees for sale of the farm-rents, by warrant of the Commissioners of the Treasury, did grant divers other rents, amounting to 391*l.* 0*s.* 3½ in lieu and reprice of the 347*l.* 11*s.* 5*d.* having appeared to be granted before, or not grantable by the said Trustees, or not leviable on surrenders of such rents, which he conceives might be, and was lawfully done."

XIII. That in the year 1695 the said Lord Sommers, being then Lord Keeper, procured a Commission to be granted to one William Kidd, a person of evil fame and reputation, and since that time convicted of piracy; and in a grant from his Majesty of ships, vessels, and goods, to be taken by the said William Kidd, unto Richard Earl of Bellamont, Edmund Harrison, Merchant, Samuel Newton, Gent. and others, the name of the said Samuel Newton was used in trust, and for the only benefit and advantage of the said Lord Sommers. To which he answered, "That the said William Kidd, had from his Majesty a Commission for preventing the piracy of others, and to apprehend certain pirates, and bring them to a legal trial; the granting of which Commission was then apprehended to be necessary for the preservation of trade and navigation. He does admit, that there was a grant to the Earl of Bellamont, Edmund Harrison, Samuel Newton, and others, and that Samuel Newton was named by, and in trust for, the said Lord Sommers, of ships and goods taken by the said William Kidd, with account to be duly made to the use of his Majesty of a clear tenth part, whereby the public might have received benefit, had the said Kidd faithfully discharged the trust; which he failing to do, the owners of the said ship have lost all their expences, and had not received any benefit of his Majesty's said grant."

XIV. That the said Lord Sommers, to the great oppression of the subject, and contrary to *Magna Charta*, and divers good statutes of this Realm, and in manifest breach and violation of his oath, as Lord

High Chancellor of England, hath, in several causes depending before him, by many extraordinary methods and unwarrantable practices for several years, delayed proceedings in the said causes; and by colour of his office hath made divers arbitrary and illegal orders, in subversion of the laws and statutes of this realm, and hath, of his own authority, reversed judgments given in the Court of Exchequer, and without calling before him the Barons of the Exchequer, to hear their informations, and the causes of their judgments, as the statute in those cases expressly directs; assuming thereby to himself an arbitrary and illegal power; and hath declared and affirmed in public places of Judicature, that particular subjects might have rights and interests, without any remedy for recovery of the same, unless by petition to the person of the King only, or to that effect: Which position was highly dangerous to the legal Constitution of this Kingdom, and absolutely destructive to the property of the subject. To which he answered, "That he did not delay any proceedings in any cause or causes depending before him, as Chancellor of England, longer or otherwise than as the circumstances and justice of each cause required, but did, to the very manifest impairing of his health, constantly apply himself to the dispatch of the causes depending before him; and he denied, that he ever did make, by colour of his office, any arbitrary or illegal order, to the subversion of any law or statute of this realm, or did ever assume to himself any judgment given in the Court of Exchequer, otherwise than as is warranted and allowed by the law, and in the presence of the Barons of the Court of Exchequer, who were always present in the Court of Exchequer Chamber, when their judgments were examined, as the statute in such case directs; nor did ever deliver in any Court of Judicature, or other place whatsoever, any position whatsoever dangerous to the legal Constitution of the Kingdom, or destructive to the property of the subject."

Pr. H. C. III. 150.

(1) The articles against the Lord Halifax, and his answers more at large, were as follow:

I. That whereas it was the continued sense of the Commons of England, that it was highly reasonable, that the forfeited estates of rebels and traitors in Ire-

land

1701. to admit of this, but to hear whatsoever should be proposed by the Commons, and to give them all just and reasonable satisfaction in it. The chief point in question, in the year 1679, was, how far the Bishops might sit and vote in trials of treason; but, without all dispute, they were to vote in trials for misdemeanours; it was also settled in the case of the Lord *Mordaunt*, that a Lord tried for a misdemeanor was to sit within the bar; in all other Courts, men tried for such offences came within the bar; this was stronger in the case of a Peer, who by his patent had a seat in that House, from which nothing but a judgment of the House, for some offence, could remove him: They indeed found that, in King *James* the First's time, the Earl of *Middlesex*, being accused of misdemeanours, was brought to the bar; but, as that prosecution was violent, so there had been no later precedent of that kind, to govern proceedings by it: There had been many since that time, and it had been settled, as a rule for future times, that Peers tried for such offences were to sit within the bar. The other preliminary was, that Peers, accused for the same offence, might not vote in the trials of the others: The Lords found that a right of voting was so inherent in every Peer in all causes, except where himself was a Party, that could not be taken from him, but by a sentence of the House; a vote of the House could not deprive him of it; otherwise, a majority might upon any pretence deny some Peers their right of voting, and the Commons, by impeaching many Peers at once, for the same offence, might exclude as many Lords as they pleased from judging: It was also observed, that

a man might be a Judge in any cause, in which he might be a Witness; and it was a common practice to bring persons, charged with the same offence, if they were not in the same indictment, to witness the facts, with which they themselves were charged, in another indictment: And a parity of reason appeared in the case of Lords, who were charged in different impeachments, for the same facts, that they might be Judges in one another's trials. In conclusion therefore the Lords, on the 12th of *June*, came to the following resolutions, which were sent down to the Commons.

1. That no Lord of Parliament impeached for high crimes and misdemeanours, and coming to his trial, shall, upon his tryal, be without the bar. *Resolutions of the Lords.*

2. That no Lord of Parliament, impeached of high crimes and misdemeanours, can be precluded from voting on any occasion, except in his own trial.

Upon these points many messages passed between the two Houses with so much precipitation, that it was not easy to distinguish between the answers and replies. The Commons still kept off the trials by affected delays; and it was visible, that, when the trials should come on, they had nothing to charge these Lords with: So the leaders of the party shewed their skill in finding out excuses to keep up a clamour, and to hinder the matter from being brought to an issue. The main point that was still insisted upon, was, a committee of both Houses to settle preliminaries; so, according to the forms of the House, it was brought to a free conference.

The

land should be applied in case of his Majesty's faithful subjects of the Kingdom of *England*, the said Lord *Hallifax* presumed to advise, pass, or direct the passing a grant to *Thomas Kaiton*, Esq; in trust for himself, of several debts, interests, &c. amounting to 13,000*l.* or thereabouts, accruing to his Majesty, from attainders, outlawries, or other forfeitures, in *Ireland*. To which he answered, "That he did accept the said grant, as it was lawful for him to do, without breach of his duty, and the trust reposed in him; which grant hath since been taken away by act of Parliament; and he hath not made clear thereof, as yet, above 400*l.*"

II. That he has not repaid into the receipt of his Majesty's *Exchequer*, in *Ireland*, the sum of 1000*l.* which he had actually received to his own use, out of the profits of the forementioned grant, which he ought to have so repaid, by virtue of the *Act for granting an aid to his Majesty, by sale of the forfeited estates in Ireland*. To which he answered, "That he gave direction, after the said act passed, to his Agents in *Ireland*, to do, in relation to the money received, as should be advised by Counsel there; by whom his Agents were advised, that the said monies, being received out of the mean profits which were remitted by that act, were not within the first mentioned clause in the said act."

III. That, in the time of a tedious and expensive war, he did advise, procure, and assent, not only to the passing of divers grants to others, but did obtain and accept of several beneficial ones for himself; which practices were a most notorious abuse of his Majesty's goodness, &c. To which he answered, "That he served his Majesty faithfully in his stations, and his Majesty graciously accepted of his service; and, as a mark of his Royal favour, did make, for his benefit, such grants, as are mentioned in the precedent and subsequent articles, and none other.

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"And, as to other persons, he only, in conjunction with the other Commissioners, did sign several warrants and dockets for such grants, as his Majesty was pleased to direct."

IV. Whereas, by Common Law, and other Statutes, the King's forests should be preserved, the said Lord *Hallifax*, nor regarding the laws and ordinances of this Realm, nor his duty to his Majesty and the public, had procured a grant to *Henry Segar*, Gent. in trust for himself, of the sum of 14,000*l.* of scrubbed beech, birch, holly, &c. under colour whereof, felling oaks, and many tons of well-grown timber, had been cut and fallen, and sold and disposed of for his benefit. To which he answered; "That his Majesty, out of his grace and favour, did grant, in trust for him, the sum of 2000*l.* per ann. to be raised by the fall of scrub-beech, birch, &c. for the space of seven years; which grant was not pre-judicial to any timber growing in the said forest: And, if any abuse were, in cutting the woods, he conceives he is not answerable for the same, it being done by the direction of his Majesty's Surveyor-General, and other his Majesty's Officers."

V. That he, the said Lord *Hallifax*, did grant, or procure to be granted, to his brother *Christopher Mountague*, Esq; the place and office of Auditor of the Receipts, and Writer of the Tallies, in trust for himself; so that he the said Lord was, in effect, at the same time, one of the Commissioners of the Treasury, Chancellor of the *Exchequer*, and Auditor of the Receipts, and Writer of the Tallies, and enjoyed the profits of the said several offices, which were manifestly inconsistent, and ought to have been a check to each other. To which he answered; "That the grant of the said office was done at his desire and request, because he intended, in a short time after, to leave his own employment and places in the Treasury, and to obtain a surrender from his said Brother of the said office,

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office,

1701. The day before the free conference, the King, coming to the House of Peers to pass the bill of Succession, took occasion to make the following speech to both Houses:

My Lords and Gentlemen,

*The King's
speech at
passing the
act of suc-
cession.*

"I Return you my hearty thanks for the care you have taken to establish the Succession to the Crown in the Protestant line. And I must not lose this occasion of acquainting you, that I am likewise extremely sensible of your repeated assurances of supporting me in such Alliances, as shall be most proper for the preservation of the liberty of Europe, and for the security of England and Holland. Your ready compliance with my desires, as to the succours for the *States-General*, is also a great satisfaction to me, as well as a great advantage to the common cause. And as I have nothing so much at heart as the preservation of the liberty of Europe, and the honour and interest of England, so I make no doubt of attaining those great ends by the blessing of God, and the continuance of your chearful concurrence.

My Lords and Gentlemen,

"The season of the year makes it necessary to have a speedy recess; and the posture of affairs abroad does absolutely require my presence, for the encouragement of our Allies, and for the perfecting of such Alliances, as

"may be most effectual for the common interest. 1701.
"And therefore I must recommend a dispatch of the public business, especially of those matters, which are of the greatest importance."

The Commons, interpreting this speech as an approbation of their proceedings in respect to their contents with the Lords, presented an address of thanks for his Majesty's being pleased to approve of their proceedings, and assured him, they would support such Alliances as he should think fit to make, in conjunction with the Emperor and the *States-General*, for the peace of Europe, and for the reducing the exorbitant power of France. So, without any farther interruption, they returned to their disputes with the Lords.

The free Conference began the 13th of June. Lord Ha-
In it the Lord *Haverham*, speaking to the verdam
point, of Lords being partial in their own cases, reflects on
and therefore not proper judges, said, that the the im-
House of Commons had plainly shewed their peachment
partiality, in impeaching some Lords for facts, in which others were equally concerned with them, who yet were not impeached by them, though they were still in credit, and about the King, which shewed, that they thought that neither the one nor the other were guilty (1). The Commons thought they had now found an occasion of quarrelling with the Lords, which they were looking for; so the Lord *Haverham*'s expressions were instantly objected to by Sir *Christopher Musgrave*, and the Managers for the Commons immediately withdrew from the Confe-

"office and procure a grant thereof to himself; which has been since done, and, he conceives, was lawful for him to do."

VI. That the said Lord *Hallifax*, well knowing the most apparent evil consequences, as well as the injustice of the Partition of the *Spanish* Monarchy, did yet advise his Majesty to enter into a treaty for it, and did encourage and promote the same. To which he answered, "That he never saw the said treaty, nor heard the same read, or does as yet know the articles or agreement it contains; and denies, that he ever advised his Majesty to enter into or make the said treaty, or was ever consulted upon any clause or article thereof, or ever encouraged or promoted the same. That, as he remembers, Mr Secretary *Vernon* did at one time send for him, and discourse with him and others, upon an intimation, that was given by a letter from the Earl of *Portland*, as he remembers, that the *French* King was disposed to commence a negotiation upon some general terms, that were then mentioned, to prevent a war, in case of the King of *Spain*'s death, who was then reported to be very ill; and afterwards the said matter was discoursed between the Secretary, the then Lord Chancellor, and the said Lord *Hallifax*, at *Tunbridge-wells*, when and where the said Lord *Hallifax* made several objections to the same; and denies, that he gave any opinion to encourage or promote the said treaty, or ever afterwards was informed of any one particular relating to it, or was ever consulted or advised upon any clause or article of it, or was ever after told or informed, that the said negotiation or treaty did go on or proceed; and faith, that not being advised with, or any ways knowing of the said treaty or negotiation (except as aforesaid) he could not dissuade or obstruct it's taking effect; and faith, as he cannot tell what the effects of the treaty might have been, if the said treaty had been observed, so he conceives and insists, that he is not nor ought to be answerable for the same." *Pr. H. C. III. 167.*

Burnet observes here, when, by these articles and the answers to them, it appeared, that after all the noise and clamour that had been raised against the former Ministry (more particularly against the Lord *Hallifax*) for the great waste of treasure, during their administration, that now, upon the strictest search, all ended in such poor accusations; it turned the minds of many, that had been formerly prejudiced against them. It appeared, that it was the animosity of a party at best, if it was not a *French* practice, to ruin men, who had served the King faithfully, and to discourage others, from engaging themselves so far in his interests, as these Lords had done. They saw the effect that must follow on this: And that the King could not enter upon a new war, if they could discourage from his service all the men of lively and active tempers, that would raise a spirit in the nation, for supporting such an important and dangerous war, as this now in prospect was like to prove.

(1) The Lord *Haverham*'s speech was reported by Mr *Harcourt*, who said, that his Lordship used these or the like expressions: "One thing there is, though I cannot speak it, because I am bound up by the orders of the House; yet I must have some answer. This is as to the Lords voting in their own case. It requires an answer, though I cannot go into the debate of it. The Commons themselves have made this precedent; for, in these impeachments, they have allowed men guilty of the same crimes, to vote in their own House. And therefore, I do not make any distinction in our House, that some should vote, and some not. The Lords have to high an opinion of the justice of the House of Commons, that they hope justice shall never be made use of as a mask for any design. And therefore give me leave to say (though I am not to argue it) it is a plain demonstration, that the Commons think these Lords are guilty of the same crimes, as those who were impeached; for there are several Lords in the same crimes, in the same facts; there is no distinction. And the Commons leave some

1701. Conference (1), though they were told by the Duke of Devonshire, as they were going, that the Lord *Haversham* had no authority from the House of Lords, to use any such expressions towards the Commons.

Votes against Lord Haversham. Pr. H. C. III. 166. This affair being reported to the Commons by Mr *Harcourt*, the House immediately resolved, "That *John* Lord *Haversham* hath, at the free conference this day, uttered most scandalous reproaches and false expressions, highly reflecting upon the honour and justice of the House of Commons, and tending to the making a breach in the good correspondence between the Lords and Commons, and to the interrupting the public justice of the nation, by delaying the proceedings on impeachments: And that the said Lord *Haversham* be charged before the Lords for the said words; and that the Lords be desired to proceed in justice against him, and to inflict such punishment upon him, as so high an offence against the House of Commons does deserve." And Sir *Christopher Musgrave* was ordered to carry this charge and resolution to the Lords.

In the mean time the Lords sent a message to the Commons, to acquaint them, "That they had been informed by their Managers, that some interruption had happened at the free conference, which their Lordships were concerned at, because they wished, that nothing should interrupt the public business; and therefore desired the Commons to come again presently to the free conference; which they did not doubt would prove the best expedient to prevent the inconvenience of a misunderstanding upon what has passed."

But the Commons, instead of coming to the Conference, sent up Sir *Christopher Musgrave*, who acquainted the Lords, as he said, with what had happened at the Conferences and read the words supposed to be spoken by the Lord *Haversham*, concluding, "These were the words spoken by *John* Lord *Haversham* (2)." He then read the resolutions of the Commons, with relation to that Lord.

The Commons had now got a pretence to justify their not going further in the trials, and they resolved to insist upon it. When therefore they were again pressed by the Lords to renew the free Conference, they returned for answer, "That it was not consistent with their honour to renew the Conference, until they had reparation, by their Lordships doing justice upon Lord *Haversham*, for the indignity offered to the House of Commons." At the same time it was, that the articles against Lord *Hallifax* were sent up as has been related.

Upon this, Lord *Haversham* offered himself to a trial, and submitted to any censure, that the Lords should think he had deserved; but insisted that the words must first be proved, and he must be allowed to put his own sense on them; the Lords sent this to the Commons, but they seemed to think that the Lords ought to have proceeded to censure him in a summary way, which the Lords thought, being a Court of Judicature, they could not do, till the words were proved, and the importance of them discussed. Upon the Commons refusal to renew the Conference, the Lords likewise came to a resolution, to insist not to have a Committee of both Houses concerning the trial of the impeached Lords. They then proceeded to set the day for the trial of Lord *Sommers*, and a message was sent to acquaint the Commons, that the trial would be on *Tuesday* the 17th of *June*, at ten of the clock in *Westminster-Hall*. To remove the obstacle of the Lord *Haversham's* affair, they also told the Commons, that all things were preparing to bring that matter to a speedy judgment; and they likewise put them in mind of articles against the Earl of *Portland*.

Instead of returning answers to these messages, The Lords the Commons refused to appear, and said, they tried and were the only Judges, when they were ready with their evidence, and that it was a mockery to go to a trial, when they were not ready to appear at it (3). There were great and long debates upon this in the House of Lords: The new Ministry, and all the Jacobites, joined to support

"of these men at the head of affairs near the King's person, to do any mischief, if their persons were inclined to it; and impeach others, when they are both alike guilty, and concerned in the same facts. This is a thing I was in hopes I should never have heard asserted, when the beginning of it was from the House of Commons." Pr. H. C. III. 165.

(1) This was not usual, and in a case not long before, where a Member of the House of Commons having said what was much more liable to exception, than it could be pretended what Lord *Haversham* said, was, some of the Commons saying, that he had no direction from the House for what was said, the Lords staid out the conference, and complained of the words afterwards.

(2) Sir *Christopher Musgrave* had no warrant to say as he did, *These were the words*, &c. for Mr *Harcourt* in his report only says, *He used these or the like expressions*. See note above.

(3) The Commons, instead of appearing at the trial, sent up to the Lords, on the 17th of *June*, the following reasons of their non-appearance.

"The Commons, in this whole proceeding against the impeached Lords, have acted with all imaginable zeal to bring them to a speedy trial; and they doubt not but it will appear by comparing their proceedings with all other upon the like occasions, that the House of Commons have nothing to blame

themselves, but that they have not expressed the repentment their ancestors have justly shewed upon much less attempts, which have been made upon their power of impeachments.

"The Commons, on the 31st of *May*, acquainted your Lordships, that they thought it proper, from the nature of the evidence, to proceed in the first place upon the trial of the Lord *Sommers*. Upon the first intimation from your Lordships, some days afterwards, that you would proceed to the trial of the impeached Lords, whom the Commons should be first ready to begin with, notwithstanding your Lordships had before thought fit to appoint, which impeachment should be first tried, and affixed a day for such a trial, without consulting the Commons, who are the Prosecutors; the Commons, determining to expedite the trials to the utmost of their power, in hopes of attaining that end, and for the more speedy and easy adjusting and preventing any differences, which had happened, or might arise previous to, or upon, these trials, proposed to your Lordships at a conference the most parliamentary and effectual method for that purpose, and that, which in no manner intrenched upon your Lordships Judicature, that a Committee of both Houses should be nominated, to consider of the most proper ways and methods of proceeding upon impeachments, according to the usage of Parliament.

"In

1701. support the pretensions of the Commons: Every step was to be made by a vote, against which many Lords protested; and the reasons given, in some of their protestations, were thought to be so injurious to the House, that they were by a vote ordered to be expunged, a thing that seldom happens.

When the day appointed for the trial came, 1701. the Lords entered upon a debate, and the question was put, "Whether the House should go this day into the Court in *Westminster-Hall*, in order to proceed upon the trial of the Lord *Sommers*, according to the order of the day?" Which was resolved in the affirmative,

"In the next message to the Commons, upon Monday the 9th of June, your Lordships thought fit, without taking the least notice of this proposition, to appoint Friday then following for the trial of the said Lord *Sommers*; whereunto, as well as to many other messages and proceedings of your Lordships upon this occasion, the House of Commons might have justly taken very great exceptions; yet, as an evidence of their moderation, and to shew their readiness to bring the impeached Lords to speedy justice, the Commons insisted only on their proposition for a Committee of both Houses to settle and adjust the necessary preliminaries to the trial; particularly, Whether the impeached Lords should appear on their trial at your Lordships bar as criminals? Whether, being under accusations of the same crimes, they should sit as Judges on each other's trial for those crimes, or should vote in their own cases, as it is notorious they have been permitted by your Lordships to do in many instances, which might be given, to which particulars your Lordships have not yet given a direct answer, though put in mind thereof by the Commons. Your Lordships at a conference, having offered some reasons, why you could not agree to a Committee of both Houses, to adjust the necessary preliminaries, the Commons thereupon desired a free conference, and your Lordships agreed therunto; at which, it is well known to many of your Lordships, who were then present, what most scandalous reproaches and false expressions, highly reflecting upon the honour and justice of the House of Commons, were uttered by John Lord *Haverham*, whereby the Commons were under necessity of withdrawing from the said free Conference; for which offence the Commons have, with all due regard to your Lordships, prayed your Lordships justice against the Lord *Haverham*, but have as yet received no manner of satisfaction.

"The Commons refrain themselves from enumerating your Lordships very many irregular and unparliamentary proceedings upon this occasion; but think it is what they owe to public justice and all the Commons of England, whom they represent, to declare some few of those reasons, why they peremptorily refuse to proceed to the trial of the Lord *Sommers* on the 17th of June.

"First, because your Lordships have not yet agreed, that a Committee of both Houses should be appointed for settling the necessary preliminaries, a method never until this time denied by the House of Lords, whenever the Commons have thought it necessary to desire the same.

"Secondly, should the Commons (which they never will do) be contented to give up those rights, which have been transmitted to them from their ancestors, and are of absolute necessity to their proceedings on impeachments; yet, whilst they have any regard to public justice, they never can appear as Prosecutors before your Lordships, till your Lordships have first given them satisfaction, that Lords impeached of the same crime shall not sit as Judges on each other's trials for those crimes.

"Thirdly, because the Commons have as yet had no reparation for the great indignity offered to them at the free conference by the Lord *Haverham*. The Commons are far from any inclination, and cannot be supposed to be under any necessity of delaying the trial of the Lord *Sommers*. There is not any article exhibited by them in maintenance of their impeachment against the Lord *Sommers*, for the proof whereof they have not full and undeniable evi-

dence, which they will be ready to produce, as soon as your Lordships shall have done justice upon the Lord *Haverham*; and the necessary preliminaries in order to the said trial shall be settled by a Committee of both Houses.

"The Commons think it unnecessary to observe to your Lordships, that most of the articles, whereof the Lord *Sommers* stands impeached, will appear to your Lordships to be undoubtedly true from matters of record, as well as by the confession of the said Lord *Sommers* in his answer to the said articles; to which the Commons doubt not but your Lordships will have a due regard, when his trial shall regularly proceed."

The Lords sent their answer to this message, June the 20th, in these words:

"The Lords, in answer to the message of the Commons of the 17th instant, say, the only true way of determining, which of the two Houses has acted with the greatest sincerity, in order to bring the impeached Lords to their trials, is to look back upon the respective proceedings.

"The Lords do not well understand what the Commons mean by that resentment, which they speak of in their message. Their Lordships own the House of Commons have a right of impeaching; and the Lords have undoubted power of doing justice upon those impeachments, by bringing them to trial, and condemning or acquitting the parties in a reasonable time. This power is derived to them from their ancestors, which they will not suffer to be wrested from them by any pretences whatsoever.

"Their Lordships cannot but wonder, that the Commons should not have proposed a Committee of both Houses much sooner, if they thought it so necessary for the bringing on the trials; no mention being made of such a Committee from the 1st of April to the 6th of June, although, during that interval, their delays were frequently complained of by the House of Lords.

"The manner, in which the Commons demand this Committee, the Lords look upon as a direct invading of their Judicature; and therefore, as there never was a Committee of both Houses yielded to by the Lords, in case of any impeachment for high crimes and misdemeanors; so their Lordships do insist, that they will make no new precedent upon this occasion. Many impeachments for misdemeanors have in all times been determined without such a Committee. And if now the Commons think fit, by any unprecedented demand, to form an excuse for not prosecuting their impeachments, it is demonstrable where the obstruction lies.

"As to the preliminaries, which the Commons mentioned in particular, as proper to be settled at such a Committee, they have received the resolutions of the House of Lords therein, by their message of the 12th instant; from which (being matters intirely relating to their Judicature) their Lordships cannot depart.

"As to the last pretence the Commons would make to shelter the delaying the trials, from some expressions, which fell from the Lord *Haverham* at the free Conference, at which offence was taken, their Lordships will only observe,

"First, That they have omitted nothing, which might give the Commons all reasonable satisfaction of their purpose to do them justice in that matter, so far as is consistent with doing justice to that Lord; and also to preserve all good correspondence with them;

1701. tive, though several Lords protested against it (1). A message was then sent to the Commons, to acquaint them, that their Lordships were going. The other impeached Lords having asked leave to withdraw, and not sit and vote in the trial, a question was proposed, "Whether the Earl of Orford and the Lord *Hallifax* may withdraw at the trial of the "Lord *Sommers*?" This was much opposed by some Lords, because the giving such leave suppoled, that they had a right to vote; but it was resolved in the affirmative. And, after some other things of form, the Lords adjourned into *Westminster-Hall*, where the articles of impeachment against the Lord *Sommers*, and his answers were read, and the Commons not appearing to prosecute, their Lordships adjourned to their House, and entered into a long debate concerning the question, that was to be put. The Judges told them, that, according to the forms of law, it ought to be *guilty* or not *guilty*. But those of the Tory party said, as it was certain, that none could vote Lord *Sommers* guilty; so, since the Commons had not come to make good the charge, they could not vote him not guilty; and therefore, to give them some content, the question agreed on to be put was, "That *John* Lord *Sommers* be acquitted of "the articles of impeachment against him, exhibited by the House of Commons, and all "things therein contained; and that the impeachment be dismissed?" That being settled, the Lords returned to *Westminster-Hall*, and, the question being put, fifty six voted in the affirmative, and thirty-one in the negative; and the Lord-Keeper declared, that the majority was for acquitting him. Then the Lords adjourned to their House, and made an order for his being acquitted, and the impeachment to be dismissed.

Remembrance of
the Commons.
June 20.
Pr. H. C.
III. 173.

Upon this the Commons passed some high votes against the Lords, and, to justify their refusal to appear at the trial, resolved, "That "the Lords have refused justice to the Commons upon the impeachment against the Lord *Sommers*, by denying them a Committee of "both Houses, which was desired by the Commons as the proper and only method of settling the necessary preliminaries, in order to the proceeding to the trial of the Lord *Sommers* with effect; and afterwards, by proceeding to a pretended trial of the said Lord,

"which could tend only to protect him from 1701
"justice, by colour of an illegal acquittal. Against which proceedings of the Lords, the Commons do solemnly protest, as being repugnant to the rules of justice, and therefore null and void. That the House of Lords, by the pretended trial of *John* Lord *Sommers*, have endeavoured to overturn the right of impeachments lodged in the House of Commons, by the antient Constitution of this Kingdom, for the safety and protection of the Commons against the power of great men, and have made an invasion upon the liberties of the subject, by laying a foundation of impunity for the greatest offenders. That all the ill consequences, which may at this time attend the delay of the supplies given by the Commons for the preserving the public peace, and maintaining the balance of *Europe*, by supporting our Allies against the power of *France*, are to be imputed to those who, to procure an indemnity for their own crimes, have used their utmost endeavours to make a breach between the two Houses."

The Lords went as high in their votes against *The Lords* answer.

the Commons, and the same day sent this answer to their message: "The Lords do acquaint the Commons, that they might have known, by the records of the House of Lords, that the Lords had proceeded to the trial of the Lord *Sommers* on *Tuesday* last, being the day appointed; and, the Commons not appearing to maintain their articles against the said Lord, the Lords had by judgment of their House, acquitted him of the articles of impeachment against him, exhibited by the Commons, and all things therein contained, and had dismissed the said impeachment.

"And the Lords had appointed *Monday* next for the trial of the Earl of *Orford*, on which day they would proceed on the trial.

"The Commons still pressing for a Committee of both Houses, which their Lordships could never consent to for the reasons already given, their Lordships could infer nothing from their persisting in this demand, than that they never designed to bring any of their impeachments to a trial.

"As to the Lord *Haverham*, his answer was now before the House of Commons, and the Lords resolved to do justice in that matter."

The

"them; as appears by the several steps they have have taken.

"Secondly, That this business has no relation to the trial of the impeached Lords; and therefore their Lordships cannot imagine, why the Commons should make satisfaction and reparation against the Lord *Haverham* a necessary condition for the going on with the trials, and at the same time find no difficulties in proceeding on other business." Pr. H. C. III. 169—175.

(1) This protest was thought so injurious to the House, that it was ordered to be expunged; but it was as follows:

"We do conceive it very improper to proceed to this trial, before the preliminaries are adjusted, especially since some of those preliminaries are such, as in our opinion are essentially necessary to the administration of justice.

"And after such a protestation of the Commons, as they have sent to us against the proceedings to a trial, and which we conceive is founded upon No. 30. VOL. III.

"justice, and the reasonable method of Parliament, we apprehended our proceeding now to this trial may tend to the disappointment of all future trials on impeachments."

Somerset,
H. Landon.
Normandy,
Rochester,
Carnarvon,
Marlborough,
La Warr,
Oxford,
Dartmouth,
Weymouth,
Jonath. Exon,
Scarpsdale,
Nottingham,
Feversham,
Plymouth,
Abingdon,
6 D

Denbigh,
Warrington,
Tho. Raffenf.
Hunsdon,
Wilton,
Godolphin,
Tosseries,
Northumberland,
T. Jermyns,
Derby,
Thanet,
Peterborough,
Lexington,
Howard,
Cholmondeley,
Guilford.

(1) This

1701.

The Com^{rs} of June
monies refuse
to appear
at the Earl
of Orford's
trial.

Pr. H. C.
III. 180.

Pr. H. L.
II. 31.

The Commons on the same day, the 20th of June, having ordered, that none of their Members should appear on the Monday following, at the pretended trial of the Earl of Orford, upon pain of incurring the utmost displeasure of the House, they adjourned to Tuesday morning. But the Lords continued sitting, and, having sent a copy of the Lord *Haversham's* answer (1) to the Commons, they resolved, on the 21st of June, "That, unless the Commons charge against that Lord shall be prosecuted by them against him with effect, before the end of the Session, the Lords would declare and adjudge him wholly innocent of the charge." And on Monday, June the 23d, it was resolved by their Lordships, That the resolutions of the House of Commons, in their votes of the 20th instant, contained most unjust reflections on the honour and justice of the House of Peers, and were contrived to cover their affected and unreasonable delays in prosecuting the impeached Lords; and manifestly tended to the destruction of the Judicature of the Lords, to the rendering trials on impeachments impracticable for the future, and to the subverting the Constitution of the English Government; and that therefore, whatever ill consequences might arise from the so long deferring the supplies for this year's service, were to be attributed to the fatal counsel of the putting off the meeting of a Parliament so long, and to the unnecessary delays of the House of Commons.

Then the Lords adjourned to *Westminster-Hall*, and, after two proclamations made for silence and prosecution, the articles of impeach-

ment against *Edward Earl of Orford* were read, 1701. and also his answer to those articles; and, after taking the same methods as in the trial of the Lord *Sommers*, his Lordship, by unanimous votes (the Lords on the other side withdrawing) was acquitted of the articles, and the impeachment was dismissed.

The next day, being the last of the Session the impeachment of the Parliament, this order was made by the Lords:

"The House of Commons not having prosecuted their charge, which they brought up against *John Lord Haversham*, for words spoken by him at a free conference the 13th instant, the charge shall be and is hereby dismissed."

"The Earl of *Portland* being impeached by the House of Commons of high crimes and misdemeanors the first of April last, the impeachment is hereby dismissed, there being no articles exhibited against him."

"The House of Commons having impeached *Charles Lord Halifax* of high crimes and misdemeanors on the 15th of April last, and on the 14th day of this instant June exhibited articles against him, to which he having answered, and no further prosecution thereupon, the impeachment and articles are hereby dismissed."

"The House of Commons having impeached *Thomas Duke of Leeds* of high crimes and misdemeanors on the 27th of April 1695, and on the 29th exhibited articles against him, to which he answered, but the Commons not prosecuting, the impeachment and articles are hereby dismissed."

Each

(1) This answer was very long, and may be seen in the Proceedings of the House of Commons (III. 174.) That part of it, which relates to his reflecting on the partiality of the Commons, in his speech at the free conference, was as follows:

That the nature of that conference was, that it should be free: The occasion of it, because either House apprehended the other to be in an error; and the end of it, that each side may urge such facts, as are true, and such reasons as are forcible to convince. That one article of impeachment against *John Lord Sommers* was, that the treaty of Partition of 1699 was ratified under the Great Seal, which then was in the custody of the same Lord, then Lord Chancellor of England. That the Commons on the 1st of April 1701 resolved, that the Earl of *Portland*, by negotiating and concluding the treaty of Partition, was guilty of a high crime and misdemeanor; and, pursuant thereto, lodged an impeachment against him in the House of Peers. Which vote and impeachment could not have reference to any treaty, other than the treaty of Partition of 1699, the treaty of 1698 not being before the House of Commons till after the time of that vote and impeachment. And yet the Earl of *Jersey*, who then was Secretary of State and Privy Counsellor, and actually signed the said treaty of 1699, as a Plenipotentiary with the Lord *Portland*, stands unimpeached, and continues at the head of affairs, being Lord Chamberlain near his Majesty's Person, and in his Presence and Councils, without complaint. That the Earl of *Orford* and the Lords *Sommers* and *Halifax* are severally impeached for advising the treaty of Partition of 1698; and yet Mr Secretary *Vernon*, who then was Secretary of State and a Privy Counsellor, and acted in the promoting of the treaty of Partition of 1698, stands unimpeached, and still continues one of the Principal Secretaries of State. And Sir *Joseph Williamson*, who then was a Privy

Counsellor, and transacted and signed the treaty of Partition of 1698, as a Plenipotentiary, stands unimpeached. That the Lord *Halifax* is impeached, for that he, being a Commissioner of the Treasury, assented to the passing of several Grants from the Crown to several persons of lands in *Ireland*: And yet Sir *Edward Seymour*, Sir *Stephen Fox*, and Mr *Pelham*, who, being severally Lords Commissioners of the Treasury, did severally assent to the passing of divers like Grants from his Majesty of lands in *Ireland*, stands unimpeached. That, in the impeachments against the Earl of *Orford* and Lord *Sommers*, one of the articles against them is, for procuring a Commission to Captain *William Kidd*, and likewise a Grant under the Great Seal of the ship and goods of certain persons therein named, to certain persons in trust for them; and yet other Lords, equally concerned in procuring the said Commission and Grant stand unimpeached. That the said Mr Secretary *Vernon*, Sir *Edward Seymour*, Sir *Stephen Fox*, and Mr *Pelham*, notwithstanding their being parties in the same facts charged in the same respective impeachments, have been permitted to sit and vote in the House of Commons touching the said impeachments, and the matters thereof. That, these facts being true, and publicly known, the consequences resulting therefrom (as the Lord *Haversham* apprehended) are undeniable, viz. That the doing of the same thing by two persons in equal circumstances cannot be a crime in one, and not in the other. That the Commons had no reason to insist, that the Lords should not permit that in their Members, which the Commons had first permitted, and continued to permit, and so begun the first precedent in their own Members. That it must be thought that the impeached Lords (notwithstanding the facts alleged in the impeachments) are innocent of danger to the King, when the Lord *Jersey* and Mr Secretary *Vernon*, who are respectively concerned in the Partition treaties,

are

1701.
Remarks
on these
proceed-
ings.
Burnet.

Each House ordered a narrative of the proceedings to be published (1); and they had gone so far in their votes against one another, that it was believed, they would never meet again. The proceedings of the Lords had the general approbation of the nation on their side. Most of the Bishops adhered to the impeached Lords, and their behaviour, on this occasion, was much commended. The violence, as well as folly of the party, lost them much ground with all indifferent men, but with none more than with the King himself, who found his error in changing his Ministry at so critical a time; and he now saw, that the Tories were at heart irreconcilable to him; in particular, he was extremely uneasy with the Earl of *Rochester*, of whose im-

perious and intractable temper he complained much, and seemed resolved to disengage himself quickly from him, and never to return to him any more. He thought the party was neither solid nor sincere, and that they were actuated by passion and revenge, without any views with relation to the quiet of the nation, and affairs abroad.

The violent proceedings of the Commons, ^{The Kettish petition.} and their slowness with relation to foreign affairs, had not only displeased the King, but given a general disgust to the nation, and particularly to the city of *London*, where foreign affairs, and the interest of trade were generally better understood; the Old *East-India* Company, though they hated the Ministry that set up the New,

1701.

Pr. H. C.
III. 140.
Burnet.

are permitted, without complaint, to be at the head of affairs, and in the King's Presence, and of his Councils, as not dangerous. That the word *innocent*, used in the words spoken by the said Lord *Haversham*, can extend no further than to such matters, as were done by the impeached Lords of the same nature with what was done by those unimpeached. All which facts being true, and the consequences obvious, the said Lord being ready to prove the same, he insists, that the words, spoken by him at the said free conference, were not scandalous or reproachful, nor false or reflecting on the honour or justice of the House of Commons, but were spoken upon a just occasion given, in answer to several expressions, that fell from the Managers for the Commons, remote (as he conceives) from the matter in question, and reflecting on the honour and justice of the House of Peers, and in maintenance and defence of the Lords Resolutions and Judicature, and conformable to the duty he owes to the said House. And the said Lord humbly demands the judgment of their honourable House therein. And the said Lord *Haversham* denies, that he spoke the words specified in the said charge, in such manner and form, as the same are therein set down. And having thus given a true account of this matter, and it being true and indisputable, that some Lords in this House, equally concerned in facts, for which other Lords are impeached by the House of Commons, are still near the King's Person, in the greatest places of trust and honour, unimpeached; and also that several Members of the House of Commons, equally concerned in the same facts, for which some Lords are impeached, do however remain unimpeached; the said Lord thinks, such a truth could never have been more properly spoken, in the maintenance and defence of your Lordships Judicature and Resolutions; and inisisteth, that what he had said at the free conference was not any scandalous reproach, or false expression, or any way tended to make a breach in the good correspondence between the Lords and Commons, or to the interrupting the public justice of the nation, by delaying the proceedings on the impeachments, as in the said charge alledged, but agreeable to truth, in discharge of his duty, and in the defence of the undoubted Right and Judicature of this House.

Haversham.

(1) It may not be improper to subjoin here some remarks concerning those proceedings, extracted from a MS. written by a very considerable person of that time.

"The Partition treaty, says he, was no sooner published, but it appeared, that the *French* Ambassador, Monsieur *Tallard*, had formed a strong party here against it, and had engaged Dr *Davenant* to write against it. It was not enough for the *French* Court to resolve on breaking it, but, to complete the perfidy, it must die with infamy. At the first opening of the Session, addresses were made to the King from the Houses for all the treaties, that had been made since that at *Ryswick*.

"This was done on the 12th or 13th of *February*, two or three days after the opening of the Session. The translating and copying these went on so slowly, that they were not brought to the House of Lords before the 26th of *February*. This delay was so uneasy to those, who were longing for an occasion to discharge their engagements to those, who had merited well at their hands, as well as to gratify their resentments, by falling on that treaty, and on all concerned in it, that, I am told, on two or three occasions they complained of it, yet by some secret but powerful charm all men were so restrained, that, from the 26th of *February* to the 20th of *March*, no notice at all was taken of it; but on the 20th the train was fired, and all was soon in a flame. I cannot certainly tell you what was the occasion of this great patience and long silence, after some had shewn an eagerness, that seemed not very governable. I will only tell you what happened at that time at the *Hague*. After the *French* had possessed themselves of the *Spanish Netherlands*, and found the *States* were not very easy in their neighbourhood, they desired to treat with them, and know what would satisfy them. The *States* insisted upon the engagements given by the Partition treaty, and complained of the violation of it, and asked such securities, as they thought necessary. The King ordered his Minister to join with them in the like complaints and demands. These were given in on the 8th of *March*; and, as soon as the *French* Ambassador had an account of it, immediately the matter of that treaty was fallen on in the House of Lords, while very few among them knew any thing of the negotiation at the *Hague*, which was not communicated to them by the King till four days after. But some perhaps had better intelligence. The treaty then set on foot at the *Hague* was to have this disgrace put upon it, that the Partition treaty, on which it was to be founded, was to be condemned. Some, that had been concerned in it, had advertisements sent them from the Court of *France* of their danger; by all which the *French* party hoped, that the King himself, and such as had been concerned in the matter, would be prevailed on to let that treaty be forgotten, and become more favourable to the *French* interest, if it were but to save themselves from the storm, that was otherwise ready to break out on them. I can affirm nothing in this matter, but, if you will lay all this together, you will acknowledge there is ground enough for jealousy. So long a silence, and then the falling on the treaty in that critical minute, could not happen by chance without some secret and unperceived direction. But, by what accident or order soever it might be, this matter was taken up by the Lords, and severely arraigned first by those, who value themselves upon their finding fault with every thing, that is done, because they have not the doing of it; and though some of these had once a very friendly application of a *Spanish* proverb made to them, that

he,

1701. New, and studied to support this House of Commons, from whom they expected much favour; yet they, as well as the rest of the City, saw visibly, that first the ruin of trade, and consequently the ruin of the nation, must certainly ensue, if *France* and *Spain* were once firmly united. So they began openly to condemn the proceedings of the Commons, and to own a jealousy, that the *Lewis d'ors*, sent hither of late, had not come over to *England* for nothing. This disposition, to blame the slowness in which the Commons proceeded with respect to affairs abroad, spread itself through all *England*, and more especially in *Kent*. Those of that County,

in a dislike of the conduct of the Commons, 1701. sent up the following petition to that House: May 8.

“WE the Gentlemen, Justices of the Peace, Grand Jury, and other Freeholders, at the general Quarter Sessions of Peace at *Maidstone* in *Kent*, deeply concerned at the dangerous estate of this Kingdom, and of all *Europe*; and considering, that the fate of us and our posterity depends upon the wisdom of our Representatives in Parliament, think ourselves bound in duty humbly to lay before this Honourable House the consequences, in this conjuncture, of your speedy resolution, “ and

“ he, who house is of glass, should throw no stones; yet good nature and zeal for the public are too strong to be long restrained, though it happens now and then, that they are put in mind of some things, that, though they are pardoned, will not easily be forgotten. But that, which seemed very strange, and was a very extraordinary piece of courtship, was that those, who are most in the King's confidence, and feel the best effects of it, fell upon the treaty in a most particular manner. Words not very decent, if applied to the actions of the meanest subject, were employed to lay out the ridiculousness, the injustice, the treachery and barbarity of the treaty, as things fit to give horror. Now since, what share forever the late Ministry might be supposed to have had in it, yet it was well known, that it was chiefly of the King's own designing, therefore though it is certain, that a Parliament of *England* may with a due firmness, as well as with just respect, represent to the King such errors, as he may fall into; yet a decency of style was but suitable, especially in men bred in Courts, and accustomed enough to a more *submissive dialect* in former reigns. This might have been expected from those, who know, that the King thought it no lessening of himself to own, that he believed he had made the best bargain possible, all circumstances considered. This was not all; those, who attacked the treaty, five or six in a string, did all of them say, they meant not to find fault; that they had no other design but to amend what had been amiss, and to prevent the like errors for the future. They did not intend to fall upon any one person, not so much as to a reprimand: All they meant was to have errors corrected, and to have things put in a better method. While the debate went on upon this point, and that all those, who were known to have a share in the confidence, went into censuring the treaty, those, who could not help the having other thoughts of it, could not of the sudden know what was fit to be done. Many thought it was concerted at Court to let the treaty be censured; and that all the ill humour raised upon it was to evaporate in some angry votes, without carrying the matter further. No intimations had been given, that the King desired the thing might be better understood, before it should be condemned. The King was that day at *Hampton-Court*; so no application could be made to him; for, let men talk what they will of freedom in debate, there ever was, and ever will be, and ought to be, great regard had to our Princes with relation to matters of State. Not that the King's mind ought to have any influence on men's arguing or voting; but it is certain, that in many cases men may resolve to be passive in some of the King's concerns, when they think he intends to be so himself. They may reasonably conclude, that he is willing to let some things go, at some times, that he may thereby put his people in better humour, in order to the gaining other things, that are of more consequence. This is so frequently practised, that he must be a great stranger to the methods of managing a Session of Parliament, who has not observed it almost in every Ses-

sion. And this was the case in the House of Lords upon this occasion. No body was sooner in their reflections on that decried treaty than those, who were most in the confidence. Every man declared, that no further use was to be made of the votes, that were proposed for condemning it, but to offer good advice to the King for better conduct in future negotiations. Some, who intended to have excused, if not justified, the treaty, were prevailed on to say nothing; not so much out of caution, not to go against the stream, but because they had no mind to seem more concerned in maintaining the honour of the King's treaties, than he was himself. They thought their opposition would signify little, and pass for Officeiousness and Court-flattery. So they gave way, and the votes passed without contradiction. This point was no sooner gained, than some of those very persons, who had made the fullest protestations of their having no intention to carry the matter further, immediately laid off the mask; for you know, in Parliamentary proceedings all men are not equally exact in performing what they promised, when they have once carried the point they aimed at. These arts are so familiar to some, that, instead of being out of countenance, they value themselves upon their dexterity at them. So it happened here. This is the true account of that matter, without any disguise. The Lords, since accused for it, did indeed offer such an account of the share they had in the treaty in the year 1699, that it was impossible to lay any blame on them for it; and the Lord *Somers*, whose health was out of order the first two days, in which this was before the Lords, when he came to the House, gave so clear an account of the share, that himself had in it, that there were not two in the whole House, who did not seem entirely satisfied with his behaviour in that matter. This was signified by shouts and acclamations, that were raised higher, and continued longer, than some, who had sat long there, had ever observed before. If those Lords had known, that the King desired, that right should be done him in defending both his honour, justice, and wisdom, as they were concerned in that treaty, they, who have often hazarded themselves much further in his service, would not have been wanting in that piece of duty and respect. But it was generally believed at that time, that the King was less concerned in that matter, than it has been apprehended he was afterwards, when the stroke was struck, and could not be retrieved. Indeed a new scene opened soon after that, when it was suggested by the Lord *Wharton*, that, what sense forever the House might have of the Partition treaty, yet since, to the observation of all *Europe*, the *French* King had broke it, it was fit to make that a paragraph of the address, that the King, in all future treaties with that Crown, should not trust to verbal assurances, but demand a real security. This was so conformable to the foot, upon which the King and the States did give in the memorials at the *Hague*, and was so contrary to the designs of the *French*, who intended to offer no other security but the renewing “ the

1701. "and most sincere endeavour, to answer the great trust reposed in you by your country."

"And in regard, that from the experience of all ages it is manifest, no nation can be great or happy without union; we hope, that no pretence whatsoever shall be able to create a misunderstanding among ourselves, or the least distrust of his most sacred Majesty, whose great actions for this nation are writ in the hearts of his subjects, and can never, without the blackest ingratitude, be forgot."

"We most humbly implore this Honourable House to have regard to the voice of the people, that our religion and safety may be effectually provided for; that your loyal addresses may be turned into bills of supply;

"and that his most sacred Majesty (whose pious and unblemished reign over us we pray God long to continue) may be enabled powerfully to assist his Allies, before it is too late."

This petition was signed by the Deputy-Lieutenants there present, above twenty Justices of the Peace, all the Grand-Jury, and other Freeholders, and was boldly delivered to the House of Commons on the 8th of May; and William Colepepper, Thomas Colepepper, David Polhill, Justinian Champney, and William Hamilton, Esquires, being called in, owned the petition at the bar, and their hands to the same. They then withdrew, and, the petition being read,

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"the treaty of Ryswick, that it was no wonder, if men gained by the French gold should have opposed it. But it seemed very strange to see so great an opposition made to it by men, that must be presumed incapable of corruption, and who are esteemed steady to their country; yet as there are odd accidents, that happen sometimes, but that lie so far out of the way, that no account can be given of them; so this drew on, I cannot tell how, a debate of many hours, and of much heat. If *Verfaillies* had dictated the arguments, they could not have chosen them better, or wished them to have been more dextrously managed; though I am sure you are not capable of letting this pass upon you, as if those great men were subject to the common frailty of loving for ready money. Therefore I will take no more pains to secure you from it. The vote was carried, and it was followed by a protest, on which I will make no reflections, for the persons are above. I must only observe one thing more, that votes are generally conceived in plain and simple terms; but, when addresses are to be made pursuant to them, they are enlarged in fuller expressions; and that was not wanting in this address; much rhetoric was employed: The Partition treaty was called that fatal treaty, and was heavily loaded; but the last paragraph, concerning a *real security* to be demanded from France, was set down in the bare words of the vote, without the least enlargement, how much sower some, who penned it, love the beauties of eloquence. Yet that was too tender a point to be touched with a rough hand; an addition of any weighty words might have been made a pretence to a discount by those, who will have pennypworths for their money."

The reader will undoubtedly be pleased to find here another paper from the same hand, never yet printed, concerning the conduct of the Ministry and of the leading men in the House of Commons during this Session, with respect to foreign affairs. "It is well known, says he, that a few days before the King came over, which was in the beginning of November, he had ordered Mr Blathwayte to write two post-days, one after another, to the Lords Justices, to prepare a proclamation giving notice, that the Parliament was to meet to do business on the 18th of November. The King came over himself before this was to be published, and he soon after had the news of the King of Spain's will, and of his death, which was quickly followed with a declaration, that the French King did accept of the King of Spain's will: And therefore did not think fit to stand to the Partition treaty. The King had a Parliament current, and ready to meet in a few days, as he had intended it should before this great turn of affairs. But the Parliament was put off to a further day, and upon the hopes, and, as is said, upon the undertakings of some, all was put off till the new Sheriffs were pricked; and, as soon as they were fixed in their service, the writs went out for a new Parliament, summoned to the 6th but prorogued Numb. 30. Vol. III.

"gued to the 10th of February. Here was one Parliament dissolved, and another called, and by this means three months were lost, which upon such a great turn is a matter of no small consequence. England seemed uncertain or asleep. This gave the French no small encouragement, and was a great disheartening to the Emperor and the States. In all this time it is positively said, that the new Ministry pressed the King vehemently to own the King of Spain. This is certain, that both they and their friends said, in all companies, and on all occasions, that it was no matter, who was King of Spain; the King of Spain must know his own interest; he must be governed by Spanish Councils; and they must be true to their ancient allies, the English and the Dutch, for that was to be true to themselves. They said England was not for a war, and indeed not capable to go into one, while they were under so great a debt. They spared not to say, that the King was not for a war; and that he knew it was impracticable. They spoke of the Emperor as a Prince not capable of doing any thing, and for whom we were to have no regard. All this while the King was on a great reserve, and was told, as has been very confidently reported since, that, if he shewed any inclination to a war, that would raise jealousies, which would very much obstruct all business; and therefore it was necessary for his affairs, that he should not discover his own thoughts of things. This well-meant reservedness of the King's was at the same time given out to flow from his own aversion to engage in the Emperor's quarrels; but that he was still in secret treaties and engagements with France."

"While they and their Agents were infusing these things into all, that came up, but, chiefly into the Parliament-men, the Citizens of London saw clearly, that the least ill effect of the union of France and Spain must be the ruin of the trade of England, and spoke openly of the necessity of a war; and it was surmised, that the old Ministry were likewise for a war; and many began to speak it openly, that, as it seemed inevitable, that we must engage in a war, so this could not be managed but by a Ministry, that was both zealous and resolute, and that was possessed of the esteem and confidence of the nation, chiefly of the city, who would never make the advances of money, that must be necessary in a war, unless they trusted the Ministry. Whispers were set about, that the King retained a just sense of those, who had helped him through his former war, and might think they would be useful to him in this. This, with the French practices, raised the storm against them by those, who resolved to conduct matters after their own way, and to keep them from a possibility of returning again into favour."

"As soon as the Session was opened, it was resolved to carry a vote in the House of Commons for an address to the King to own the new King of Spain, though they knew, that he had not yet owned

1701. read, the House resolved, "That the petition
" was scandalous, insolent, and seditious, tend-
" ing to destroy the Constitution of Parlia-
" ments, and to subvert the Established Go-
" vernment of these Realms." And then or-
" dered, "That all those Gentlemen should be
" taken into custody, as guilty of promoting
" the petition." And on the 14th of May,

the House being informed, that Mr *Thomas Colepepper* had made his escape, and that the rest of the persons committed were like to be rescued, ordered them to be delivered prisoners to the *Gate-House*, and agreed to address his Majesty, to issue his proclamation for apprehending Mr *Colepepper*, and for putting out of the Commis-
sions of Peace and Lieutenantcy such others, as
were

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" owned the King, or given him notice of his ac-
" cession to that Crown: But the honest zeal of
" Mr *Monten*, and others, had a happy effect. This
" was stopped, to the no small grief of those, who
" had taken much pains in it, and, no doubt, expect-
" ed to be well rewarded for it. The stream run
" another way, and then it appeared, that, how much
" soever the prejudices of some had been wrought
" upon, yet the bulk of the House were still true *Eng-
" lishmen*; yet, they retained so good an opinion of
" some men, that had got too much credit among
" them, that things were suffered to cool, and the
" House was diverted to other matters, that can never
" be managed with temper. The House, indeed, de-
" clared for an alliance with the *Dutch*, and for a
" fleet; but, it was so long, before they could be
" brought to declare for an alliance with the Emperor,
" that, if the *French* had not despised all he could do,
" more, perhaps, than they do now, and, if they had
" not depended on the strength of their interest here,
" they would have, perhaps, made such offers to the
" Emperor, as might have prevailed on him, when
" he had so little reason to hope for any concurrence
" from us. The King received frequent messages
" from the *States*, representing the extremities, to
" which they were driven, of which, some were writ-
" ten in such moving strains, that few read them
" without feeling impressions of great tenderness.
" But there was a Stoical apathy somewhere, that
" could not be wrought on: And when, by the inter-
" cepting the Earl of *Melfort*'s letter to his brother,
" we all saw how confident those of *St Germain*'s
" were of their affairs, yet Sir *Edward Seymour*, Sir
" *T. M.* and others, looked on that but as a Court-
" artifice, and had not so much regard to it, as to
" order the printing of it, though the Lords consider-
" ed better of it. It was long before the House could
" see through the artifices of those, who misled them.
" The ten thousand men, agreed to by old treaties to
" be sent to the *Dutch*, could not be easily obtained;
" The matter was long delayed; and, that the *French*
" interest might be served one way, when another
" failed, five thousand of these were to be drawn out
" of *Ireland*; but particular care was taken, that no
" new bodies should be raised in their stead, that so
" *Ireland* might be left so naked, that there might be,
" perhaps, a new diversion given us on that side, un-
" less that is provided by the prudent management
" and great temper of the Lord Lieutenant.

" In this slow method were things carried on, to
" the discouragement of all *Europe*, who reckoned we
" were a sold nation; or, that we could be no more
" depended on.

" I could here run out into a long digression, to
" shew you the various methods their party have taken
" in this, as well as in former Sessions, to blast the pub-
" lic credit; the effect of which was well foreseen by
" those who laboured it. They knew, the breaking
" of credit must, for the future, hinder all advances
" of money; and this must have been fatal, especially
" if we had engaged in a war. But I may, perhaps,
" entertain you with this on another occasion. One
" particular only I will mention here. The credit of
" *Exchequer* notes was a noble contrivance, to fur-
" nish us with near three millions of paper-money, till
" they sunk gradually, as was projected in the first
" design. Pains was taken, in particular, to blast
" this; yet 50,000, as all the Bankers said, was suf-
" ficient to keep up their credit. But those, who
" had a mind to make the supply as little effectual as

" was possible, moved, that one shilling in the pound
" should go towards the quicker sinking of them;
" and, since it must have been looked on as indecent
" to lay on more than three shillings in the pound,
" while we were not actually engaged in a war, by
" applying one of these to this effect, there were only
" two left, to answer the public occasions, while yet
" the nation was to be possessed with this appearance
" of their zeal, by their giving three shillings in the
" pound. It is true, they voted a full proportion of
" seamen for a good fleet; but even this was spoiled in
" the management. It is certain, that, in every ap-
" pearance of war, we ought to be well guarded with
" a good fleet: But a fleet, that was to ply up and
" down in the Channel, was only a defence to our-
" selves, who were in no danger of being attacked.
" Three or four thousand marines would have look-
" ed as if we intended to act offensively with our
" fleet, and must have struck terror all over both the
" *French* and the *Spanish*, and have put them to no
" small charge to have secured themselves. But, for
" this very reason, every motion, that way, was re-
" jected; so, though it had been too bare-faced not
" to have set out a good fleet, yet care was taken,
" that neither the *Spaniards*, nor the *French*, should
" suffer from it, not so much as to be disturbed with
" any apprehensions about any part of it, except that,
" which was necessary to be sent to secure our Plan-
" tations. The rest was to be an useless piece of
" pomp, only to consume so much of our stock, but
" was not to be furnished so as to be able to do our
" neighbours much hurt. All this was so ordered,
" that every thing went on very slowly, that so the
" *French* might have time to practise upon all the
" Courts of *Europe*, in which their chief topic was,
" that it was in vain to rely on *England*: They had
" many good friends there, who would retard all their
" resolutions, and so work on the animosities, that
" were among the different parties, that instead of
" thinking to secure themselves, they were now only
" set on ruining those who had hitherto, with much
" zeal and great success, supported the present Go-
" vernment. The proceedings here made, that this
" was easily believed; and that, with some of those
" secret arguments, that were employed here, has
" proved so effectual, that a great many of the Circles
" and Princes of the Empire incline to a neutrality,
" and has had no small effect on the King of *Portu-
" gal*; so well have our delays served to carry on the
" designs of *France*. The Emperor's Minister was
" so ill used, that he was often upon the point of
" giving all for gone, and of going home; and, tho'
" the King used all possible methods to persuade him
" to stay, yet he was so much discouraged, that he
" was often saying, He feared, his giving his Master
" any hopes from hence would be fatal to him. In
" conclusion, the sense of the City, and of the whole
" Nation, discovered itself so evidently, that it broke
" all these men's measures. The greatest part of the
" House, who had unhappily relied too much upon
" them, began to suspect their conduct; and a fear
" of receiving the most public affronts, that the na-
" tion ever put upon a House of Commons, forced
" them, in conclusion, though not without great
" and visible reluctance, to come to resolutions be-
" coming a Parliament of *England*, was more owing
" to other accidents, than to the honesty of the
" Managers. In one respect, some of them were
" honest, for they opposed them to the last, even to
" the forfeiting their own credit with most of their

" part."

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This imprisonment of the *Kentish* Petitioners did but enflame those people, who were before displeased with the proceedings of the Commons

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" party. One advantage our friends had to let the King see they were not disposed to quarrel with any thing he did, though it was visibly the effect of their Counsels, who designed their ruin. The King had assured both Houses, That he would acquaint them with the whole progress of the negotiation; yet an incident happened of great consequence, in which they carried their designs, without advising, either with Council, or Parliament. The King of Spain, after long deliberation about it, at last, wrote to the King. By the date, and other circumstances, it appeared, that Mr Harley knew, why he moved the House to leave the matter of owning the King of Spain to the King. This was a thing of such consequence, that one would have thought it deserved to be well considered, at home, and to be communicated to our Allies, abroad, before it was done. But so imperious are some men in their advices, that a return was made to the letter, and the secret was trusted to the Court of France, who published it in a very indecent manner, to the surprize of all Europe. Now, I leave it to you to judge, what complaints the other side would have made, if they had discovered such a proceeding in the old Ministry; and, you will soon see, with what advantage they could have fallen on this strange step, so oddly made; yet, so tender they were of the King, and so unwilling to find fault, when his honour was already engaged, that they chose rather to let this go, than to perplex the King's mind, as well as his affairs, with new complaints."

(1) The committing of these Gentlemen is justified by Dr Drake, in his *History of the last Parliament*, who asserts, "That the Commons had been wanting in their duty to the people, whose Representatives they are, if they had tamely put up such an insult upon their authority, without shewing their resentment, and thereby deterring others from following an example of so dangerous consequence." And he cites a passage from Colonel Algernon Sidney's *Discourse of Government*, C. 3. § 44. p. 451, 454, upon the point of Petitioning; whence he observes, "It is plain, that the *Kentish* Petitioners were guilty not only of misbehaviour and ill manners to the House, but of a notorious violation of the rights of the people, in assuming to themselves a power, which belonged to the whole; and therefore the House could not, without breach of trust, pass over uncorrected such usurpations upon the whole Commons, and such affronts upon their Representatives, with whom their authority was lodged."

On the other side, the *Kentish* Gentlemen were vindicated in a piece, printed in 1701, and reprinted in the third volume of the *State Tracts during the reign of King William*, and intitled, *Jura Populi Anglicani: Or, the subjects right of Petitioning set forth; occasioned by the case of the Kentish Petitioners. With some thoughts on the reasons, which induced those Gentlemen to petition; and of the Commons right of imprisonment*. The Author of this piece observes in his preface, "That it was a melancholy reflection to consider how universal a dissatisfaction the management of the House of Commons had this [last] Session caused in the people of England; and that among those, who arraigned their proceedings, there were none, who did not make the treatment of the five Gentlemen, who presented the *Kentish* petition one article of impeachment against them; and that the most intelligent part of the people had been free in saying, that the punishment of them plainly demonstrated very extraordinary designs, and must be allowed, even by men of candour and sense to give just grounds for all the jealousies and suspicions, that had been entertained." He then observes, "That it was not

" to be wondered at, that the imprisonment of the *Kentish* Petitioners should have the voices of the major part of the House of Commons, when (besides the great inclination discovered by the Speaker) Sir Edward Seymour, Sir Bartholomew Shower, Mr John Howe, Mr Hammond, Mr Harcourt, and others, pressed violently for it. What so many leaders in the party contended earnestly for, could not but have the approbation of those, who voted as constantly with them, as if they thought it both their duty and interest so to do. But, though that was the act of the greater part, it was not of the whole House of Commons. All those worthy and honourable Members, who have always firmly adhered to his Majesty's interest, who have associated for him, who have given perpetual demonstrations of their enmity to France and the abdicated family, and heartily desired to have all those things done, which the *Kentish* Gentlemen petitioned for, were averse to this, as they were to other fatal proceedings, which yet they had not power to prevent." He then endeavours to shew, that the House of Commons are not Representatives of the whole people of England, and that the House of Lords are no less Representatives of the People of England than they. He observes, that the Tory party had governed the House of Commons the last Session. "If we consider the men, says he, and compare what they have done with the pretended principles of their party, it will hardly seem odder to see Sir Edward Seymour bring in a bill to prevent bribery; or Mr John Howe exclaim against exorbitant grants; or Sir Christopher Musgrave violent either against grants or a standing army; or to find them, who discovered a plain inclination to quiet France in the possession of all the Spanish dominions, quarrel at the treaty of Partition for giving France too much; than to see them assume the name of Tories. Is not Robin Harley a Ringleader in this Tory party? Is not his brother Edward a leading Member? Does not he attend all ordinances, and as constantly every weekday frequent the service of the Church (for his is a Church-party) in St Stephen's Chapel, as he does the Conventicle every Lord's day? Are not the Feys, Winningtons, St Johns, H—y of Weymouth, B—son, Ha—n, R—y, and others of that leaven, Members of this fraternity? It is methinks hard to say how a faction blended with such a number of names noted for their inveteracy to the true Tory principles, can be called a Tory party? Nothing sure, but mere necessity and want of men to serve some great design, could make them, who pretend to be genuine Tories, and consequently must hate a comprehension, and love to keep their party pure and unmixed, herd with a set of men so odious to them. But upon second thoughts the wonder will not seem so great: Whatever difference might formerly have been between them, it will upon a fair examination now appear, that there is a great agreement in their principles, and that those, who keep up their faction by retaining the name of Tories, and running down Whigs, have nothing but the bare name of their party, and are that very thing, which they ran down. This will be very evident to any one, who will but take a short view of what they have done, and compare the loyalty of their behaviour with their loyal principles."

"Formerly the Tory doctrine was, that the King was the breath of our nostrils; that we failed in our allegiance to him, and deserved not the name of loyal subjects, unless we valued his life more than our own, and would do all that lay in our power to preserve Him and his Government, by shewing an inclination to destroy his enemies. Is this the temper and spirit of our present times? Are not Sir Ed-

ward

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mons, and gave occasion to a piece, supposed to be drawn by *Daniel de Foe*, intitled, *A memorial from the Gentlemen, Freeholders, and Inhabitants of the Counties of—in behalf of themselves and*

many thousands of the good people of England, and signed Legion. This was sent to the Speaker with a letter, charging and commanding him, in the name of two hundred thousand *Englishmen*,

ward *Symour*, Sir *Christopher Musgrave*, and forty more, at this very time Members of the House of Commons, and of this Tory party, who, when the conspiracy against the King was discovered, and an army lay ready to invade us, refused the voluntary Association, which was reckoned the best expedient to preserve the King's life, and prevent the ruin of this Kingdom? Formerly Tories reckoned it an act of duty and loyalty to repose an intire confidence in the King, and to desire, that he might be gratified, as with every thing else, so particularly with such an army as he desired. And in the late Reign, when the army consisted of nineteen thousand men, and the King had no other occasion for them but to terrify and afflict his own subjects, Sir *Christopher Musgrave* was pleased to say in the House of Commons, *It was a deplorable thing*, that good old Loyalists, and the men of that party principally, who reduced his present Majesty to the allowance of seven thousand men, and were the cause of all the calamities, that have been occasioned by it? In the reign of King *Charles II.* when that Gentleman had Grants from the King, it would have seemed no less a prodigy in these Kingdoms, to see a Tory House of Commons offer to intermeddle with the King's Grants, as they have done, and make it an article of impeachment against a great Minister, to take a Grant from the Crown, than to see a Church party, who have told us, that the King is Christ's Vicegerent, and Head of the Church here upon earth, and that he has an uncontrollable right to dispose, as he pleases, of those fees, with which the Crown has endowed the Church, offer to destroy the King's rights, by bringing in a bill to prevent the translation of Bishops from one See to another. This bill designed no great favour to the King or the Hierarchy; yet Sir *John Puckington*, who brought it into the House, must be thought a Loyalist and true Son of the Church, because he tells Churchmen that he is so. Though it was a bill for the better securing the Protestant Religion, yet there are but few Protestants, I believe, concerned, that it is adjourned (as the necessary methods for securing our Religion are) to another Session of Parliament. If it be the next Session tacked to a money-bill (as the Jacobites say it will be) then we shall see the Protestant Religion as well secured, as some people would have it, who now turn the methods of securing it into jest and ridicule. I could heartily wish there were no other instances but those I have here mentioned, of the ill treatment, which both the Monarchy and Hierarchy have had from this loyal Church-party (as they would fain be reputed) whose practices of late have been the plain reverse of what they formerly professed. Have not they arraigned the King's power in making treaties, which was never disputed in any former reign, no not by those Demagogues in the reign of King *Charles I.* whose memories and practices they pretend to hate? Have not they pulled down one principal pillar and support of the Monarchy, by creating a distrust between the King and his People, by representing men unfit for the service of the public, and excluding them from having any thing to do in the election of their Representatives, who are in places of trust under the King? Have they not destroyed our very Constitution, and made our Government plainly popular, under their sole management and direction? Is it not a popular Government, and a very intolerable one, where they have usurped the power of the King and the Lords, and broken in upon the rights of the People, by taking the execution and legisla-

tion upon themselves, and punishing contrary to law? Have not they assumed the power of the King, both executive and legislative, when they are grown to that exorbitancy of power, that they expect he will do whatever they require of him, though it be to punish some, who have long toiled in the support of his Government, and turn out others from places of public trust, who have appeared with a warm and extraordinary zeal in his aid their country's service; when they take upon them to censure and condemn what he does, though it be profitable to us and our friends, and his undoubted right and prerogative to do it; when, to prevent the mischief and confusion, in which his enemies would involve his Kingdoms, he has been forced to give the Royal assent, where he knew it would not only hurt many of his friends, but a very great number of his good and loyal subjects, and be of very ill consequence to his affairs abroad? Have they not invaded and usurped the power of the Lords, by endeavouring to destroy their jurisdiction, by tying them to new rules and methods in their Jurisdiction, and forcing their assent to laws, by tacking of clauses, and leaving with them, together with the bill, all the ill consequences, that should attend the rejecting it; which is plainly threatening them with the wrath and resentment of the nation, imposed on and incensed by them? Have they not been highly injurious to the People, and invaded their rights, by taking the execution of the laws upon them, which belongs not to their province, and imprisoning such numbers of their Fellow-Commons, as they have done this Session? It must be very extraordinary assurance, that can make a party, which has not only thus arraigned the actions of his Majesty, and been a constant clog upon the wheels of this Government, but has likewise usurped his power, and brought in an arbitrary popular Government, assume the name of Loyalists, and call others turbulent seditious Republicans. If we would judge right between the two contending parties, we must consider their actions, and not the names and characters they themselves assume or give one to another. If it be evident, that the Tories have been highly prejudiced against his Majesty's Government; if they have usurped upon the Crown, and deprived it of many of its just rights; and the Whigs have borne a constant affliction to the King, and endeavoured to continue him in possession of all his rights and prerogatives: If, in settling the Succession in the Protestant line, Tories have not only discovered a perfect aversion to the act, and used artifices to elude it, but likewise framed that new bill of rights which was not contrived to recommend the Crown, and make it aimable to the Successors; and the Whigs, on the other hand shewed themselves both eager to have the Crown settled, and unwilling to have such a breach made in the prerogative; then it will be evident, that the Whig loyalty is greater than the Tories; or that the object, they have placed it upon, makes it more agreeable to us, and apter to promote our happiness and tranquillity. If Tories be of those loyal principles they boast of, and the object be the abdicated family; if it be this loyalty of their principles, and the regard they have to the interest of that family, that has made them uneasy to the King, and downright Republicans under his Government, true Englishmen will find but little reason, as things now stand, to admire their principles, or run into their party. The case in short is thus: To this loyal Tory party (as they would be called) men who have been imbibed in the late reigns make them firmly ad-

here

1701. *men*, to deliver it to the House of Commons (1). The memorial began with a preamble upon this maxim, *That whatever power is above law, is burdensome and tyrannical, and may be reduced by extrajudicial methods*. Then it charged the House with illegal and unwarrantable practices in fifteen particulars, of which the three first were as follow: "I. To raise funds for money, and declare, by borrowing clauses, that whosoever advances money on those funds, shall be reimbursed out of the next aids, if the funds shall fall short; and then give subsequent funds, without transferring the deficiency of the former, is a horrible cheat on the subjects, who lent the money, a breach of public faith, and destructive to the honour and credit of Parliaments. II. To imprison men, who are not of your own Members, by no proceedings but a vote of your own House, and to continue them in

"custody *fine die*, is illegal, a notorious breach of the liberty of the people, setting up a dispensing power in the House of Commons, which your fathers never pretended to, bidding defiance to the *Habeas Corpus* act, which is the bulwark of personal liberty; destructive of the laws; and betraying the trust reposed in you; the King being at the same time obliged to ask you leave to continue in custody the horrid Assassins of his Person. III. Committing to custody those Gentlemen, who, at the command of the People (whose Servants you are) came in a peaceable way to put you in mind of your duty, is illegal and injurious: destructive of the subjects liberty of petitioning for redress of grievances, which has by all Parliaments before you been acknowledged to be their undoubted right." After enumerating twelve other particulars (2), the memorial proceeds to a claim of right under seven

1701.

"here to the interest of King James. Here we find all those in a manner, who were against the abdication, and recognition, who would not allow his present Majesty to be rightful King, and refused to enter into the Association to preserve Him and his Government. In this party are all those likewise, whom either the love of money, or of the St. Germain family, or popery, has reconciled to the French interest. It is most certain, that there is not a man in the House engaged in any of these interests, who is not one of this party; and as certain it is, that all the Papists, friends of King James and the French King, without doors, applaud their proceedings, and own, that they are fairly represented by them. From this account then it will appear, that the parties are truly and properly to be distinguished into those, who are for the Jacobite or French interest (for it is impossible to separate them) and those who are for our present settlement, or the true interest of England."

The Author having made these remarks in his preface, begins his discourse with observing, that England has most reason of all other Countries, to be apprehensive of the growing power of France, when we consider our situation, the affairs of commerce and religion, and the interest not only of the abdicated family, but of their great Protector likewise, among us: That these apprehensions were the ground of the discontents and resentments expressed by the People against their Representatives in the House of Commons, from a suspicion of a much greater inclination in that House to continue than to destroy the union of power by the settlement of France and Spain in one family, and that they gave occasion to the *Kentish* Petition; the Prefaters of which being imprisoned by the House of Commons, he inquires into these three points: I. *What power that House has to imprison*: II. *The Subjects right of Petitioning*: III. *What reason the Gentlemen, Justices of the Peace, and Grand Jury of the county of Kent had to offer that Petition, when they did*. With regard to the first point, he observes, that the Representatives of the people have no power above law; that the liberty of the people is taken care of by both common and statute law; the former abhorring imprisonment, and never allowing it, unless when men have been guilty of force, and rendered themselves enemies to the community; and the latter having frequently enjoined, that it shall not be inflicted, unless by indictment, or such due process as the law requires. He affirms, that the power assumed by the House of Commons was an invasion of the legal rights of the people; and that the power of that House to imprison extends only to their own Members. As to the second point, he shews, that the subjects right of Petitioning is agreeable to nature, and confirmed by the statute law of the land, and justified by the votes of the House of

Commons in 1680. With regard to the last point, he observes, that the reasons, which the *Kentish* Gentlemen had to petition, were the increasing greatness of France, and the breaches which had been made in the Protestant Religion, since the beginning of the last age, with just suspicions, that French gold had an influence on the management of public affairs.

(1) The letter was as follows:

Mr. Speaker,

"The inclosed memorial you are charged with, in behalf of many thousands of the good people of England. There is neither *Popish*, *Jacobite*, *Seditious*, *Court* or *Party-Interest* concerned in it; but honesty and truth. You are commanded by two hundred thousand *Englishmen*, to deliver it to the House of Commons, and to inform them that it is no banter, but serious truth; and a serious regard to it is expected; nothing but justice and their duty is required, and it is required by them, who have both a right to require, and power to compel, viz. the people of England.

We could have come to the House strong enough to oblige them to hear us, but we have avoided any tumult, not desiring to embroil, but to save our native country. If you refuse to communicate it to them, you will find cause in a short time to repent it."

To R—t H—y, E/q;

S—r to the H— of C—r.

(2) These were:

"VI. Prosecuting the crime of bribery in some to serve a party, and then proceed no further, though proof lay before you, is partial and unjust, and a scandal upon the honour of Parliaments.

"VII. Voting the treaty of Partition fatal to Europe, because it gave so much of the Spanish Dominions to the French, and not concern yourselves to prevent their taking possession of it all. Deserting the Dutch, when the French are at their doors, till it be almost too late to help them, is unjust to our Treaties, and unkind to our Confederates, dishonourable to the English nation, and shews you very negligent of the safety of England, and of our Protestant neighbours.

"VIII. Ordering immediate hearings to trifling petitions, to please parties in elections; and postpone the petition of a widow, for the blood of her murdered daughter, without giving it a reading, is an illegal delay of justice, dishonourable to the public justice of the nation.

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"IX.

1701.

seven heads, of which the three former run thus :

" We do hereby claim and declare, I. That it is the undoubted right of the people of *England*, in case their Representatives in Parliament do not proceed according to their duty and the people's interest, to inform them of their dislike, disown their actions, and to direct them to such things, as they think fit, either by petition, address, proposal, memorial, or any other peaceable way. II. That the House of Commons separately, and otherwise than by bill legally passed into an act, have no legal power to suspend or dispense with the laws of the land, any more than the King has by his prerogative. III. That the House of Commons have no legal power to imprison any person, or commit him to custody of Serjeants, or otherwise (their own Members excepted) but ought to address the King to cause any person, on good ground, to be apprehended ; which person, so apprehended, ought to have the benefit of the *Habeas Corpus* Act, and be fairly brought to a trial by due course of law." After other claims (1) it concludes, " Thus, Gentlemen, you have your duty laid before you, which it is hoped you will think of. But if you continue to neglect it, you may expect to be treated according to the resentments of an injured nation ; for *Englishmen* are no more to be slaves to Parliaments than to Kings. Our name is *Legion*, and we are many."

The Commons were extremely incensed at this memorial, but could not descend to a particular censure of it. It was thought sufficient, that a complaint was made to the House, of endeavours to raise tumults and seditions, in order to disturb the public affairs ; and a Committee was appointed to draw up an address to be presented to his Majesty, humbly to lay before him the endeavours of several ill disposed persons, to raise tumults and seditions in the Kingdom, and humbly beseech him, that he would provide for the public peace and security.

But the *Kentish* Gentlemen, who lay in prison till the prorogation of the Parliament, were much visited and treated as Confessors ; for a design had been laid to get addresses of the same nature with theirs from all parts of *England*, and especially from the city of *London*. The Ministers represented to the King, what an indignity this would be to the House of Commons ; and that, if he did not discourage it, he might look for unacceptable things from them ; and that it might rather discourage than give heart to his Allies, if they should see such a disappointing, and both City and Country in an opposition to the House of Commons. Some went in his Majesty's name to the eminent men of the City, to divert it ; yet with all this it came so near, for such an address in a Common Council, that the Lord Mayor's vote turned it for the negative.

As, by these proceedings, a disposition to a war,

" IX. Addressing the King to displace his friends upon bare surmises, before the legal trial or article proved, is illegal, and inverting the law, and making execution go before judgment, contrary to the true sense of the law, which esteems every man a good man, till something appears to the contrary.

" X. Delaying proceedings upon capital impeachments, to blast the reputation of the persons, without proving the fact, is illegal and oppressive, destructive to the liberty of *Englishmen*, a delay of justice, and a reproach of Parliaments.

" XI. Suffering saucy and indecent reproaches upon his Majesty's person to be publicly made in your house, particularly that impudent scandal of Parliaments, *J—n H—w*, without shewing such resentments as you ought to do, the said *J—n H—w* saying openly, *That his Majesty had made a seditious treaty to rob his neighbours* ; insinuating, *That the Partition-treaty* (which was every way as just as blowing up one man's house to save another's) was a combination of the King to rob the Crown of Spain of its due. This is making a *Billinggate* of the House, and setting up to bully your Sovereign, contrary to the intent and meaning of the freedom of speech, which you claim as a right, is scandalous to Parliaments, undutiful and unmannerly, and a reproach to the whole Nation.

" XII. Your *S—r* exacting the exorbitant rate of 10*l. per diem* for the *V—s*, and giving the Printer encouragement to raise it on the People, by selling them at 4*d. per sheet*, is an illegal and arbitrary exaction, dishonourable to the House, and burthensome to the People.

" XIII. Neglecting to pay the Nation's debts, compounding for interest, and postponing petitions, is illegal, dishonourable, and destructive of the public faith.

" XIV. Publick neglecting the great work of Reformation of Manners, though often pressed to it by the King, to the great dishonour of God, and encouragement of vice, is a neglect of your duty, and an abuse of the trust reposed in you by God, his Majesty, and the People.

" XV. Being scandalously vicious yourselves, both in your minds and religion, lewd in life, and erroneous in doctrine, having public Blasphemers, and impudent Deniers of our Saviour's Divinity among you, and suffering them unproved and unpunished, to the infinite regret of all good Christians, and the just abhorrence of the whole Nation."

(1) A fourth claim was : " That if the House of Commons, in breach of the laws and liberties of the People, do betray the trust reposed in them, and act negligently, or arbitrarily, and illegally, it is the undoubted right of the People of *England* to call them to an account for the same, and by convention, assembly, or force, may proceed against them, as Traytors and Betrayers of their Country." Then they demanded in the name of themselves and all the People of *England* :

" 1. That all the public just debts of the Nation be forthwith paid and discharged.

" 2. That all persons illegally imprisoned, as aforesaid, be either immediately discharged, or admitted to bail, as by law they ought to be ; and the liberty of the subject recognized and restored.

" 3. That *J—n H—w* aforesaid be obliged to ask his Majesty pardon for his vile reflections, or be immediately expelled the House.

" 4. That the growing power of *France* be taken into consideration, the succession of the Emperor to the Crown of *Spain* supported, our Protestant neighbours protected, as the true interest of *England* and the Protestant religion require.

" 5. That the *French* King be obliged to quit *Flanders*, or that his Majesty be addressed to declare war against him.

" 6. That suitable supplies be granted to his Majesty for the putting all those necessary things in execution, and that care be taken that such taxes as are raised be more equally assessed and collected, and scandalous deficiencies prevented.

" 7. That the thanks of the House may be given to those Gentlemen, who so gallantly appeared in the behalf of their country with the *Kentish* petition, and have been so scandalously used for it."

(1) The

1701. war, and to a more hearty concurrence with the King, appeared to be the general sense of the Nation, it had a great effect on the House of Commons, and drew from them the address before-mentioned *. Whereby they desired the King to enter into such alliances with the Emperor and other States, as were necessary for the support of us and our Allies, and to bring down the exorbitant power of France. It is true, this was opposed with great zeal by those, who were looked upon as the chief conductors of the Jacobite party; but many, who had in other things gone along with them, thought this was the only means left to recover their credit with the People; for the current ran so strong for a war, that those who struggled against it, were considered as little better than public enemies. The Commons also were from hence induced to settle good funds for a million and half. Indeed, one of these funds was very unacceptable to the King; it was observed, that the allotment for the civil list did far exceed the sum that was designed, which was only 600,000*l.* and that, as King James's Queen would not take her jointure, so, by the Duke of Gloucester's death, the charge on it was now less than when it was granted; so they took 3700*l.* a week out of the excise, and, upon an assignation made of that for some years, a great sum was raised: This was very ungrateful to the Court, and the new Ministers found it no easy thing to maintain, at the same time, their interest with the King and their Party.

An act explaining privilege.

There was also a very good act passed this Session concerning the Privilege of Parliament. Peers had, by law, a custom and privilege for themselves and their servants, during the Session, and at least twenty days before and after. Of late they had reckoned forty days before and after, in which neither they nor their servants could be sued in any Court, unless for treason, felony, or breach of the peace. The House of Commons had also possessed themselves of the same privilege, but with this difference,

that the Lords pretended theirs was a right, not subject to the order of the House of Lords; whereas the Commons held, that their privilege was subject to the authority of their House. Of late years Sessions were long, and continued by intermediate prorogations, so that the whole year round was a time of privilege. This made a great obstruction in the course of justice, and none who were so protected could be sued for debt. The abuse was carried farther by the protections which some Lords gave, or rather sold to persons who were no way concerned in their affairs; but, when they needed this shelter, they had a pretended office given them, that was a bar to all arrests. After many fruitless attempts to regulate these abuses, a bill was brought into the House of Commons, that took away all Privilege against legal prosecutions in intermediate prorogations, and did so regulate it during the sitting of Parliament, that an effectual remedy was provided for a grievance, that had been long and much complained of. These were the only popular things that were done by this Parliament, the rest of their proceedings shewed both the madness and fury of parties.

The misunderstanding between the two Houses was so great, that there was hardly any public bill passed without amendments and conferences. The last contest was about a bill sent up by the Commons, for appointing Commissioners to examine and state the public accounts. To this bill the Lords having made some amendments, the Commons refused to consent to them, insinuating in their reasons, that there had been immense sums of the public money imbezelled by those that had the management of it. "Many millions (say they) have been given to his Majesty by the Commons, for the service of the public, which remain yet unaccounted for (1)." To interrupt these disputes, the King, without taking any notice of them, thought proper to put an end to the Session of Parliament

1701.

The Parliament is prorogued.

(1) The proceedings of the House of Commons in this bill are vindicated by Dr. Drake, in his *History of the last Parliament began at Westminster the 10th day of February 1701*. But on the other side were published, *Some Remarks on that Bill, and on the Proceedings thereon in both Houses*, printed in 1701, and inserted in the third Volume of the *State Tracts during the Reign of King William*. The Writer of these Remarks first considers the six several Acts for constituting such Commissioners since the Revolution, and what had been done by them; and then shews, how it was managed to lay the loss of the last bill upon the House of Lords, and the reasons why the Lords might not be willing to agree to that bill; and signifies the several amendments which they made in it. He observes likewise, that the Lords might determine upon the characters of the Commissioners named by the Commons, as well as upon their business. "Suppose then," says he, that one was known to have no estate to subsist on, and therefore could not afford to serve for nothing: Another to be too fond of his practice, to sacrifice it all to the public without a prospect of advantage: Another to have too much value for his wit, to venture the dulling the edge of it upon hard and crabbed accounts. Suppose that some Lords knew the story of a certain Gentleman's getting, by great solicitation, a pretended security of 10,000*l.* from his friend, when there was not six pence due to him, nor he worth 100*l.* in the world, in order by that deceit to procure himself a wife.

"Suppose that other Lords might think it ominous to see a new bill of accounts with a certain Gentleman's name in it, and presently apprehend another assassinating year; and remember, who refused to act in the former Commission, after Charnock's conspiracy was discovered, and subscribing the association made necessary to qualify him for acting. Suppose it to be known, that none of these Commissioners were eminent for skill in accounts; might not these, or other better reasons, move the Lords to dislike the bill for the sake of the Commissioners?" The Author remarks likewise, that the Commissioners appointed in 1700 had stated the whole expence of the late war to amount to forty one millions; in which, says he, they sufficiently exposed one of the Commissioners named in that part of the bill, which was disagreed to by the Lords; Dr. Davenant, who had before in print pretended, that, upon a nice calculation, the expence amounted to upwards of sixty millions. A mistake of nineteen millions is no small one, if men are so charitable to call it a mistake. But, whether this was his ignorance, or his ill meaning, either of them was a good ground for the Lords not to agree to such a man's being intrusted as a Commissioner to take this account again. He afterwards takes notice, that all that part of the bill which related to the Commissioners for stating the debts of the army, navy, and transport-ships, which was indeed the whole act that passed the preceding year, was passed by the Lords without alteration; and therefore, if any public or private inconvenience should arise by the not continuing

1701. Parliament on the 24th of June, when he made the following speech to both Houses:

My Lords and Gentlemen,

*The King's
speech.
P. H. C.
III. 183.*

“THE Session being now come to a conclusion, I must return you my hearty thanks for the great zeal you have expressed for the public service, and your ready compliance with those things, which I recommended to you at the opening of this Parliament. And I must thank you, Gentlemen of the House of Commons, in particular, both for your dispatch of those necessary supplies, which you have granted for the public occasions, and for the encouragements you have given me to enter into Alliances for the preservation of the liberty of Europe, and the support of the Confederacy; in which, as it shall be my care, not to put the nation to any unnecessary expence; so I make no doubt, that whatsoever shall be done during your recess, for the advantage of the common cause in this matter, will have your approbation at our meeting again in the winter.

My Lords and Gentlemen,

“I shall conclude with recommending to you all the discharge of your duties in your respective counties, that the peace of the Kingdom may be secured by your vigilance and care in your several stations.”

Then the Lord-Keeper, by his Majesty's command, prorogued the Parliament to Thursday the 7th of August.

Thus ended the Session of Parliament, which had the worst aspect of any that had fate during this reign. The new Ministers pressed the King to turn out some of the Whigs who were in employments, the Lord *Haversham* in particular, who was in the Admiralty: But the King could not be prevailed with to do any thing; yet he kept himself so much on the reserve, that, when he went out of England, it was not certainly known, whether he intended to dissolve the Parliament or not. The state of the King's health very ill conspired with his uneasiness at the opposition to his measures at home, and his concern for the success of his negotiations abroad. He was thought to conceal his ill opinion of his own decaying constitution, even

from his most favoured confidants, to prevent its taking air, which would have been fatal in the forming the intended Confederacy, the Princes entirely depending on his wisdom, courage, and zeal for the common cause. To provide against accidents, he gave the command of the troops that were ordered to Holland (making in all ten thousand men) to the Earl of Marlborough, and appointed him to be Plenipotentiary to the States-General, as knowing him to be equally qualified for council and action. On the 28th of June, the King nominated, to be Justices in his absence, the Archbishop of Canterbury, Sir *Nathan Wright* Lord-Keeper, the Earl of *Pembroke*, first Commissioner of the Admiralty, the Duke of *Devonshire*, the Earl of *Jersey*, and the Lord *Godolphin*. Three days after, the Gentlemen who were imprisoned for delivering the *Kentish* Petition, being discharged of course at the end of the Session, were splendidly entertained at *Mercers-Hall*, at the charge of the Citizens, being accompanied by several of the Nobility and Gentlemen of the first rank. They were likewise very honourably received, upon their return into their own country.

This year died suddenly *Henry Howard* Duke of *Norfolk*, who had been educated a Papist, but leaving the Church of *Rome* about the time of the Popish Plot, continued to his death firm to the Church of *England*, and had been a zealous promoter of the Revolution. His place of Earl-Marshal was conferred on the Earl of *Carlisle*, during the minority of his nephew, the Lord *Thomas Howard*'s eldest son (who succeeded the Duke in his honour and estate) if at the age of eighteen he should conform to the Church of *England*.

On Tuesday the first of July, the King embarked at *Margate*, and on the Thursday following arrived in the *Meuse*, and went that night to the *Hague*. The next day he received the compliments of the Ambassadors and other foreign Ministers, and of the Courts of Justice, and Council of *Brabant*; and in the afternoon went to the Assembly of the States-General, to whom he addressed himself in this manner:

High and Mighty Lords,

“I Always come into this country with joy, but more especially in this dangerous conjuncture.”

“nuing of that law, the blame will in no sort fall upon the Lords, who passed it as it came to them, and returned the bill to the Commons with all possible expedition. It was sent up to the Lords on the 18th, and ordered to be returned to the House of Commons on the 23d of June.” He then represents the unparliamentary proceedings of the Commons upon the Lords amendments. “If, says he, the House of Commons remained unsatisfied with any of the Lords amendments, the known and only Parliamentary method to set such a matter right was by desiring a conference, at which they might offer their reasons to the Lords for disagreeing to their amendments, in order to convince them of the reasonableness of quitting them. To leave this method is to decline all Parliamentary correspondence; for the two Houses, after any difference in opinion, can never be brought to be of a mind (though both should be desirous to agree) unless by conferences. It cannot be denied, but the Commons had time enough to have delivered their reasons to the Lords,

“to incline them to wave their amendments, if they had been pleased to take that natural course. But, instead of desiring a conference, and offering their reasons there, a vote, without a precedent, was made, to print their reasons; which was offering them to the People, instead of offering them to the Lords. Well-meaning men may be puzzled to think what construction ought to be put on this proceeding. The reasons, when printed, might have an effect on people without doors, but could not possibly have any effect towards passing the bill; suppose them to be strong enough to satisfy every individual Lord, that he ought to wave the amendments; yet, for want of their being proposed at a conference, the Lords could not, by the methods of Parliament, desist from the amendments. If it should be said, that some men had less regard to the passing the bill, than to get a point of popularity at that time, it would not be easy to give a solid answer to such a reflection.”

1701.

*The Earl
of Marl-
borough
is made
General of
the army
June 1.*

*Death of
the Duke
of Nor-
folk.
April 2.*

*The King
arrives in
Holland.*

*His speech
to the
States.*

1701. " juncture of affairs, because I foresee my presence will be necessary for the service of the State. I was in hopes, and desired to have passed the rest of my days in repose and peace; and, after the end of my days, to have left this state in a quiet and flourishing condition. To which end I have always laboured, particularly after the conclusion of the last peace. But since there have happened such great alterations in the affairs of Europe, that we know not what will be the disposal of Divine Providence concerning them. Nevertheless I can assure your High Mightinesses, that, whether affairs may be accommodated without coming to further embroilments, or whether we must be obliged to take arms again, I persist in the same affection and the same zeal, which I ever had for the service and prosperity of these provinces; and will contribute, as far as lies in my power, whatever may tend to advance the welfare of this State, the maintenance of their Liberties and Religion, and their particular security, as well as that of Europe. I am overjoyed to find all things still in a quiet condition; which, next to the Blessing of the Almighty, must be ascribed to the speedy and unanimous resolution of your High Mightinesses, to put yourselves in a posture of defence. I am persuaded, that the respective Confederates will contribute strenuously towards it; which I look upon as the only means to prevent a war; or, in case of a rupture, to defend the State from the danger that threatens it. It is a great Satisfaction to me, that I can assure your High Mightinesses, not only of my affection, but of the whole English nation; and that they are ready to assist this State, and strongly to contribute towards their defence, and to whatever may tend to the common security: And this is what your High Mightinesses may be fully convinced of. I hope the great God will bless the means, which you have made use of, either by way of negotiation, or by force of arms, in case of a rupture, to attain the end proposed; that is to say, reasonable security for the common cause, and particularly the preservation of this State in their Liberties and Religion. There is nothing which I wish with more fervency; and I will contribute towards it whatever lies in my power. This is what I thought necessary to say at present; only that I desire the continuance of your High Mightinesses affection and amity."

Answer of the States. Lamb. To this the States-General returned an answer to this effect: " That they thanked his Majesty with all their hearts for the honour he had done them to come again into their Assembly; and at the same time testified their inexpressible joy to see his happy arrival. That they were sensible how much his Majesty's presence was necessary among them, in such a difficult conjuncture, to settle affairs in a good condition, and so to preserve them, with the assistance of God, out of the great confidence which they all had, from the highest to the lowest, in his Majesty's prudence and extraordinary abilities. That they were extremely obliged to his Majesty, and most heartily thanked him for his persevering in his kind inclinations for their repose and tranquility. That they were fully convinced,

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" that, since the last treaty of peace, his Majesty's care and application had tended to the preservation of the said peace and the publick tranquillity. That they were overjoyed, that their conduct, since the strange mutations in general affairs, had met with his Majesty's approbation. And in regard the State was in so much danger, that their Religion and Liberties lay at stake, they were resolved to use all possible means for the preservation of those inestimable pledges. That they could not omit to thank his Majesty for his assurances, not only in his own, but in the name of the English Nation, in favour of themselves and the common cause, well knowing, how much they might rely upon a People, whose courage and valour had gained so much reputation in the world. That they were always of opinion, that their interests were inseparable from those of England. In the mean time, they most ardently besought the Almighty to bless his Majesty and his Counsels, and to grant him long life, health, and strength, that he might be able to continue his cares for the publick good and the welfare of his own Kingdoms and their State; assuring him of their perseverance in that amity and high esteem, which they have always had, and ever shall be bound to have of his Majesty, so long as their State endures."

After this, the King went to view the frontier garisons, and, returning to the Hague, found, that Count D'Avaux had delivered a letter from the French King to the States, accompanied with a Memorial of his own, to notify his being recalled home. The letter was as follows:

" Most Dear Great Friends, Allies, and Confederates,

" We have thought fit to recall the Count D'Avaux, our Ambassador Extraordinary to you, seeing the little fruit those Conferences have produced, which you desired of us; and which you have since often interrupted. We are not the less inclined to the establishing of the peace, as he will further declare his intentions to you before his departure. Nothing remains for us but to assure you, that it still depends on you to receive marks of our antient friendship for your Republic, and of our desire to give you proofs thereof upon all occasions. So we pray God, that he may have you, most dear Great Friends, Allies, and Confederates in his holy keeping. Given at Versailles, the 18th of July 1701."

Your Good Friend, Ally, and Confederate.

LEWIS.

Colbert.

The memorial, which accompanied this letter, contained in substance, " That his Excellency was in hopes, that their Lordships would have had that confidence in his Master's affection and his desires of peace, that would have dissipated those vain fears, which the advancement of his Grandson to the Throne of Spain had infused into them, and that he should return to the King, his Master, with the satisfaction of having been employed in prevent-

1701.

With a memorial Lamb.

1701.

“ preventing the new troubles, that threatened
 “ *Europe*. Which hope was confirmed, when,
 “ by their acknowledging the lawful rights of
 “ the King of *Spain*, they wrote to congratulate him, and seemed thereby to disown the
 “ injustice of foreign pretensions, whatever
 “ they might persist in demanding for themselves; so that all things seemed to be in a
 “ fair way towards settling of peace, when the
 “ proposals made by your High Mightinesses
 “ and the King of *England*’s Envoy gave occasion to judge, that war rather than peace
 “ would be the fruit of that strict union, which
 “ the conformity of proposals denoted between
 “ that Prince and your High Mightinesses.
 “ They protested, that their excessive demands
 “ were the effects of a just fear, grounded on
 “ the King’s power. But if that fear, so lively
 “ expressed in their letter to the King of
 “ *Great Britain*, during the sitting of the Parliament, were real, and that they had no
 “ other end in representing them than to prevent them, the means of doing it were in
 “ their own hands; there was no need of making
 “ all those preparations for the greatest war.
 “ That their Lordships had desired the Conferences, and it depended upon them to render
 “ them useful. But their Lordships had again
 “ delayed the conclusion of them, by demanding the admission of the King of *England*’s
 “ Envoy into the Conferences. Which, if he
 “ opposed for some time, it was out of his sincere desire to remove all obstacles, which the
 “ enemies to peace are continually laying in the way. Nor did his Majesty believe their
 “ Lordships would so easily have insisted upon the pretended satisfaction to be given to the
 “ Emperor, confounding the interests of other
 “ Princes with their own, and set themselves up
 “ for Arbitrators between the Houses of *France*
 “ and *Austria*; that so wise a Republic should,
 “ in favour of the House of *Austria* against
 “ *France*, resolve to break these treaties, which
 “ they had looked upon as the confirmation and
 “ seal of their Sovereignty; that they should
 “ engage themselves, at the expence of their
 “ Provinces, their Countries, and their Wealth,
 “ to support foreign interests, when, a little before, they had acted quite the contrary, by
 “ acknowledging the King of *Spain*.
 “ That his Excellency should abuse his
 “ Master, should he write to him, that any success was to be expected from the Conferences.
 “ That his Master had too discerning a judgment, after the King of *Great Britain*’s Envoy had declared, that his Master would never depart from the interest of the Emperor;
 “ that he would not enter into any proposals of accommodation, unless satisfaction were given
 “ to that Prince; that the ties between their
 “ Lordships and the King of *Great Britain* were
 “ too strict, and had too well made known
 “ their blind submission to the sentiments of
 “ that Monarch; and no doubt that they had
 “ already taken a resolution to make the same
 “ declaration to the most Christian King’s Ambassador. Indeed they had done it already
 “ beforehand, by declaring, That the Commissioners should not continue the Conference, without the intervention of the *English*
 “ Envoy; so that, if he should exclude himself,
 “ the Conferences were suspended; and therefore it would be to no purpose for the most

“ Christian King’s Ambassador, sent only for
 “ the sake of those Conferences, to continue
 “ any longer at the *Hague*; where, if he has
 “ not the satisfaction to fulfil his Majesty’s intentions in establishing a durable peace between Him and the *United-Provinces*, yet it
 “ will be some consolation to him, that he had
 “ made known his Majesty’s desire to contribute whatever depends on him, to prevent a
 “ rupture of the publick peace. That he has
 “ taken arms in the defence of his Grandson
 “ only; and that, if it had been his design to
 “ make new conquests, he might have done it,
 “ when his forces, upon the frontiers of their
 “ Republic, afforded him the means to have
 “ made his advantage of their weakness. He
 “ concluded with wishing, that their Lordships,
 “ convinced by his Majesty’s conduct of the
 “ sincerity of his intentions, would, while it
 “ was yet time, take such resolutions, as might
 “ be conformable to their true interests.”

To this memorial the *States-General* returned an answer, which was to this effect:

Answer of the States.
 Aug. 1.
 Lamb.

“ That they were obliged to the most Christian King, for sending hither the Count
 “ *d’Avaux* as his Ambassador Extraordinary.
 “ They wished, that sufficient means might
 “ have been found in the Conference, to have
 “ obtained a general peace, and reasonable security for themselves, and that he had tarried
 “ till that had been done. They were troubled, that he should be recalled before those
 “ things were effected; and so much the more,
 “ that the cause of it should be imputed to
 “ their conduct. That, upon his most Christian Majesty’s signifying to them, that he accepted the will of the late King of *Spain* instead of the treaty of Partition, they gave
 “ him their reasons, why they could not come to a speedier resolution in that affair; and, as soon as their constitution would allow it, they
 “ offered to enter into a Conference with any
 “ that his Majesty should think fit to appoint.
 “ That they appointed Deputies accordingly to treat with the Count *d’Avaux*, and, in compliance with his Majesty, owned the new
 “ King of *Spain*, that they might remove all
 “ occasions of delays, and give a convincing
 “ proof of their desire to preserve the grand
 “ peace. They cannot apprehend, how they
 “ should obstruct the same by the intervention
 “ of the King of *Great Britain*, who was one
 “ of those concerned in the treaty of Partition;
 “ or by the intervention of any other Potentate, who has an interest in preserving the general peace. That they had not thereby
 “ owned the justice or injustice of the pretensions of a third party, nor separated their interests from any, who are concerned in the general peace. That, since his Majesty’s Ministers had represented to them, that the end
 “ of the treaty of Partition might be as well
 “ attained by the acceptance of the will, they desired the Count *d’Avaux* might make proposals for the general peace, and their particular security; and, he excusing himself, and
 “ desiring proposals from them, they had, in concert with his Majesty of *Great Britain*, delivered him proposals. They cannot comprehend, why the effect of that union betwixt them and the said King should be

“ rather

1701. " rather war than peace, since his Majesty of
 " *Great Britain* has, on all occasions, given suf-
 " ficient proofs of his inclinations to peace.
 " That they were strictly united with him by
 " Alliances, many years ago, for their mutual
 " security. That he was one of the chiefest
 " parties in the treaty of Partition; and that
 " they declared, before their proposals were
 " communicated, that they thought his consent
 " necessary, as well for those reasons, as for
 " his private relation to their Republic; and
 " no objection was then raised against it. They
 " were sorry to see the King of *France* had re-
 " turned no answer to their proposals; which,
 " though they had heard to be called *excessive*,
 " no body had undertaken to prove them such.
 " That the general peace could not be preserved
 " without satisfaction to the Emperor, whose
 " pretensions were so far owned by the King
 " of *France* himself in the treaty of Partition,
 " that it was agreed how the same should be sa-
 " tisfied. That therefore there was nothing in
 " this article of their proposal, that could be
 " called *excessive*; and what they had demanded
 " for their own security, was not equal to what
 " they had before the death of the late King of
 " *Spain*, or to what they had acquired by the
 " treaty of Partition. That their forces were
 " not grounded alone on their own private sen-
 " timents, but on the opinion of their Allies,
 " who had not scrupled to send them the assis-
 " tance they were obliged to by their Alliances.
 " That, had it been in their power to extricate
 " themselves out of their difficulties, without
 " arming, seeking new Alliances, and drown-
 " ing their country, they would certainly have
 " done it. That the difficulties raised about
 " admitting the *English* Envoy was not from
 " them, but from the Count *d'Avaux*, and not
 " chargeable upon them for the reasons before-
 " mentioned. That the King of *France* had
 " reason to think they would insist on satisfac-
 " tion to the Emperor, seeing that was the first
 " of their proposals, which the King of *France*
 " himself thought just and necessary. That
 " they had given no cause to think, that they
 " presumed to set up as Umpires betwixt *France*
 " and *Austria*, or to determine, which of the
 " two last Kings of *Spain* had a right to alter
 " the laws of the Succession to that Crown;
 " but desired his Majesty to remember, that he
 " himself, as well as the King of *Great Brit-
 " tain* and the *States*, thought a war would be
 " unavoidable, if, upon the death of the late
 " King of *Spain*, either He or the Emperor
 " should insist upon the pretensions of their fa-
 " milies to the Succession; and therefore they
 " entered into the treaty of Partition. That
 " their owning the King of *Spain* could not be
 " judged to be a step contrary to this, since it
 " did not hinder giving reasonable satisfaction
 " to the Emperor: And the King of *France*
 " ought to be convinced, that they would do
 " nothing to the detriment of their Provinces,
 " Commerce, or Riches, but what was abso-
 " lutely necessary to their preservation. They

" had done nothing, that could be construed a
 " breach of the treaties, which confirmed and
 " sealed their Sovereignty, and did not well ap-
 " prehend the meaning of that assertion: Their
 " Provinces were always free and sovereign:
 " Their Ancestors spent their lives and fortunes
 " to assert their freedom; and they resolved to
 " do the like. They were sorry to hear, that
 " the Count *d'Avaux* expected no success from
 " the Conferences, because of the *English* En-
 " voy's declaring, that satisfaction must be
 " given to the Emperor. They owned, that
 " the King of *Great Britain* and themselves
 " thought it reasonable to treat of satisfaction
 " to that Prince; and that the Emperor should,
 " in order thereunto, be invited into the nego-
 " tiation. That the *States* did not blindly fol-
 " low the King of *Great Britain*'s sentiments,
 " but had a great deference for his advice, be-
 " cause they were persuaded, that he was wholly
 " inclined to preserve peace, and convinced,
 " that he fought nothing but the welfare of
 " their Republic. That, if the Conferences
 " were suspended upon that account, they should
 " look upon it as a great misfortune: But, if
 " the King of *France* had thought fit to let
 " them continue, and to allow satisfaction to
 " the Emperor, they had hopes of a good
 " conclusion. That they had been obliged in-
 " deed to arm, but did not begin to do it, till
 " they saw their barriers in the *Spanish* *Neiber-*
 " *lands*, that cost them so much blood and trea-
 " sure, possessed by *French* troops, their own
 " forces detained, and great preparations of
 " war made there. That their jealousy was be-
 " sides considerably increased by the strict union,
 " that appeared every day between *France* and
 " *Spain*, though the treaty of Partition was
 " made for this, among other reasons, to pre-
 " vent jealousies from the union of too many
 " States. That they had endeavoured, by all
 " possible means, to preserve friendship; but,
 " if they must contrary to their own inclina-
 " tion, enter into a war, they have no cause to
 " blame themselves for it, and therefore hoped,
 " that God would protect them."

Thus all the pretensions of the *French*, to give
 the *States* a reasonable security, went off with
 the Count *d'Avaux*; who yet was willing to
 retire without any open breach, and therefore
 took his leave of the *States* in very obliging
 terms, accepted from them the present of a
 gold chain and medal, and left his Secretary be-
 hind, under colour of renewing the negotia-
 tions, when he had made a report of them to his
 Master. But the *States* understood the artful
 recels of the Ambassador, and therefore daily
 augmented their army with the troops arrived
 from *Ireland*, and with other auxiliary forces,
 and, were indefatigably at work on the fortifica-
 tions of their frontiers.

An Alliance was now formed between the
 Kings of *Great Britain*, and *Denmark*, and the
States-General (1). Great pains were likewise
 taken to mediate a peace between *Sweden* and
Poland.

(1) It was signed at *Copenhagen*, the 15th of *June*
 1701, and the chief articles were:

7. The King of *Great Britain* and the *States-Gen-
 eral* promise to pay to the King of *Denmark* three
 hundred thousand crowns a year, during the war.

8. The King of *Great Britain* promises to pay the
 arrears, due on the Convention in 1689, to the seven
 thousand *Danes*.

10. The King of *Denmark* shall send three thousand
 horse, one thousand dragoons, and eight thousand foot to
 the

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Poland. The Court of *France*, as well as that of *Vienna*, tried it; both sides hoping, that *Sweden*, if not *Poland*, might enter into their interests. The *French* reckoned, that *Denmark* and *Sweden* could never be on the same side; and therefore, when they found they could not gain *Denmark*, they tried a mediation, hoping to get *Sweden* into an Alliance with them; but all attempts for a mediation proved unsuccessful. The Diet of *Poland* was suspended, and their King, being delivered from them, resolved to carry on the war. The *Spaniards*, and the subjects of their other Dominions, began to feel the insolence of the *French* very sensibly; but nothing was more uneasy to them than the new

The Spaniards are disgusted. Barnet.

regulations which they were endeavouring to bring in, to lessen the expence of the Court of *Spain*. The *Grandeess* were little considered, and they saw great designs, for the better conduct of the revenues of the Crown, likely to take place every where, which were very unacceptable to them, who minded nothing so much as to keep up a vast magnificence, at the King's cost. They saw themselves much despised by their new Masters, as there was indeed great cause for it; so that they seemed well disposed to entertain a new Pretender (1).

The Emperor's army was now got into *Italy*. Prince Eugene marches into Italy. and Barnet.

the assistance of the King of *Great Britain* and the *States-General*, immediately after the treaty is signed; and they shall take oath to the King and the *States*, as the seven thousand did, to the King. The King and the *States* shall pay levy money, for an horseman eighty crowns, a dragoon sixty, and a foot-man thirty; one half as soon as the troops are marching, and the other, when they are arrived on the frontiers. Their pay shall be the same as that of the *States*, and be distributed by the *Danish* Commissaries, to commence from the day of their march.

11. If a regiment or company happen to be ruined, the King and the *States* are to recruit them, and to restore them to the same condition they were in before; and the recruit money is to be paid to the *Danish* officers at the end of the campaign.

12. If the King of *Denmark* should be in any wife attacked, the King of *England* and the *States-General* shall send his forces back with speed, giving them one month's pay; and the like sum, when they shall be sent home after the peace; and they shall send the King of *Denmark* the succours agreed on by the secret article of the treaty in 1690.

13. Succours may be demanded by any of the parties, if he is attacked by force of arms, without his having first used force against the assailant.

14. This Alliance shall continue ten years from the signing thereof, and the Alliances of 1690 and 1696 are renewed by this.

Abstract of some of the secret articles of the treaty.

1. If the succour, which *Denmark* is to send to the King of *England* and the *States*, should not be sufficient, that King promises to send four thousand men more, three months after demand.

2. If *Denmark* should be attacked, and the succour, mentioned in the secret articles of the treaty of 1690, should not be sufficient, the King of *Great Britain* and the *States* promise to assist him with all their forces, as *Denmark* will in the like case assist them.

5. The King of *Great Britain* and the *States* will endeavour, that the Duke of *Holstein* may conform himself to the treaty of *Travendale*, and maintain a good friendship with *Denmark*, while he sends so many troops out of his own dominions.

7. The King of *Great Britain* and the *States* are content, that the Emperor shall have two thousand out of the twelve thousand men, which *Denmark* will make good to them, in six months after the signing of this treaty.

10. In case of a war, his *Danish* Majesty shall not be obliged to enter into it, but be reputed to have made good his Alliance by sending the succours of sixteen thousand men, and so putting this treaty in execution.

The Earl of *Manchester*, in a letter from *Paris*, July 2d 1701, to Secretary *Vernon*, writes thus concerning this treaty.

"The *Danish* Envoy here owns the treaty, that we and the *States* have made with *Denmark*; tho' I find at the same time, that the disputes between the King of *Denmark* and the Duke of *Holstein* are as great as ever. I can assure you, that if this

"Court had come up to 150,000 livres more, *Denmark* would have signed a treaty with them; and it is to be feared, that this Court will still find some means to make that with us ineffectual, either by dealing underhand with *Denmark*, or else by engaging the King of *Sweden* not to make peace with *Poland*, which perhaps is not difficult; and I am told, that overtures of that nature have been already made. I can tell you, that a treaty was lately near agreed on by the Ministers with *Poland*; but it broke off upon the point of advancing a considerable sum of money, which here they deferred doing, in hopes that the treaty would not be necessary; and now it is believed, that the King of *Poland* will engage with the Emperor."

(1) Monsieur *Schenberg*, in a letter to the Earl of *Manchester* from *Madrid*, July 14th 1701, writes as follows:

"It is not to be conceived how great a horror the *Spaniards* entertain of a foreign Government, which threatens them very nearly, and holds them already, as one may say, by the neck. The murmurs and discontents are universal: every body grows impatient; the Court as well as the City, the Clergy, the Nobility, and the third Estate. In a word, all the *States* and Kingdoms of this Monarchy sigh after liberty. Yet no body dares to stir, fearing to be sooner overwhelmed than succoured. Among all the *Spaniards*, the Cardinal *Portocarrero* and his cabal are perhaps the only persons, that attach themselves desperately to the *French* party; and it looks as if those Gentlemen had made a vow to sacrifice *Spain* to it, and to engage all *Europe* in their fall."

The same Gentleman, in another letter to the Earl from *Madrid* on the 28th of July 1701, has this passage: "There is so general a want of money here, that they find it very difficult even to find any for the most common necessities. This makes them fear, that they shall not find enough for the expence of the King's journey towards *Aragon* and *Catalonia*. They have asked the Clergy for a free gift, and advance from the farmers and comptrollers of the Royal rents; but the one and the other cry out mercy. In a word, scarcity and misery reign universally; and the will of the late King *Charles* the Second of happy memory will cost *France* dear; for, unless they open their coffers to repair the horrible emptiness of the *Spanish* finances, this Court cannot support itself, and the least war will overwhelm it. The murmurs, which are caused by so universal a decay, go so far, that they have thought it necessary to inspire the *Spaniards* with fear, by putting some strangers in prison, who are said to have talked too freely. The Duke of *Arco*, one of the first *Grandeess* of *Castile*, has himself put into the King's hands a representation, by which he makes excuses, that he cannot equal himself to the Dukes and Peers of *France*. The young Courtiers dress themselves in the *French* fashion to please the King, who has shewn, that he desires it."

The habits for the archers or life-guards, as also

those

1701. and, when the reinforcements and artillery came up to him, he made a feint of passing the *Po* near *Ferrara*; and, having thus amused the *French*, he passed the *Adige* near *Carpi* (1), where a body of five thousand *French* lay, whom he routed, and obliged the *French* to retire to the *Mincio*. He followed them, and passed that river in their fight, without any opposition (2). The *French* army was commanded by the Duke of *Savoy*, with whom were Marshal *Catinat* and the Prince of *Vaudemont*, Governor of *Milan*. These differed in opinion; the Duke of *Savoy* was for fighting; *Catinat* and Prince *Vaudemont* against it. But Marshal *Villeroy* was sent thither with orders to fight (3). *Catinat*, who was the best General the *French* had left, looking on this as a disgrace, retired and languished for some time; yet he recovered. There were many small engagements of parties sent out on both sides, in which the *Germans* had always the advantage. Yet this did not discourage *Villeroy* from venturing to attack them in their camp at *Chiari*; but they were so well intrenched, and defended themselves with so much resolution, that the *French* were forced to draw off with great loss; about five thousand of them being killed, whereas the loss of the *Germans* was inconsiderable. Sickness likewise broke in upon the *French*, so that their army was much

diminished; and after this they were not in a condition to undertake any thing. Prince *Eugene* lay for some time in his camp at *Chiari*, sending out parties as far as the *Adda*, who, meeting often with parties of the *French*, had always the advantage, killing some, and taking many prisoners. For many months that Prince had no place of defence to retire to; his camp was all; so that a blow given him there must have ruined his whole army. Towards the end of the campaign he possessed himself of all the *Mantuan* territories, except *Mantua* and *Gaisi*. He blocked them both up; and, when the season obliged the *French* to go into quarters, he took all the places on the *Oglio*, and continued in motion the whole winter following. The *French* had no other enemy to contend with, and therefore poured in their whole force upon him. He was then but a young man, and had little assistance from those about him, and none at all, during the summer, from the *Princes* and *States of Italy*. For the *Pope* and *Venetians* pretended to maintain a neutrality, though, upon many occasions, the *Pope* shewed a great partiality to the *French*. The people indeed favoured the Prince, so that he had good and seasonable intelligence brought him of all the motions of the *French*; and in his whole conduct, he shewed both a depth of contrivance, and

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"those of all the livery-men, are come out of *France*; and that livery is the same with that of the House of *Bourbon*; so that the livery of the ancient Kings of *Bourbon* is banished."

(1) The Earl of *Manchester* in a letter to Mr. *Blatwuyt* from *Paris*, July 18, 1701, writes thus:

"We have an account here by an officer, who arrived out of *Italy* on the 16th, that there had passed a considerable action between the *Imperialists* and the *French* at *Carpi*, where Monsieur de *St. Fremont* was posted with four regiments of dragoons, a regiment of horse, a battalion or two of foot, and some pieces of cannon. Prince *Eugene* having amused the *French* by passing some troops over the *Po*, they little expected to have heard of him in this place; but he has acted, as they all agree, very much like a General. The canal *Blanco* was between them. He made a shew, as if he would pass; several of his men went into the canal, to try if it was fordable: There they continued firing at the *French*. Whilst this was doing, he made two bridges at a good distance from his troops above and below. When this was done, he withdrew his troops, as if all was over; but soon after he marched a considerable body of troops over both places with cannon, &c. and then fell on Monsieur de *Fremont*, and intirely defeated his troops, making himself master of the post of *Carpi*, the baggage, the cannon, &c. The Chevalier d'*Albret*, son of the Duke de *Chevreuse*, and Colonel of dragoons, as also Monsieur de *Charbon*, a person of distinction, are killed: Monsieur d'*Elrades* is dangerously wounded, twenty-five other officers are killed, and the rest fled for it. Prince *Eugene* was there in person, and received a slight wound. They say here, that he was posted at *Carpi* upon the *Adige*, when the express came away, with fifteen thousand men; and there is no doubt but his whole army has joined him; so that there is nothing between him and Monsieur de *Catinat*, who is posted at *St. Pietro* near *Legnago*, and they are seven miles distant from each other. Monsieur de *Catinat* has ordered all his troops to join him from *Rivoli*, &c. They are very uneasy at *Verfailles*, it being thought, that Prince *Eugene* will attack the *French* army, which has no way of avoiding a battle, but by retiring over the *Mincio*. It is not known what loss the *Germans* had."

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(2) The Earl of *Manchester* in a letter to Secretary *Vernon* from *Paris*, August 10, 1701, has this passage.

"I believe the account of Prince *Eugene's* march will very much surprisè you, as it does most people here. On *Monday* last arrived here a Courier from Prince *Vaudemont*. The letters are of the 3d. On the 28th past, six hundred *German* horse marched over the *Mincio* at *St. Lionne* between *Peschiere* and *Borghetto*, where the *French* were posted. Monsieur de *Catinat* would not believe, that they intended to pass there; but, Prince *Eugene* having made his bridge for the foot, and the river being fordable in many places, ten thousand horse passed, and the next day the whole army, and they continued their march to *Desenzano*. Upon this, M. de *Catinat* held a Council of war on horseback, to resolve, whether they should advance, and give battle; but they were soon informed, that Prince *Eugene* was no longer there, and that he was gone towards *Brescia*; and, having got two days march before them, the Prince of *Vaudemont* and Count *Tesse*, with most of the horse and dragoons, made all the haste they could, and were come to *Pizzighitone* in the *Cremonese* upon the *Adda*. The Duke of *Savoy* and M. de *Catinat*, with the rest of the army, had passed *Caneto* upon the *Oglio*, and were expected that night at *Cremona*. It was thought, that their intention was to get, if possible, to the *Adda*, to cover the *Milanese*; Prince *Eugene* was passed the *Oglio*, and it is believed he would soon be at *Canonica* upon the *Adda*. The Duke of *Savoy* was, as soon as he came to the army, of opinion to pass the *Mincio*, and give battle, but that was not agreed to."

(3) He arrived in the *French* army in *Italy* on the 22d of *August*; and, as the Earl of *Manchester* observes in a letter to Mr. *Blatwuyt*, on the 26th of that month, held a Council of war, "and there declared, that he had orders to march directly to the enemy, and give them battle. He made bridges over the *Oglio* near *Urago*, and on the 28th at night the whole army was in march, consisting of ninety-two squadrons and sixty-nine battalions; the rest of the troops having been ordered to *Cano*, *Cremona*, &c."

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and an exactness in execution, with all the courage, but without any of the rashness of youth.

His attempt in *January* following upon *Cremona* had almost proved a decisive one. *Marshall Villeroi* lay there with fix or seven thousand men, and commanded a bridge on the *Po*. Prince *Eugene* had passed that river with a part of his army : The Princess of *Mirandola* drove out the *French*, and recovered a garison from them. The Duke of *Modena* put his country into his hands, and gave him *Berfello*, the strongest place of his Dominions. The Duke of *Parma* pretended, that he was the Pope's vassal, and so put himself under the protection of his Holiness. Prince *Eugene* would not provoke the Pope too much, and therefore only marched through the *Parmesan*. Here he laid the design of surprizing *Cremona* with so much secrecy, that the *French* had not the least suspicion of it. The Prince put himself at the head of a body, that he brought from the *Oglio*, and ordered another to come from the *Parmesan* at the same time to force the bridge. He marched with all secrecy to *Cremona* ; and, at the same time, thro' the ruins of an old aqueduct, he sent in some men, who got through, and forced one of the gates ; so that he was within the town before *Marshall Villeroi* had an apprehension of an enemy being near him. He wakened on a sudden with the noise, got out into the street, and there he was taken prisoner. But the other body did not come up exactly at the time appointed ; by which means an *Irish* regiment secured the bridge ; and thus the design, that was so well contrived, and so happily executed in one part, failed. Prince *Eugene* had but four thousand men with him, so that, since the other body could not join him, he was forced to march back ; which he did without any considerable loss, carrying *Marshall Villeroi* and some other prisoners with him. In this attempt, though he had not an intire success, yet he gained all the glory, to which the ambition of a military man could aspire, so that he was looked upon as the greatest and happiest General of the Age. He went on enlarging his quarters, securing all his posts, and straitening the blockade of *Mantua*, and was in perpetual motion during the whole winter. The *French* were struck with this ill success. More troops were sent into *Italy*, and the Duke of *Vendome* went to command the armies there.

King Philip at
Barcelona.

The Duke of Savoy was pressed to send his forces thither ; but he grew cold and backward. He had now gained all that he could promise himself from France. His second daughter was married to King Philip, and was sent to him to Barcelona, where he met her. That King fell into an ill habit of body, and had some returns of a feverish distemper. He had also great disputes with the States of Catalonia, who, before they would grant him the tax, that was asked of them, proposed, that all their privileges should be confirmed to them. This took up some time, and occasioned many disputes. All was settled at last ; but their grant was short of what was expected, and did not defray the charges of the King's stay in the place. A great disposition to revolt appeared in the Kingdom of Naples, and it broke out into some feeble attempts, that were soon muffled, and the leaders of them taken and executed, who justified themselves by this apology, that, till the Pope granted the investiture, they could not be bound

to obey the new King. The Duke of *Modena* was a fervent Governor, both on his Master's account and on his own: Some of the *Austrian* party made their escape to *Rome* and *Verona*. They represented to the Emperor, that the disposition of the Country was such in his favour, that a small force of ten thousand men would certainly put that Kingdom wholly into his hands. Orders were therefore sent to Prince *Eugene* to send a detachment into the Kingdom of *Naples*; but, though he believed a small force would soon reduce that Kingdom, yet he judged that such a diminution of his own strength, when the *French* were sending so many troops into the *Milanese*, would so expose him, that it would not be possible to maintain a defensive war with such unequal force. Yet repeated orders came to him to the same effect; but in opposition to those he made such representations, that at last it was left to himself to do what he found safest and most for the Emperor's service. Upon this the matter was laid aside, and it soon appeared, that he had judged better than the Court of *Vienna*; but this was, by his enemies, imputed to humour and obsequy, so that, for some time after that, he was neither considered nor supported, as his great services had deserved. This might arise from envy and malice, which are the ordinary growth of all Courts, especially of feeble ones; or it might be the practice of the *French*, who had corrupted most Courts, and that of *Vienna* in particular, since nothing could more advance their ends, than to alienate the Emperor from Prince *Eugene*; which might so far disgust him, as to make him more remiss in his service.

The Confederate fleet of *England and Holland*, *The fleet*
commanded by Sir *George Rooke*, gave terror *lies idle*.
this summer to most of their neighbours, though
they continued merely on the defensive; while
the *French* had many squadrons in the *Spanish*
ports (the use of which were refused to our fleet)
and in the *West-Indies*.

In the North, the war went on still. The King of Sweden passed the Duna, and fell upon an army of the Saxons, that lay on the other side over against Riga, and routed them so entirely, that he became master of their camp and artillery. From thence he marched into Courland, where no resistance was made. Mitau, the chief town, submitted to him. The King of Poland drew his army into Liubuania, which was much divided between the Sopbia's and Oginski's; so that all those parts were falling into great confusion. The Court of Vienna pretended, that they had made a great discovery of a conspiracy in Hungary. It is certain, the Germans acted the Master very severely in that Kingdom, so that all places were full of complaints; and the Emperor was so besieged by the authors of those oppressions, and the proceedings were so summary upon very slight grounds, that it was not to be wondered, if the Hungarians were disposed to shake off the yoke, when a proper opportunity should offer itself; and it is not to be doubted, but the French had Agents among them by the way of Poland, as well as of Turkey, so the Emperor might have work enough at home.

This was the State of affairs of *Europe* this *Several* summer. Several negotiations were secretly car- *negotia-*
ried on. The Elector of *Cologne* was intirely *ions*.
gained to the *French* interest, but resolved not

1701. to declare himself, till his brother thought fit likewise to do it. All the progress, that the French made with the two brothers this summer was, that they declared for a neutrality, and against a war with France. The Dukes of Wolfenbüttele and Saxe-Gotha were also engaged in the same design. They made great levies of troops beyond what they themselves could pay, for which it was visible, that they were supplied from France. By this means there was a formidable appearance of great distractions in the Empire. An Alliance was also projected by France with the King of Portugal. His Ministers were in the French interest, but he himself inclined to the Austrian family. He for some time affected retirement, and avoiding the giving audience to foreign Ministers. But, as he saw no good prospect from England, and being pressed to an Alliance with France, his Ministers obtained leave from him to propose one, on terms of such advantage to him, that it was not expected they would be granted, and so it was hoped this would run into a long negotiation. But the French were as liberal in making large promises, as they were perfidious in not performing them; for the French King agreed to all that was proposed, and signed a treaty pursuant to it, and published it to the world (1). Yet the King of Portugal denied, that he had consented to any such project; and he was prevailed upon with such difficulty to sign the treaty, that, when it was brought to him, he

threw it down, and kicked it about the room. At last however he consented; but it was generally thought, that, when he should see a good fleet come from the Allies, he would oblige this treaty with the French, as they have done their treaties with all the rest of the world.

During the course of these things, King William applied himself to the perfecting the Alliances, which he was negotiating abroad, and particularly that between the Emperor, England, and Holland, which was concluded at the Hague on the 7th of September (2). This treaty was framed in the nature of proposals, upon which France might come in; and accordingly the same were communicated to the Spanish Ambassador; otherwise it was agreed to have satisfaction given to the House of Austria, in relation to the Spanish Succession, to recover Flanders out of the hands of the French; and that the English and Dutch should keep whatever they should conquer in the West-Indies. This last article, so advantageous to England, was owing to the advice, which the Lord Sommers had formerly given to the King, when the Partition-treaty was in agitation.

But to return to the affairs at home. In Ireland, the Trustees for the Irish forfeitures went on to hear the claims of the Irish, and in many cases they gave judgment in their favour. But now it began to appear, that, whereas it had been given out, that the sale of the confiscated estates would amount to a million and a half, it

(1) The Earl of Manchester in a letter to Secretary Vernon from Paris, of the 13th of July 1701, writes thus:

"I have just now received a letter of the 21st past, from Mr. Methuen. The treaty betwixt France and Portugal was signed the 18th, and the next day he had an audience of the King, and a conference with the Secretary of State; but he could not get them to own, whether it was so or no. All they declared was, that they had done nothing to prejudice the treaty between England and that Crown. I was in hopes to get a sight of this treaty, but there is no copy come; only the original, for this King. There is some mystery still in that matter; but, since it is printed in the French Gazette as a league offensive and defensive, Portugal should be made to explain that matter." And Mr. Methuen, in a letter to the Earl of Manchester from Lisbon of the 27th of September 1701, has the following passage: "The 19th instant arrived here in Cascaes road his Majesty's ship the *Lynn*, dispatched to me by Sir George Rooke, with instructions from his Majesty; upon the receipt of which, I presently demanded an audience of the King of Portugal, and it was appointed me the next morning at ten of the clock. I was almost two hours with the King, during which time having said every thing to him, that I thought likely to make him sensible of his past errors and true interest, I concluded with acquainting him, that, it being absolutely necessary for the King my Master to be fully informed concerning the contents of the late treaties he had made with France and Spain, I desired, that a true copy of them should be communicated to me, together with a declaration of his final resolution, how he intended to act, in case a war should break out between England and France; adding, that I expected an immediate and positive answer, being resolved not to detain the King's ship above four and twenty hours. The arrival of the frigate, her remaining at the Cascaes, my demands, and the little time I gave them, put this King and his Ministers into a great consternation;

"for they supposed, that our fleet lay some where near the coast, expecting the return of the frigate with my answer; and this consternation made them very uneasy, which made me hope, that they would at last take some vigorous resolution in our favour. But my hopes were soon defeated by the news I received by an express from Cascaes the same night, that Monsieur Chateauneault appeared off with his squadron, which proved too true; for he came into this river the next day; and, the Portuguese having plucked up their spirits, the Secretary of State sent me an answer in writing, That the King of Portugal lay under no other obligations by his treaties with France and Spain, than those, which he had communicated to me already, as also to Mr. Secretary Vernon by his Envoy in England; and that the King had no reason to change any thing, that had been stipulated with the most Christian King, who had always been his good Friend and Ally. Monsieur Chateauneault's squadron consists of fourteen men of war, five fire-ships, and one hospital, which are now come up the river, and lie all before the City. Three of the ships are of three decks, and from ninety to a hundred guns; most of the others carry from fifty to sixty. This last step being made to crown the rest of their follies, I cannot think any thing can bring these people to their senses again but a miracle, or popular tumult; the last of which is much more likely to happen than the first; for every body seems dissatisfied at the present situation of affairs, excepting two or three of the Ministers."

(2) It contained the following articles:

1. There shall be a perpetual and inviolable friendship between the Emperor, the King of Great-Britain, and the States-General.

2. The Allies think nothing more effectual for establishing the general peace, than the procuring satisfaction to the Emperor in the Spanish Succession, and sufficient security for the dominions and commerce of the Allies.

3. The Allies shall employ two months time from

1701. it was not like to rise to the third part of that sum. In the mean while, the Trustees lived in great state there, and were masters of all the affairs of that Kingdom. But no propositions were yet made for the purchasing of those estates.

During the King's absence, the Nation was in a great ferment, which was increased by many books, that were written to expose the late management in the House of Commons and the new Ministry, the Earl of *Rochester* in particular, who was thought the promoter of all violent motions; and several tracts were published, to shew the dangers to be apprehended from the growth of the power of *France*, and the fatal consequences of a treaty with that Kingdom (1). The few books, that appeared in defence of the conduct of the new Ministers, were such wretched performances, that some were tempted to think, that they were written by men, who perorated the being on their side, on design to expose them.

The Earl of *Rochester* delayed his going to *Ireland* very long. He perceived, that the King's heart was not with him, and was very uneasy at it; as, on the other hand, the King complained much of his intractable temper and imperious manner, and, by his intercourse with him, the King came to see, that he was not the man he had taken him for; that he had no large nor clear notions of affairs abroad; and that, instead of moderating the violence of his party, he inflamed them; so that he often said, that the year, in which he directed his counsels, was one of the un happiest of his whole life. The Earl, finding the King's coldness towards him,

expostulated with him upon it, and said, he could serve him no longer, since he saw he did not trust him. The King heard this with his usual sile, and concluded upon it, that he should see him no more. But Mr. *Harley* made the Earl a little more submissive and compliant. After the King was gone beyond sea, the Earl also went into *Ireland*, where he used much art in obliging people of all sorts, Dissenters as well as Papists; yet such confidence was put in him by the High-Church party, that they bore every thing at his hands. It was not easy to behave himself towards the Trustees for the *Irish* forfeitures, so as not to give a general distaste to the Nation, for they were much hated, and openly charged with partiality, injustice, and corruption. That, which gave the greatest disgust in his Administration there, was his usage of the reduced officers, who were upon half-pay, a fund being settled for that by act of Parliament. They had been ordered to live in *Ireland*, and to be ready for service there. The Earl called them before him, and required them to express, under their hands, their readiness to go and serve in the *West-Indies*. But, they not complying with this, he set them a day for their final answer, and threatened, that they should have no more appointments, if they stood out beyond that time. This was represented to the King as a great hardship put upon them, and as done on design to leave *Ireland* destitute of the service, that might be done by so many gallant officers, who were all known to be well affected to the present Government; upon which the King ordered a stop to be put to it.

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the day of exchanging the ratifications, to obtain, by amicable means, the said satisfaction and security.

4. But, if that cannot be obtained within the time limited, they engage to assist one the other with all their forces, according to the specification to be agreed on in a particular Convention.

5. The Confederates shall, among other things, endeavour to recover the *Spanish Netherlands*, to be a barrier between *Holland* and *France*, as likewise the *Duchy of Milan*, &c. for the Emperor's security; and also the Kingdoms of *Naples* and *Sicily*, and the lands and islands upon the coast of *Tuscany*, belonging to the *Spanish* dominions.

6. The King of *Great-Britain* and the *States* may seize what lands and cities they can, belonging to the *Spaniards* in the *Indies*, and keep them.

7. In a war, the Confederates shall faithfully communicate their designs to one another.

8. No party shall treat of peace, truce, &c. but, jointly with the rest, they shall prevent the union of *France* and *Spain* under the same Government, or the *French* possessing the *Spanish Indies*. The subjects of the King of *Great-Britain* and the *States* shall enjoy all the privileges of trade, which they had before the death of the late King of *Spain*.

9. At the making of peace, the Confederates shall provide for the maintaining the trade of the *English* and the *Dutch* to the dominions taken from the *Spaniards*; and likewise secure the *States* by a barrier.

10. They shall at the same time agree about the exercise of Religion in the places acquired.

11. They shall assist one the other with all their forces, if the *French* King, or any one else, should invade any one on account of this Alliance.

12. After a peace, there shall remain a defensive Alliance between these Allies, for the maintaining of the said peace.

13. All Kings, Princes, and States, that please, may enter into this Alliance, but the Empire shall be

particularly invited, and the Confederates may jointly or separately invite whom they please.

14. This treaty shall be ratified by all the Confederates within six weeks or sooner.

(1) One of these tracts was intitled, *The dangers of Europe from the growing Power of France: With some free thoughts on the remedies, and particularly on the cure of our divisions at home, in order to a successful war abroad against the French King and his Allies*. But the most considerable treatise upon this subject is thought to come from the hand of the Lord *Sommers* himself, and was called *Anguis in Herba*: Or, *The fatal consequences of a treaty with France: Wherein it is proved, that the principles, whereby the French King governs himself, will not allow him to observe any treaty longer than it is for his interest to break it. That he has always aimed at the union of the Crowns of France and Spain since the Pyrenean treaty. That, notwithstanding his pretences to the contrary, such is his design at this day. And that nothing can prevent it, but to reduce his power to such a degree, as may perfectly break his measures*. This, as well as the piece abovementioned concerning the dangers of Europe, is inserted in the third Volume of the *State-tracts* during the reign of King *William III*, and was reprinted at *London* in 1711 in 8vo. The Author begins with observing, that there are three things absolutely necessary to be done by those, who aim at universal Empire: 1. They must conceal their true design, lest all their neighbours should unite to destroy them, as common enemies and plagues to mankind: 2. They must divide their neighbours as much as possible in their counsels at home, and in their foreign interests in relation to one another: And, 3. That they never make a peace but of necessity, nor observe it longer, than till it become more profitable for them to break it than to keep it. These being both in fact and reason the plain, necessary, and undeniable consequences of aiming at universal Empire, it is easy to be observed, 1. That whoever makes that his aim, cannot *bona fide* be of any

1701. We are now come to the last period of the life of King James II. He had led, for above ten years, a very unactive life in France. After he had, in so poor a manner, abandoned first England, and then Ireland; he had entered into two designs for recovering the Crowns, which he may be said more truly to have thrown away than lost. The one was broke by the defeat of the French fleet at sea before Cherbourg, in the year 1692: The other seemed to

be laid with more depth, as well as with more infamy, when an army was brought to Dunkirk, and the design of the assassination was thought sure; upon which it was reasonably hoped, that the Nation must have fallen into such confusions, that it would have been an easy prey to an army ready to invade it. The reproach, that so black a contrivance cast upon him, brought him under so much contempt, that even the absolute authority of the French Court could hardly prevail

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religion, whether natural or revealed; and of consequence such a Prince is not to be bound by arguments or obligations deduced from any religion. 2. That all those most grossly deceive themselves, who treat with such a Prince, out of a prospect, that he will religiously and *bonâ fide* observe the treaty; for that would stand in his way between him and his great design of Empire. The necessary consequence from these truths is, that, whenever Providence shall so far second the prudence of the measures of those States and Powers, that are neighbours to such a Prince, as that an Alliance can be formed of strength sufficient to be able to reduce such an Aspirer to terms of moderation and equality, they are indispensably obliged to make use of that force to reduce him to those terms of moderation and equality, and never treat with him upon any other foot: For otherwise the Princes and Governors of those States and Powers, with all those, who give them contrary advice, become answerable before God and Man for that misery and ruin, that shall afterwards fall upon such States, either through ignorance or treason of their Governors or Councils. He then remarks, that it is evident the French King had all along aimed at the Empire of this part of the world, from his invasions of France and *Franche Compté* in 1667 and 1668, and of Holland, Flanders, *Franche Compté*, and Germany, from the year 1672 to the treaty of Nimeguen; his treatment of the Empire and Spain, after the peace of Nimeguen had disarmed them, and rendered them incapable of opposing him, by those great advantages it gave him over them; and his placing his Grandson upon the Throne of Spain, by which last step France raised itself to the highest pitch of grandeur, and threatened the destruction of the remaining Liberties of Europe and the Protestant Religion. He afterwards remarks, that union at home was the best means to prevent the designs of the French King: That no accommodation can be made with him, but what must be destructive to Europe: That the leaving Milan and Flanders in his hands would infallibly secure to him the universal Empire of Europe: That the Duke of Anjou holding Spain would be under the French power, it being his interest to give all advantages to France, and particularly in point of trade, while England and Holland would not be able to resent it: That the Spanish trade would greatly increase the French shipping: That France, by possessing of Gibraltar, would command the trade of the *Streights*; and that the seizing of *Guipuscoa* would secure the Kingdoms of Naples and Sicily. He next shews, that the possession of the Duke of Anjou is the possession of France, and that the French King always aimed at the union of the two Crowns of France and Spain, not thinking himself in the least obliged by the renunciation made by his Queen at the *Pyrenean* treaty, and never desisting to observe it, even at the time when he was solemnly swearing the contrary at the altar. That however his measures for uniting those Crowns were broke by the Revolution, and he was obliged by the treaty of *Reswick* to restore all that he had taken in Catalonia and Flanders during the war, together with Luxembourg, the county of *Chiny*, Courtray, which he had taken since the peace of Nimeguen, and almost all his re-unions; and was driven out of Italy, having lost *Casal* during the war, and upon the peace of *Savoy* forced to restore his conquests, together with *Pignerol*, which had been in the hands of France since the year 1631. He explains the designs of the treaty of Partition, in which King Wil-

liam and the States-General had been deceived by the infidelity of the French King, who after all rejected that treaty. He remarks, that the Duke of Anjou must enjoy both Crowns, if the Duke of Burgundy should die childless, though contrary to the King of Spain's will. That England and Holland ought to declare to the world, that they begin the war upon the foot of turning the Duke of Anjou out of the whole Spanish succession, since nothing could so intirely reconcile the Spaniards to the interest of the House of Austria and the designs of her Allies, as such a declaration, or would so effectually destroy the credit, that France might still have preserved in Spain; for, though the House of Austria governed Spain for near two centuries, yet they lost their interest there, when it was once known, that the Spanish sceptre could not be continued longer in that family, without dismembering her Empire; while France, her immortal enemy, offered to preserve her Monarchy intire, provided she would receive the Duke of Anjou for her King. "This single motive outweighed all other considerations; she forgot her inbred antipathy to the French Nation, and her friendship and obligations to the family of her former Kings. She accepted his most Christian Majesty's offer, tho' she could not but foresee, that a French King would necessarily make her Crown dependent on that of France. But the scene of affairs is much altered since that time. The exhausted state of France, the great confederacy formed against her, and the success of the Emperor's arms in Italy, sufficiently declare to all the world, and to Spain itself, that France cannot preserve her Monarchy intire. The Confederates can do it, if they are willing. France has taught us how the affections of that People are to be gained. Let us turn her own arts against her; nor can we fail to reap the greatest advantages from such a resolution, whenever England and Holland shall think it a proper time to land an army in Spain upon this foot. Besides, Spain will hereby recover her former independence. But, if we begin a war upon the foot of dividing her Monarchy, we make an inseparable union of interests between Spain and the Duke of Anjou; and, in this case, we must expect to meet with the last efforts of an incensed and desperate nation." He then shews, that all expedients to secure the trade of England and Holland are ridiculous, except that one of turning the Duke of Anjou out of Spain. When this shall be effected, the rest of the Monarchy, except Flanders and Milan, that are garrisoned by French troops, must follow the fortune of their Head. If we turn the Duke of Anjou out of Spain, the House of Austria will be able to make us a good compensation for the charges of the war; but, without that, we must expect no return for our expences. We know they cannot repay us in money; they can give us little or no advantage in our trade. And, for cautionary towns, I know none they could give us, that would be worth our acceptance, except Ostend and Newport. But, instead of repaying us any part of our expence, these garrisons would be a perpetual charge to us, besides the jealousy, that troops maintained there might create in the People of England. Moreover, the sale of Tangier and Dunkirk ought to make us sensible, that those garrisons will be more secure, if we put the House of Austria in a condition to protect them, by making the Archduke King of Spain, than if we kept them in our hands. He asserts then, that "it

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so far, as to have common respect paid him after that (1). He himself seemed to be the least concerned in all his misfortunes; and, tho' his Queen could never give over meddling, yet he was the most easy, when he was least troubled with those airy schemes, upon which she was employing her thoughts. He went sometimes to the Monastery of *La Trappe*, where the poor Monks were much edified with his humble and pious deportment (2). Hunting was his chief diversion; and for the most part he led a harm-

less, innocent life, being still zealous about his Religion (3). In the beginning of this year, he had been so near death, that it was generally thought the decline of it would carry him off. He went to *Bourbon* in *April*, where he continued till the latter end of *May*, but had no benefit of the waters there. In the beginning of *September* he fell into such fits, that it was concluded he could not live many days. The *French King* came to see him, and seemed to be much touched with the sight, and repeated to him, what he had be-

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"is either a malicious or an ignorant surmise to say, that, if the Archduke were King of Spain, the House of Austria would become too powerful. The dominions of both branches of the House of Austria were united in the person of Charles V, who was great both for his wisdom, courage, and military conduct. The Kingdom of Spain was then at least four times more powerful than at this day. He was absolutely master of the seas. The Duchy of Burgundy, with the seventeen Provinces, were intire in him. Yet, notwithstanding all those advantages, he was but barely a match for France. If his son Philip II. put France very hard to it, we must not attribute that to the power of Spain, but to the civil wars of France; but, as soon as Henry IV. had appeased the civil wars, and settled the distracted condition of the Kingdom, the superiority of France quickly appeared; and all the world allows, that both the branches of the House of Austria could not have prevented some fatal blow, that he was preparing to strike, had not a sudden and violent death stopped his designs. Since that time France has taken from them a great part of Flanders, the Duchy of Burgundy, the Country of Roussillon, and some other places on the frontiers of Spain, and has made considerable conquests on the side of Germany. Spain is greatly discompleed, and her maritime power intirely lost. And, ever since the time Gustavus Adolphus broke the power of the German branch of the House of Austria, we find that both branches united have made no tolerable balance against France; the experience of which has cost us and all Europe very dear, during the continuance of the two last wars. Surely then it would be very extravagant, if, in order to make a balance in Europe, we shall take away from the weight of the House of Austria, which before was very much too light, and add to the weight of France, that was already exorbitantly great. And this must be the case, unless we turn the Duke of Anjou out of the whole."

(1) His friends had generally represented him as incapable of consenting to so shocking an attempt, as that of assassinating King William. But it is evident, from an original letter of his, in the Archbishop's library at Lambeth, printed in the first volume of Secretary Thurloe's *State Papers*, p. 666, that he was not averse to the employing of Roman Catholics in such a design against Oliver Cromwell, even though they demanded, as a reward for it, a Toleration of their Religion in England. The letter is as follows:

Paris, May, 14, 1655.

"There is a proposition has been made to me, which is too long to put in a letter, so that I will, as short as I can, let you know the heads of them. There are four Roman Catholics, that have bound themselves in a solemn oath to kill Cromwell, and then to raise all the Catholics in the City and the Army, which they pretend to be a number so considerable, as may give a rise for your recovery, they being all warned to be ready for something, that is to be done, without knowing what it is. They demand ten thousand lives in hand; and when the business is ended, some recompense for themselves, according to their several qualities, and the same liberty for Catholics in England, as the Protestants

"have in France. I thought not fit to reject this proposition, but to acquaint you with it, because the first part of the design seems to me to be better lay'd and resolv'd on, than any I have known of that kind; and for the defects of the second, it may be supply'd by some designs you may have to join it. If you approve of it, one of the four, intrusted by the rest, will repair to you, his charges being borne, and give you a full account of the whole matter. In the mean tyme, he desires, in his owne name and theirs, that you would let but one or two, whom you must trust, know it, and enjoyn them secrecy. This is all I can say of it at this tyme."

(2) Father Bretonneau, the Jesuit, in his *Abridgement of the Life of King James II.* extracted from an English Manuscript of the Reverend Father Francis Sanders, of the Society of Jesus, and Confessor to that King, tells us that the King never missed going to *La Trappe* once a year. He would stay there three or four days, and spend them in long meditations and spiritual conferences with the Abbot and his Confessor, whom he took with him. He assisted at the Choir-hours, except at night: He eat nothing but eggs, raisins, and other pulse, unless he was indisposed. But he was never so infirm, but he would dine once with the Religious in the Refectory, where no meat nor flesh is ever served up. The King wrote likewise this account of his retirement there:

"Forasmuch as it has pleased the Divine goodness, graciously to touch my heart, when I was at *La Trappe*, more sensibly than ever; I have since, by the aid of the same Grace, done my utmost to reform and amend my life. At first, I went thither, partly out of curiosity, to see, if the description, which had been made me of this holy place, and the accounts I had read of it in England, were answerable to the idea I had formed of it; and partly to know, if the Abbot, who first began this reform, merited the praises and commendations, that were given him. I was brought thither by an old friend of mine, the Marshal de Bellefont, for which I thanked him as long as he lived. I found, that I succeeded by degrees in the desire, which I had of leading a better life. After I had been there about two or three days (which, I thank God, I continued to do every year, since my return from Ireland) I perceived I had made a considerable improvement; for I began to have a more perfect knowledge of the vanity of human grandeur. I was very well convinced, that nothing ought to be more passionately desired than the love of God; and that it is the duty of every good Christian to mortify himself, especially such a wretch as I am, who have lived so many years in an almost continued state of sin, till at last it has pleased thee, O my God, out of thine infinite mercy, to call me back to thyself by thy fatherly corrections."

(3) Father Bretonneau tells us, "That the King's Confessor, after he had the honour to serve him, and be near his person nine years, thought he might safely affirm, that, in the most reformed state of Christianity, and the most virtuous and pious souls, it is very rare to find more unspotted intentions, a more exact watchfulness, and a greater delicacy and tenderness of conscience with respect to the least faults and the smallest imperfections." The same Writer likewise observes, "That his self-abbhorrence

and

1701. fore promised to his Queen, that he would, in case of his death, own the pretended Prince of Wales as King of England. King James died on Friday the 16th of September, N. S. with great marks of devotion, and was interred in the Church of the *English Benedictines*, in the Suburbs of St. James at Paris, in a private manner, and without any sort of solemnity, as he had desired.

King James's Character. Burnet.

He was a Prince that seemed made for greater things, than will be found in the course of his life, more particularly of his Reign: He was esteemed, in the former parts of his life, a man of great courage, as he was quite through it a man of great application to business: He had no vivacity of thought, invention, or expression: But he had a good judgment, where his Religion or his Education gave him not a bias, which it did very often: He was bred with strange notions of the obedience due to Princes, and came to take up as strange ones, of the submission due to Priests: He was naturally a man of truth, fidelity, and justice: But his Religion was so infused in him, and he was so managed in it by his Priests, that the principles, which nature had laid in him, had little power over him, when the concerns of his Church stood in the way: He was a gentle Master, and was very easy to all who came near him: Yet he was not so apt to pardon, as one ought to be, that is the Vicegerent of that God, who is slow to anger, and ready to forgive: He had no personal vices but of one sort: He was still wandering from one amour to another, yet he had a real sense of sin, and was ashamed of it: But Priests know how to engage Princes more intirely into their interests, by making them compound for their sins, by a great zeal for Holy Church, as they call it. In a word, if it had not been for his Popery, he would have been, if not a great, yet a good Prince. Burnet says, that, by what he once knew of him, and by what he saw him afterwards carried to, he grew more confirmed in the very bad opinion, which he was always apt to have, of the intrigues of the Popish Clergy, and of the Confessors of Kings. King James was undone by them, and was their Martyr, so that they ought to bear the chief load of all the errors of his inglorious reign, and of its fatal catastrophe. As he was dying, he said nothing concerning the Legitimacy of his Son; on which some made severe remarks; while others

thought, that, having spoke so often of it before, he might not reflect on the fitness of saying any thing concerning it in his last extremity. He recommended to him firmness in his Religion, and justice in his Government, if ever he should come to reign. He said, that, by his practice, he recommended Christian forgiveness to him, for he heartily forgave both the Prince of Orange, and the Emperor. The naming of the Emperor, it was believed, had been suggested to him by the French, in order to render the Emperor odious to all those of his Religion.

Upon his death it was debated in the French Council what was fit to be done, with relation to his pretended Son, whom the King had promised him to acknowledge as King of England, at the persuasion of Madam Maintenon, whom King James's Queen had engaged for that purpose. The Ministry advised the French King to be passive, to let him assume what title he pleased; but that, for some time at least, his Majesty should not declare himself. That this might be some restraint on King William, whereas a present declaration must precipitate a rupture. But the Dauphin interposed with some heat for the present owning him King. He thought the King was bound in honour to do it: That he was of the blood, and was driven away on the account of his Religion. Upon this orders were given to proclaim him at St. Germain's. His own Court, it seems, was going about it, when a difficulty, proposed by the Earl of Middleton, put a stop to it. He apprehended, that it would look very strange, and might provoke the Court of France, if among the titles that of France should be used; and it might disgust their party in England, if it were omitted: So that piece of ceremony was not performed (1).

Soon after this, the King of Spain owned the Pretender as King of England, as likewise did the Pope and the Duke of Savoy; and the King of France pressed all other Princes to do it, in whose Courts he had Ministers, and prevailed on the Pope to press the Emperor and other Roman Catholic Princes to acknowledge him, though without effect. The King of Portugal's answer to the French Minister upon this occasion was, that he was resolved to maintain a friendship and good correspondence with his most Christian Majesty, and to observe religiously all his Alliances with him; but that he could

1701.

"and holy confusion for his sins inspired him with
"such a spirit of mortification, as would have carried
"him too far, if his Confessor had not opposed it, and
"moderated his austerities. He kept very severe fasts
"and would upon certain days bind his body with a
"very sharp-pointed iron chain. His self-discipline
"was very rigorous; and withal he took such care
"to conceal those exercises of penance, that, having
"once by chance left his instrument of discipline in a
"place, where the Queen found it, he so blushed upon
"that occasion, that her Majesty never saw him
"in such a confusion in her life. Notwithstanding
"all which, he did not yet mortify himself to his
"mind. All the penances of this life seemed too light
"and easy for him. This made him ask his Confessor
"for a question, which has somewhat very particular
"in it, and shews the extreme desire he had to satisfy
"the Divine Justice. *Considering the life I have led*

"(said he in a question, which he had set down in
"writing) *and seeing my age and condition will not*
"let me practise all the penances and mortifications,
"which are necessary to expiate my sins, and to testify my
"repentance of them to God, ought I not, Reverend Father,
"to be content to have my pains in purgatory prolonged,
"and to lay out what I had designed to obtain the Di-
"vine Mercy with, to have those pains abridged, in cha-
"rities for the relief of the poor, and prayers for the
"dead? His Confessor could not enough admire the
"principles which had inspired him with such a senti-
"ment; but presently convinced him, that it carried
"him a little too far, and that one cannot desire to
"see God too soon."

(1) The circumstances of his last illness and death, and the proclaiming the Pretender King, will best appear from the following extracts of the Earl of Manchester's letters.

1701. could not resolve upon a thing of that nature, which might be attended with dangerous consequences. The King of Denmark likewise made the same refusal.

The Earl of Manchester ordered to leave France, Cole.

King William was no sooner informed of this proceeding of the King of France, but he dispatched a Courier to the King of Sweden, as a Guarantee of the treaty of *Ryswick*, to give him an account of this manifest violation of it; and on the same day sent an Express to the Earl of Manchester, his Ambassador at Paris, to order him to return to England, without taking his audience of leave. Upon which his Excellency wrote the following letter to the Marquis de Torcy, Secretary of State for foreign affairs.

S I R,

Paris, Octob. 2, 1701.

"The King my Master, being informed, that his most Christian Majesty has owned another King of Great Britain, does not believe, that his honour and his interest permit him to keep any longer an Ambassador with the King your Master; and has sent me orders to retire immediately; of which I do myself the honour to give you notice by this letter, and I do assure you at the same time, that I am, &c."

This letter being communicated to the French King, who was then at Fontainebleau, he assem-

bled his Council, to deliberate upon an answer, 1701. which Monsieur de Torcy returned the same day in the following terms:

My Lord,

"I can add nothing to what I had the honour to tell you eight days ago, about the sincere desire, which the King has always had to preserve the peace with the King your Master, confirmed by the treaty of *Ryswick*. As to me in particular, I only pray you to be persuaded, that, in whatever place you are, you will find nobody, who is more truly than I shall be all my life-time yours, &c."

The French King likewise justified his conduct in owning the Pretender by the following manifesto, which he dispersed in all the Courts of Europe.

"The King of England dying at St. Germain's on the 16th of September 1701, the Prince of Wales immediately took the title of King, which belonged to him as son and heir of the late King his father. His most Christian Majesty made no difficulty of owning him under that title; and, even some time before the death of the King of England, his most Christian Majesty had assured him, that he would do so: As his Majesty had

The French King's manifesto in proclaiming the Pretender. Lambert. I. 689.

To Mr. Blathwayt.

Paris, Sept. 5, 1701:

King James was taken on Friday last with fainting fits, which returned upon him yesterday. He was then so ill, that they gave him the extreme unction, and he was thought a dying. There is a report that he is dead, but I do not believe it; though by the accounts I have he cannot live twenty-four hours. I do therefore expect every moment the news of his Death. I do not think of sending a Courier till I see how the Court of France will act, and whether they will own the P. Prince of Wales. By what I can learn they are undetermined at present what to do, and whether they shall suffer those of St. Germain's to proclaim him. I will take care to inform his Majesty of every step that is made.

To Mr. Secretary Vernon.

Paris, Sept. 7, 1701.

On Sunday last King James had again several fainting fits, which lasted so long, that they thought him dead; but they brought him at last to himself. He received the extreme unction, and seems much resigned. He exhorted my Lord Middleton, and the rest of his Protestant servants, to embrace the *Romish* Religion, and desired the P. Prince of Wales to keep his Faith, shewing him of how little value a Crown was in comparison to his Salvation. In short he continued long on this subject, and told the Curate of St. Germain's, that he would be buried in their Church with only an inscription, J. K. of England. The Physicians cannot tell what his distemper is. They think, that an imposthume is broke, for a great deal of corruption and blood comes continually from him. Yesterday he had another fit, which lasted an hour. The French King and the whole Court have been to take their leave of him; but he was not dead last night, though none expect he can recover. I know so much, that, as soon as he dies, the P. Prince will take upon him the Title of King of England, and he will be owned as such by those

of St. Germain's. I am in doubt, whether the Court of France will own him so soon. As soon as I hear how this Court acts on this occasion, I intend to send an express to his Majesty for instructions and orders."

To Mr. Blathwayt.

Paris, Sept. 9, 1701.

King James is still alive, but without any hopes of recovery. He seems much resigned, and has exhorted the Lords Middleton, and Griffin, and the rest of his Protestant servants, to embrace the *Romish* Religion. I hear the latter is extremely uneasy, because the King of France was present, and took notice of him, and said, that he hoped he would consider what King James had said to him. This will have the greater effect, because, if he should not change, it is uncertain, whether the French Court will have any such regard for him, as it has had hitherto. They talk much of what King James said to the P. Prince to keep steadfast to his Religion, and not depart from it on any account whatsoever. I can tell you, that, the moment King James dies, the other will take the Title of King of England, and will be owned as such by those of St. Germain's. The French King is now at Marly, and at his return he goes to Fontainebleau: So it may be easily contrived not to see the P. Prince till his return. The Queen will be in a convent at Châlons till the King is buried, and the P. Prince at the Duke of Lauzun's at Paris, and after that they will return to St. Germain's. I doubt not but the French will call him *Roy d'Angleterre*.

To Mr. Secretary Vernon.

Paris, Sept. 14, 1701.

It was expected, that King James would have died last night, but he was alive this morning, though they expect he will expire every moment, being dead almost up to his stomach, and he is sensible of no pain. The King of France was there last night, and did declare, that he would own the P. Prince for King of England

1701. "had always treated him as Prince of Wales, the consequence is natural to stile him King of England, as soon as the King his Father died. No reason opposes this, when there is no engagement to the contrary; and it is certain, there is none in the treaty of *Ryswick*. The fourth article of that treaty declares only, that his most Christian Majesty shall not disturb the King of Great Britain in the peaceable possession of his Dominions; nor assist with troops, or ships, or any other succour, those, who shall attempt to disturb him. His most Christian Majesty's intention is to observe punctually this article; and it is certain, that the title of King of England, which the Prince of Wales could not dispense with taking upon himself, will not procure him any other assistances from his most Christian Majesty, than what the late King his father received since the treaty of *Ryswick*, which were merely for his subsistence, and the alleviation of his misfortunes. The generosity of his most Christian Majesty would not allow him to abandon either that Prince or his Family. He is no Judge between the King of Great Britain and the

Prince of Wales. He cannot determine against the latter, by refusing him a title, which his birth gives him. In a word, it is sufficient, if his most Christian Majesty observes exactly the treaty of *Ryswick*, and adheres strictly to the terms of that treaty, at a time, when the conduct of the King of Great Britain and the *States General*, the sailing of their fleets, the secret assistance, which they give the Emperor, the declarations, which they make in favour of that Prince, the troops, which they are raising in all parts, might be regarded with much greater reason, as a real contravention to treaties.

Besides, it is not a new thing to give to children the titles of Kingdoms, which the Kings their fathers have lost, though the Princes, who give those titles, are at peace with those who are in possession of those Kingdoms. History furnishes many examples among the Kings of Naples and those of Navarre. Lastly, the Kings of Poland of the House of *Vasa*, having lost the Kingdom of Sweden, were treated by France as Kings of Sweden till the peace of *Oliva*, at the time that there was the strictest Alliance with

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England immediately. This he said before several People, and I have it from such good hands, that I hardly doubt it.

To Mr. Blathwayt.

Paris, Sept. 16, 1701.

We have ever since *Tuesday* last been expecting to hear of the death of the late King. His grand dilemma now is a lethargy, and he is often thought dead, though with cordials, &c. they keep him up without any hopes of recovery. The King of France was that day to see him, and then he declared publicly, that he would own the P. Prince for King of England, and ordered the Captains of the Guards to pay him the same honours they did to the late K. James. This is what his Majesty may rely upon. I know, that some of the foreign Ministers took notice of it yesterday to M. de *Tercy*, who said, that there was nothing in that contrary to the treaty of *Ryswick*. I cannot tell how they will explain this here, but certainly it cannot be understood so; and it shews at least, that this Court does not intend to keep any measures with his Majesty. There is now in the press an edict to prohibit all trade with England; but, that it may not look like a declaration of war, they do permit the bringing in of beer, cyder, glass-bottles, and wool. Notice is already sent to all the sea-ports, and, after the first of November next, no person is to wear any of the manufactures of England under severe penalties.

To Mr. Secretary Vernon.

Paris, Sept. 17, 1701.

The late King James died yesterday between three and four o'clock in the afternoon; and the P. Prince was immediately proclaimed King of England by the title of James the Third. I do not hear, that there was any other ceremony than that, after he had taken the title of King, those of St. Germain's kissed his hand, and treated him with Majesty. After that the French complimented him, and did the like. What was done in the town was in a tumultuous manner, by crying, Long live King James the Third, &c. I do not doubt but before now the King of France and the rest of the Court have complimented him, and that matter having been settled beforehand. He continues at St. Germain's, but the Queen is come to Châtil, a convent

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near Paris. I do not find, that the late King is much regretted at St. Germain's, since the French King has promised, that all things there shall remain on the same foot they were. I shall not give my opinion, and I do take it, that none are so proper to judge about this as the Lords Justices, since it does not only regard the honour of his Majesty, but also that of the Nation; but I believe this is the first precedent of a King, who has owned another King; and, whilst his Ambassador is at Court, he owns another again with the same titles. I know they say here, that there is nothing in this contrary to the treaty of *Ryswick*, which they explain by their not intending to assist him in recovering his Crown, at least during the life of his Majesty; but I thought treaties between Princes extended to Them and their Successors; but that I suppose they will pretend to observe, since they have named a Successor. The foreign Ministers are extremely surpris'd, and say they could not have believed what they now see.

To Mr. Blathwayt.

Paris, Sept. 19, 1701.

I have already acquainted the Lords Justices (since I believe his Majesty will come to no resolution till they have given their opinion) that the late King died on the 16th in the afternoon, and that immediately the P. Prince was proclaimed King of England by the title of James the Third. There was no other ceremony than that the Queen waited on him, and treated him as King; after that those of St. Germain's kissed his hand, and the French complimented him. What was done in the town was done in a tumultuous manner. Some say there was a Herald, an Irishman. Lord Middleton, &c. did not appear, because they could not tell how the title of France would be taken here, had they done it in form. Lord Middleton brought the Seals to him, which he gave him again. Others did the like. I am told, that, before the French King made this declaration, he held a Council at *Marly*, where it took up some time to debate, whether he should own him or no; or, if he did, whether it ought not to be deferred for some time. The secret of all this matter is this, that in short, there was a person, that governs here, who had some time since promised the Queen, that it should be done; so that whatever passed in Council was only for form's sake. The French King came to St. Germain's, and

1701. " King *Gustavus* and Queen *Christina*. I do not believe it to be necessary to cite these examples, because they are too manifest, that his Majesty's conduct in this point is just, worthy of his generosity, conformable to treaties, and to what he has done for the late King of *England*, since he sought an asylum in *France*."

But this manifesto could not pass on the world, since the owning the Pretender's right was a plain declaration, that *France* would assist him in claiming it, whenever the state of their affairs would allow of it. However, Monsieur *Poussin*, who had been Secretary to Monsieur *de Tallard*, and was left by him in *England* to manage the affairs of his Court there, offered to present this manifesto to Secretary *Vernon*, who refusing to receive it, he caused the substance of

it to be published under the title of, *The French King's reasons for owning the pretended Prince of Wales King of England*, supposed to be communicated in a letter from *Paris* to a friend in *London*. These reasons were suppressed by the command of the Government, and Monsieur *Poussin* ordered to leave the Kingdom by a limited time; though, a night or two before his departure, a thing happened, which made a great deal of noise; for he was found at supper at a public tavern, with three Members of the House of Commons, who were zealous opposers of the Court, Mr. *Anthony Hammond*, Mr. *John Tredenham*, and Dr. *Charles Davenant*. This gave an alarm of secret correspondence; and, though they excused themselves upon accident and common civility, yet they fell under great odium; and with others of their party were branded

assured the Queen and the P. Prince, that he would own him as soon as the King was dead. Upon which the Queen told him, that it would be a great consolation to the late King, if his Majesty would tell him as much; which he did, and then his servants were called in, to whom he declared the same. To-morrow the French King goes to *St. Germain's*, to make the P. Prince the first visit as King. The Queen is now at a convent at *Chalot*; but she returns to-morrow to *St. Germain's*, where she will continue. The body of the late King is brought to the *English Benedictines*, where it will be exposed forty days, and then let there till a proper opportunity of carrying it for *England*. I do hear, that at Court they pretend, that there is nothing in all this contrary to the treaty of *Ryswick*; which notion they explain by their not intending to assist him in recovering the Crown, at least not during the life of his present Majesty. I thought treaties extended to the Princes and their Heirs and Successors; but even there I suppose they are right, as having named the Successor. I assure you, most of the French are surpris'd at this proceeding; but it is generally said, that the French King has wrote to his Majesty, to shew the necessity he was under, and that M. *de Torcy* has spoke to me, whom I have not heard a word from; and therefore I do not believe the other. I cannot see what can be said to palliate this matter. I do not intend to appear at Court till I have his Majesty's orders, which I imagine will be rather to return to *England*. We shall see now, whether any of the foreign Ministers will compliment the P. Prince. I suppose the Spanish Ambassador will, which I take it is in our power to resent in the like manner.

To Mr. Secretary Vernon.

Paris, Sept. 21, 1701.

I did not go to *Versailles* yesterday, for I thought it not proper till I had his Majesty's orders; and I am confident, that there are none here, if they dare to own their opinion, but they must say, that I am in the right. I think I should have made a worse figure than Count *Zinzendorf* did, when he was present whilst the Duke of *Anjou* was declared King of *Spain*. I was satisfied, that the whole discourse would be of their new *Roy d'Angleterre*, and of the French King's going to make him the first visit at *St. Germain's*, which he did that day. He staid but a little with him, giving him the title of Majesty. He was with the Queen a considerable time. The rest of the Court made their compliments the same day. I am told, that M. *de Torcy* declares, that this does not any way alter the intentions of the King from observing the treaty of *Ryswick*, and he alledges several examples in the like cases. He seemed concerned, that I was not there; and he did desire one to let me know, that he should be at *Paris* on Friday, and that he would either wait on me, or be glad to see me. I intend to see him, and to hear what he will say, and then I shall acquaint

you with it. I have had a very difficult part to act, and I cannot but see this will make it worse.

To Mr. Secretary Vernon.

Paris, Sept. 24, 1701.

I have seen Monsieur *de Torcy*, who did endeavour to put the best colour on this last proceeding. His chief aim was to shew me, that there was nothing in this contrary to the treaty of *Ryswick*; and I could perceive, that the French King was brought to do it at the solicitation of the Queen at *St. Germain's*. It is certain, that Monsieur *de Torcy*, as well as the rest of the Ministers, was against it; and only the Dauphin and Madam *de Maintenon*, whom the Queen had prevailed with, carried this point; which I am satisfied they may have reason to repent of. It begins to appear already, since I can assure you, that, if I take my leave, it will cause an universal conformation here. I see, that they are in no condition to support a war, and the affairs of *France* were never in so ill a posture. I told him my mind very freely, and there is so much to say on this subject, that he could not answer me. I said, that it was such a precedent, as might come home to them at last: That there were others, who pretended to the Crown of *Spain*, as well as the present King, and I left him to judge how that would be liked, if we should act as they do. It is not necessary to repeat all that passed; but, when I take myself to be in the right, I am apt enough to speak plain. I found him very calm, and even concerned. Without doubt they expect I shall be recalled; and they will be sorry, if it should happen so at last. I told him I would wait his Majesty's orders, and till then I could say nothing to this matter: That I supposed I should have them soon, and then I would acquaint him with them. He said, he hoped to see me at *Fontainebleau*. He entered on the subject of the negotiation, and how the peace would set all right. I told him, that it was visible, what difficulties there have been in relation to the Emperor; and that there was no occasion for creating new ones, which might oblige us to take such measures, as possibly we might otherwise not take. I know, that the King ordered Monsieur *de Torcy* to soften this matter to me as much as he could. I have thought of laying this whole conference, which lasted an hour, before his Majesty; though there is no relying on what this Court says or does, after what we have seen. I am afraid of even giving my opinion; and it would be better, if I could have the honour to relate this to his Majesty by discourse; though I fear there never will be any treating with this Court without great vigour and resolution, and with sword in hand.

To Mr. Blathwayt.

Paris, Sept. 26, 1701.

I have seen Monsieur *de Torcy*, who did endeavour to put

1701. branded by the name of *Poussineers*, in a paper called the *Black List* (1).

The conduct of the *French Court* gave an universal distaste to the whole *English Nation*: All people seemed possessed with an high indignation upon it, to see a foreign power, that was at peace with them, pretend to declare, who ought to be their King. Even those, who were perhaps secretly well pleased with it, were yet, as it were, forced, for their own safety, to comply with the general sense of the rest in this matter.

The City of *London* began with an address, which was presented to the Lords Justices, in which they expressed, "That they were deeply sensible, how much they were in duty bound, highly to resent that great indignity and affront offered to his Majesty by the *French King*, in giving the title of King of *England, Scotland, and Ireland*, to the pretended Prince of *Wales*, contrary to his Majesty's most just and lawful title, and to the several acts of Parliament for settling the Succession to the Crown in the Protestant line. That by this it was apparent, that he designed,

"as much as in him lay, to dethrone his Majesty, to extinguish the Protestant Religion out of these his Majesty's Kingdoms, and to invade their Liberties and Properties, for the maintaining whereof his Majesty had signalized his zeal by the often hazarding his precious life. They therefore assured his Majesty, that they would at all times, and upon all occasions, exert the utmost of their abilities, and contribute whatever lay in their power for the preservation of his person, and the defence of his just rights, in opposition to all invaders of his Crown and Dignity."

This address being transmitted to the King in *Holland*, his Majesty gave special directions to the Lords Justices, to acquaint the Lord Mayor and Aldermen with the great satisfaction he had upon the receiving it. According to this precedent, numerous addresses came from all parts of the Kingdom. A great diversity of stile appeared in these addresses; some avoided to name the *French King*, the Prince of *Wales*, or the act of Settlement, and only reflected on the transaction in *France* in general and soft words.

But

put the best colour on the late proceedings. The will of the late King *James* is opened, but not yet published; but I hear it is to be printed. What I have learned of it is, that the Queen is made Regent; the *French King* is desired to take care of the education of the P. Prince: That, in case he be restored, the Queen is to be repaid all that she has laid out of her own: That all other debts, which they have contracted since they left *England*, and what can be made out, shall be paid: That the new King shall not take any revenge against his father's enemies, nor his own: That he shall not use any force in matters of Religion, nor in relation to the Estates of any persons whatsoever. He recommends to him all those that have followed him. I am told, that Lord *Perth* is declared a Duke, and *Caryl* a Lord. I do not doubt but we shall hear of several new Titles and Garters. Certainly there ought to be some stop put to all this, else we shall not know where we are.

To Mr. Secretary Vernon.

Paris, Sept. 28, 1701.

I have received yours of the 11th, and am much obliged to their Excellencies for the representation they have made to his Majesty. I am confident, that the King will be of that opinion, since they are so. I was unwilling to press this matter, lest conjectures might have been made to my disadvantage; though I hope it is apparent, that the only aim I have is his Majesty's service, and the honour of the Nation. I am satisfied, that this Court will contrive matters so, that it cannot be long before they will oblige me to be gone. Their actions shew, there is nothing now left but that. The Owning the P. Prince is against the fourth article of the treaty of *Ryswick*, if words can mean any thing; and the Prohibition of our Commerce is against the fifth article of the same treaty. But these are small matters to what you would have seen, had it been in their power. The only satisfaction we have is, that all *Europe* must be convinced, that we are not the Aggressors; and *England* must be convinced, that his Majesty is not for engaging them in a war, if it can be prevented; but you know already my opinion. The will of the late King will be printed, and I hope to send it you by the next post. There are to be great numbers sent into *England*, so that possibly you may have it before me. Lord *Middleton* is declared Earl of *Monmouth* by this will; Lord *Perth* is to be a Duke by an old Patent; but they say Lord *Middleton* will not take his new Title. There are several other Lords made, but not yet declared; so that the House of

Lords will be well filled at their return. We shall soon hear, that some Garters are disposed of. It is a comical scene, and I hope it will end so. I find Mr. *Poussin* is a very pleasant Gentleman: I could send you many stories about him from hence. I am glad he is at last puzzled about our fleet. They are very uneasy about it here, and would fain know what we intend to do with it.

To Mr. Secretary Vernon.

Paris, Octob. 1. 1701.

Last night arrived here a Messenger from *Laas*. Mr. *Blathwayt* acquaints me, that his Majesty, having considered the proceedings of this Court, does order me to return to *England* forthwith, without taking leave. I am only to let Monsieur *de Torcy* know the reasons, why his Majesty does not think it for his honour, nor service, to continue longer any Ambassador or other Minister here. I propose to set out in less than ten days, and I do desire their Excellencies the Lords Justices will order a yacht for me at *Calais*. I cannot but think this resolution is right, and I am glad it is taken; though, in relation to myself, I could have wished there had been no occasion for it, that so I might have left this Court in a better manner.

To Mr. Blathwayt.

Paris, Octob. 4. 1701.

Mr. *Collins*, the Messenger, arrived here on the 30th past with his Majesty's orders; and the next day I received a duplicate of them by the post. On the 2d instant, I acquainted Monsieur *de Torcy* with them, in the manner you had directed me, and I have inclosed his answer. I have some reason to think, that the Court was a little surprized, though they might reasonably expect such a resentment. You will see, that Monsieur *de Torcy* refers me to the Conference I had with him before he went to *Fontainebleau*, of which I have already informed you. I must own, that they are much civiler on this occasion, than I expected they would have been; and I have great obligations to Monsieur *de Torcy*, who has, on all occasions, shewed himself extreme kind to me, and even in this case he expresses it. He will procure me passports for my goods, else I should not have known what to do. I intend to set out for *England* by the 10th.

(1) The story is thus related by a Writer of their own party, supposed to be Dr. *Davenant*, in a piece intitled, *Tom Double returned out of the Country: Or, the true picture of a Modern Whig, set forth in a second dialogue*

1701. But others carried the matter farther, encouraging the King to go on in his Alliances, promising him an *Armada* to assist him; and assuring him, that, when he should think fit to call a new Parliament, they would chuse such Members, as should concur in enabling him to maintain his Alliances. This raised the Divisions of the Nation higher.

The King having finished his Alliances, and especially that between England, Holland, and the Empire, began to prepare for his return; but was detained at the *Hague* above a month by a severe indisposition, which was concealed as much as possible; because the very news of his sickness would have been an obstruction to the interests of Europe: and, if his death had happened at that time, it must have occasioned great confusion in England, and other parts. The King began now to consider his illness as a preface, that he had not long to live; and was so sensible of his declining state, that he told the Earl of Portland, "That he found himself so weak, that he could not expect to live another summer;" but charged him, at the same time, to say nothing of it till he was dead.

The King at last embarked towards the be-

ginning of November, and landed at Margate on the 4th of that month; and the first thing, that fell under debate, upon his return, was, whether the Parliament should be continued, or dissolved, and a new one called. Some of the leading men of the former Parliament had been secretly asked, How they thought they should proceed, if they should meet again? Of these, whilst some answered doubtfully, others said positively, that they would begin where they had left off, and would insist on their impeachments. The new Ministry struggled hard against a dissolution, and, when they saw the King resolved on it, some of them left his service. This convinced the Nation, that the King was not in a double game, which had been confidently given out before, and was too easily believed by many. The Parliament being first prorogued till the 13th of November, a proclamation was published on the 11th of that month for dissolving it, and summoning another to meet at *Wejminster* on the 30th of December. The heats in elections increased with every new summons; and this was thought so critical a conjuncture, that both sides exerted their full strength (1). Most of the great counties and the chief cities chose

A new
Parliament
was called.

Extract.

Dialogue between Mr. Whiglove and Mr. Double. He tells us, p. 48, 49. that Mr. Hammond and Mr. Tredenham had agreed to sup together that night. About seven in the evening Mr. Hammond and one Mr. Auberry, a person of good substance and credit in the City, came to give Dr. Davenant a visit at Gray's-Inn. The Doctor proposed to them supping at a tavern in Holbourn; but Mr. Hammond answered, he was engaged to meet Mr. Tredenham at the other end of the town, and desired the Doctor and Mr. Auberry to be of their company, but Mr. Auberry said he had business in the City. So they went together without him, and in the way made a visit, where they staid till near nine of the clock. From thence they went to Mr. Tredenham's lodgings, who had left word he was at the Blue Posts in the Hay-Market; whom accordingly they found there with D. Bernardino, the Spanish Consul, whom he had met in the Park, and, being an old acquaintance, had proposed supping with him. In a quarter of an hour supper came in: When the meat was actually upon the table, it seems Monsieur Pouffin came to that house, and inquired for D. Bernardino. The drawer fetched out Bernardino to him, who told Monsieur Pouffin he was at supper there with Mr. Tredenham, who had a general acquaintance with Monsieur Pouffin, they having lodged in the same house together. Upon which D. Bernardino brought Monsieur Pouffin into the room; but, seeing two strangers there, he made an apology, and sat down. They supped in a ground-room, the door being all the while open, and two waiters attending; and after three quarters of an hour's stay at most, as soon as supper was ended, the Company separated.

(1) There was published upon this occasion a pamphlet in 4to, intitled, *The Candidates tried: Or, a certain way how to avoid mistakes in chusing Members for the ensuing Parliament*: The Author of which begins with observing, "That there is no person in the least acquainted with the present posture of affairs, but must see, that upon the choice of a good or ill House of Commons depends the happiness or misery of this Nation; and therefore it is, that our most gracious King has, by dissolving the last Parliament, given his People an opportunity of chusing such persons, as may enable his Majesty, in conjunction with his Allies, to restore the balance of Europe. How necessary this is to be, I need not, says he, mention, since nothing can be plainer, than that if Spain and the Spanish West-Indies, or Flanders, remain in the

"power of France, the Nation is irrecoverably lost; and that, if we miss this opportunity, we cannot in all human probability expect another. And consequently an ill choice at this juncture is such an error, as can never be retrieved. Therefore it is highly necessary to offer some marks, whereby persons of the meanest capacities may distinguish their friends from their enemies; those, that pretend to be so, from those, that are really so." He then shews, that, as the nation was divided into two parties, known in former reigns by the names of *Whigs* and *Tories*, so it was plain, that the Papists, the swearing and the non-swearing Jacobites, agree in applauding and supporting the latter, and in reviling and opposing the former. And therefore those, who were not otherwise capable of discovering the Nation's friends from its enemies, could not well be mistaken, if in all elections they went counter to the Jacobites, and opposed the party they espoused. To shew that it was reasonable to act thus, he examines what grounds the Tory party had given the Jacobites to be so much in love with them, and by consequence for the well-wishers to the Government and the Protestant Religion, not to confide in them. "Have not these, says he, good reasons for their kindness, since the party, especially their Leaders, have all along shewn their disaffection to the present Establishment? How could they declare themselves fuller for what they call the right Line than by opposing the Abdication, the recognition, not allowing his Majesty to be a rightful King, and against entering into an Association to preserve his Majesty and the Government, when in most imminent danger. They owe them eternal gratitude for opposing all such equal and easy methods for raising money as would have kept us out of debt, on pretence left the King, whose ambition and delight it was to head armies, might, by the ease the People found in paying them, be tempted to perpetuate the war, or else the Nation might be induced to continue them in time of peace. By which means we run into land-banks and other deficient funds, which destroyed credit, and plunged the nation in immense debts. The party, not content herewith, were against reconcoiling the money, though it is evident, the not doing of it would have brought us into confusion. Afterwards they not only opposed its going by weight till reconciled, but obliged the Nation to make good all that was clipped, or to be clipped, by such a time, of which none had

1701. men, who were zealous for the King and Government (1); but the rotten part of our Constitution, as an eminent Author files the small boroughs, were in many places wrought on to chuse bad men. However, upon the whole,

it appeared, that a clear majority was in the 1701. King's interests.

The Parliament being met, according to their ^{the sixth} summons, on the 30th of December, the King ^{Parliament} came to the House of Peers, and sent for the Commons, Dec. 30.

"any advantage but the traders in money, who, of all men, did not deserve such a favour. Neither was this all, but they were for raising the silver coin; and, when they could not carry that, they fought it out to the last for keeping up the price of guineas. What could the Jacobites desire more, since that very thing (had it proved successful) would have been of most fatal consequence? It is certain the French King depended very much on this project; for, when he found the Nation, notwithstanding the counter-assurances given him by his creatures, had overcome all the difficulties relating to the re-coining of the money, he despaired of bruing about his designs by a war, but hoped to do it more effectually in a time of peace by the jealousies, divisions, and animosities he could set on foot by the help of his party here." He then proceeds to observe, that the Jacobites could not be mistaken in their men, *when those, that were most instrumental in the late reigns to carry on their villainous designs, are the leading men of that party now; and, the more they were concerned in promoting Popery and Slavery at home, and abroad in depriving of Holland, and exalting of France, the more they are cherished; as if that, and a violent opposition to the present Constitution, joined with an implacable hatred to all its friends, were the qualifications, that most recommended them to head the party.* He then exposes their conduct in endeavouring to save Sir John Fenwick, when they were convinced in conscience, that he was guilty; and, though they had pretended to abandon their former Tory-principles, this was only a scheme of dissimulation the better to effect their designs, and to ingratiate themselves with the People. That, with regard to the *act of Succession*, though they could not have opposed it openly, without putting off the mask, and it must have gone down, whether they would or not, having the weight of the Nation with it, yet they did what they could to shew their dislike of it, by treating it with an air of contempt and ridicule, and their putting Sir John Bowles in the Chair, and constantly running out of the House as soon as he had taken it, was no sign they intended it any great honour. In a word, their conduct was such, that the Lords, though they designed several amendments, durst not trust the bill down again, for fear it might occasion the losing it, and so immediately passed it." He is very full likewise in shewing how great friends the Tory-party, in the two Houses, and those in the Ministry, had been to France, by their conduct upon the French King's making his Grandson King of Spain, and in many other instances.

(1) The City of London and the Borough of Southwark delivered to their Members remarkable papers of instructions. That from the City was as follows:

"Gentlemen,

"We earnestly desire and charge you, our Representatives, that in the approaching Parliament you heartily pursue the engagements made to his Majesty in the address of this City, and other loyal addresses from all parts of the Kingdom. To this purpose we expect, that, to the utmost of your power, and without loss of time, you endeavour to put his Majesty into a condition to maintain his undoubted right and title to the Crown, and to vindicate His and the Nation's honour: To enable him in this critical juncture to provide for the security of his Kingdoms; to appear at the head of the Protestant interest; to make good his Alliances, and, in conjunction with his Allies, to reduce the French King, that it may be no longer in his power to disturb and oppress the rest of Europe.

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"In order to these good ends, we desire you diligently to labour to preserve an intire good correspondence between the two Houses of Parliament, and hinder the pursuing of private piques and animosities; to take care of our trade, support public credit, make good the deficiencies, and to have special regard to the Royal navy. And so God prosper your undertakings."

That from the borough of Southwark gives so distinct and concise a recapitulation of the affairs of Europe, that it is more remarkable than the other.

"Gentlemen,

"It is notorious, that for more than forty years the French King hath affected universal Monarchy; that he has constantly pursued the same by all methods of violence, rapine, and injustice; and that he has no otherwise regarded his oaths, treaties, and religion, than as so many solemn cheats to catch and ensnare all that have depended on him.

"To enable himself to marry the Infanta of Spain, he, by oath, renounced any title to that Crown for all the issue of that marriage; yet he hath made the invalidity of that renunciation the ground-work of every one of his wars with the King of Spain.

"By the Pyrenean treaty, he stipulated with that King to give no assistance to his enemy the King of Portugal; yet presently after dispatched so many troops to the assistance of that Prince, as reduced the Spanish Monarchy to a degree of weakness, from which it hath never since recovered.

"He lulled the Spaniards asleep with repeated promises of friendship; and then, without giving him any time to prepare for his defence, carried his conquests over the greatest part of Flanders, and was prevented only by the triple Alliance of England, Holland, and the King of Sweden, from reducing of the remainder of that Province.

"To the everlasting dishonour of the late King Charles II. he disengaged that Prince from so necessary an Alliance, and presently after invaded the seven United Provinces with all his forces; and could give no better reason for a bloody war, which reduced those flourishing States almost to utter ruin, than that he had been ill satisfied with their conduct.

"To break a powerful Confederacy against him, he made the peace of Nimwegen, by which concession was made to him of almost all his conquests in that war; and immediately after invaded the Empire himself, to assist his infidel Confederates.

"The peace of Ryswick gave an end to that war, and a balance to Europe, till the French, by colour of a will surreptitiously gained from the late King of Spain, in favour of the Duke of Anjou, has possessed himself of the Spanish Monarchy, contrary to his own renunciation and the Pyrenean treaty. Flanders and Milan he hath invested with his own troops, while the Duke of Anjou is forced to govern the rest of that Monarchy, as Viceroy to his Grandfather, both to obtain his support, and for fear of being excluded from a better Kingdom.

"He has exalted himself upon this good success, and has already named a Viceroy for more countries, by giving the title of his Majesty's Kingdoms to the pretended Prince of Wales. Our condition must be very miserable, if we are to be governed by the discretion of a King, who hath destroyed the Protestants of his own Kingdom by the sword, fire, and gallies: We cannot hope to be used with greater tenderness than his own subjects.

6 L.

"Never-

1701. Commons, to whom the Lord-Keeper signified his Majesty's pleasure, that they should forthwith proceed to the choice of a Speaker, and present him the next morning. The competition for that office lay between Mr. Robert Harley and Sir Thomas Littleton. The King and Council inclined to Sir Thomas; but Mr. Harley was elected by a majority of fourteen voices. The King opened the Parliament with the best speech that he, or perhaps any other Prince, ever made to his People (1).

My Lords and Gentlemen,

I Promise myself you are met together full of that just sense of the common danger of Europe, and the resentment of the late proceedings of the French King, which has been so fully and universally expressed in the loyal and feasonable addresses of my People.

"The owning and setting up the pretended Prince of Wales for King of England, is not only the highest indignity offered to Me and the Nation, but does so nearly concern every man, who has a regard for the Protestant Religion, or the present and future Quiet and Happiness of his Country, that I need not press you to lay it seriously to heart, and to consider what further effectual means may be used, for securing the Succession of the Crown in the Protestant line, and extinguishing the hopes of all Pretenders, and their open and secret abettors.

"By the French King's placing his Grandson on the Throne of Spain, he is in a condition to oppress the rest of Europe, unless speedy

and effectual measures be taken. Under this pretence, he is become the real Master of the whole Spanish Monarchy; he has made it to be intirely depending on France, and disposes of it, as of his own Dominions, and by that means he has surrounded his neighbours in such a manner, that, though the name of peace may be said to continue, yet they are put to the expence and inconveniencies of war.

"This must affect England in the nearest and most sensible manner, in respect to our trade, which will soon become precarious in all the variable branches of it; in respect to our peace and safety at home, which we cannot hope should long continue; and in respect to that part, which England ought to take in the preservation of the liberty of Europe.

"In order to obviate the general calamity, with which the rest of Christendom is threatened by this exorbitant power of France, I have concluded several Alliances, according to the encouragement given me by both Houses of Parliament, which I will direct shall be laid before you, and which, I doubt not, you will enable me to make good.

"There are some other treaties still depending, that shall be likewise communicated to you as soon as they are perfected.

"It is fit I should tell you, the eyes of all Europe are upon this Parliament; all matters are at a stand, till your resolutions are known; and therefore no time ought to be lost.

"You have yet an opportunity, by God's blessing, to secure to you and your posterity the quiet enjoyment of your Religion and Liberties, if you are not wanting to yourselves, but will

"Nevertheless, we cannot doubt but his repeated ill successes in Italy, the vast debts of his Crown, increased by his prodigious expences among his Confederate Princes, will oblige him to offer a treaty, that he may save by a peace, a considerable share of the Spanish Monarchy, rather than lose the whole by a war. And we had reason to be afraid, that the division of the two Houses of Parliament, the animosities of those men, that have opposed the Settlement, the Recognition and Association, and the great Authority of others, who, in former Reigns, had always given countenance for the French invasions, might oblige his Majesty to hearken to such a peace, as France would please to give him.

"But we hope, Gentlemen, that the dissolution of the Parliament has put an end to the division of the two Houses; and we have that assurance of your integrity and moderation, that you will do nothing to revive the same division. It is indeed very popular and very just to be severe with such Ministers, as have betrayed the Commonwealth. But, when the Lords, so considerable a part of the Legislative Power, have espoused the innocence of any person, we hope you will either give credit to their authority, or defer your resentments during our common danger. We are assured, that you will neither join with the enemies of the King, nor with the advocates of France, to hang upon the wheels of the Government.

"We beseech you, Gentlemen, not to be amused with the offers of any treaties from the French King; or, for the sake thereof, to defer any supplies, that shall be convenient, before he shall have given intire satisfaction to the Emperor for his right to the Spanish Monarchy, and to his Majesty for the affront put upon him and his people, by giving the title of his Kingdoms to the pretended Prince of Wales. We hope you will be ready upon all oc-

casions to address the King, that he will never enter into any treaty with France, which shall not effectually secure to his people their Religion and Commerce.

"We beseech you, Gentlemen, that, setting aside all other business, you will be so early and so diligent in your supplies to his Majesty, to support

"Alliances, and enemies, any terms of the neutrality or otherwise. That other Princes, like those of Savoy, Portugal, and Cologne, may not make separate treaties for themselves with the common.

"We beseech you, Gentlemen, to be so careful of the credit of the Government, and to join your votes with such as shall be for the most speedy and most effectual methods of raising money; that the blame of buying every thing for the King at excessive prices may not be cast upon the Ministers, which has been most justly due to the distance or insufficiency of those funds, which Parliaments have given.

"Above all, Gentlemen, we conjure you to be most tender of the Person of his Majesty; to endeavour, that no indignity may be offered to a Prince born for the good of Europe; to distinguish between one that sits upon his Throne, and sends Generals abroad to make slaughters and desolation among his neighbours, and a King, who has so liberally and so generously exposed his life for the liberty of his country against this common enemy."

(1) The Lord Sommers is supposed to have assisted in framing this speech, which was so acceptable to the well wishers to the Revolution, and their friends abroad, that it was printed with decorations in English, Dutch, and French, and hung up in frames in almost every house in England and Holland, as his Majesty's last legacy to his own and all Protestant people.

1701. "will exert the ancient vigour of the *English* Nation; but I tell you plainly, my opinion is, if you do not lay hold on this occasion, you have no reason to hope for another.
 "In order to do your part, it will be necessary to have a great strength at sea, and to provide for the security of our ships in harbour; and also that there be such a force at land, as is expected in proportion to the forces of our Allies.

Gentlemen of the House of Commons,

"I do recommend these matters to you with that concern and earnestness, which their importance requires. At the same time I cannot but press you to take care of the public credit, which cannot be preserved but by keeping sacred that maxim, That they shall never be losers, who trust to a Parliamentary security.

"It is always with regret, when I do ask aids of my People; but you will observe, that I desire nothing, which relates to any personal expence of mine; I am only pressing you to do all you can for your own safety and honour, at so critical and dangerous a time; and am willing, that what is given, should be wholly appropriated to the purposes for which it is intended.

"And, since I am speaking on this head, I think it proper to put you in mind, that, during the late war, I ordered the accounts to be laid yearly before the Parliament, and also gave my assent to several bills for taking the public accounts, that my subjects might have the satisfaction to know, how the money given for the war was applied; and I am willing that matter may be put in any further way of examination, that it may appear, whether there were any misapplications and mismanagements; or whether the debt, that remains upon us, has really arisen from the shortness of the supplies, or the deficiency of the funds.

"I have already told you, how necessary dispatch will be for carrying on that great public business, whereon our safety, and all that is valuable to us depends. I hope, what time can be spared, will be employed about those other very desirable things, which I have so often recommended from the Throne; I mean, the forming some good bills for employing the poor, for encouraging trade, and the further suppressing of vice.

My Lords and Gentlemen,

"I hope you are come together determined to avoid all manner of disputes and differences; and resolved to act with a general and hearty concurrence for promoting the common cause, which alone can make this a happy Session.

"I should think it as great a blessing as could befall *England*, if I could observe you as much inclined to lay aside those unhappy fatal animosities, which divide and weaken you, as I am disposed to make all my subjects safe and easy as to any, even the highest offences committed against me.

"Let me conjure you to disappoint the only hopes of our enemies by your unanimity.

"I have shewn, and will always shew, how desirous I am to be the common Father of all my People. Do you, in like manner, lay aside parties and divisions. Let there be no other distinction heard of amongst us for the future, but of those, who are for the Protestant Religion, and the present Establishment, and of those, who mean a Popish Prince, and a *French* Government.

"I will only add this; if you do in good earnest desire to see *England* hold the balance of *Europe*, and to be indeed at the head of the Protestant interest, it will appear by your right improving the present opportunity."

This wise and affectionate speech was extremely grateful to both Houses, and they were

very unanimous in their thanks for it. The Lords began the new year with expressing, That they had heard with all imaginable satisfaction his Majesty's most gracious speech, for which they returned their most humble and hearty thanks. And though the several particulars, which his Majesty was pleased to recommend to them, were of the highest importance; and they would lose no time in proceeding to the consideration of them with great duty to his Majesty; yet they could not defer expressing their just resentments of the proceedings of the *French* King, in owning and setting up the pretended Prince of *Wales* for King of *England*, and other his Majesty's Realms and Dominions; which they took to be the highest indignity, that could be offered to his Sacred Majesty and this Kingdom. And they assured his Majesty, they were so sensible thereof, that they were resolved to assist his Majesty to the utmost of their power in defending his Sacred Person and Government from all attempts whatever, that should be made either from his open or secret enemies. And, that no enemies to their Religion and Country might ever hope to prosper in their attempts against them, when, to their great unhappiness, it should please God to deprive them of his Majesty's protection, they further declared their resolutions to assist and defend, to the utmost of their power, against the pretended Prince of *Wales*, and all other Pretenders whatsoever, every person and persons, who had right to succeed to the Crown of these Realms, by virtue of the two acts of Parliament, intitled, *An act declaring the rights and liberties of the Subject, and settling the Succession of the Crown*; and, *An act for the further limitation of the Crown, and better securing the rights and liberties of the Subject*. And they concluded with their earnest prayers to Almighty God, for his Majesty's long and happy reign over them.

Their Lordships ordered all such, as were bound, willing, to sign this address, which was entered into their books. This was without a precedent, and yet it was promoted by those, who, as was thought, hoped, by so unusual a practice, to prevent any further proceedings on that head.

To this address his Majesty made this answer, "I heartily thank you for your very reasonable address, and for all your kind expressions of duty to me in it; and I recommend to you to take into your speedy consideration the other matters mentioned in my speech," and

1701-2. "and doubt not but that your resolutions will
"be for the honour and safety of the Kingdom."

*The address
of the Com-
mons.* The Commons likewise, on the 5th of Janu-
ary, "returned their most humble and hearty
"thanks to his Majesty for his most gracious
"speech, and humbly craved leave to assure
"him, that they would support and defend
"his lawful and rightful title to the Crown of
"these Realms against the pretended Prince of
"Wales, and all his open and secret abettors and
"adherents, and all other his Majesty's enemies
"whatsoever: And that they would enable him
"to shew his just resentment of the affront and
"indignity offered to his Majesty and this Na-
"tion by the French King, in taking upon him
"to declare the pretended Prince of Wales King
"of England, Scotland, and Ireland: And that
"they were firmly and unanimously resolved to
"maintain and support the Succession to the
"imperial Crown of this Realm, and the do-
"minions and territories thereto belonging,
"in the Protestant line, as the same was settled
"by an act, declaring the rights and liberties of
"the Subject, and settling the Succession of the
"Crown, and further provided for by an act
"of the last Parliament, intitled, *An act for the
"further limitation of the Crown, &c.* And
"they declared, that, for the better effecting the
"same, they would, to the utmost of their
"power enable his Majesty to make good all
"those Alliances his Majesty had made or
"should make, pursuant to the addresses and
"advices of his most dutiful and loyal Com-
"mons of the last Parliament, for the preserv-
"ing the liberties of Europe, and reducing the
"exorbitant power of France."

To this address the King returned the follow-
ing answer.

Gentlemen,

"I give you hearty thanks for this address,
"which I look upon as a good omen for the
"Session. The unanimity, with which it pas-
"sed, adds greatly to the satisfaction I receive
"from it. So good a step, at your first en-
"trance upon business, cannot but raise the
"hopes of all, who wish well to England and
"the common cause. I can desire no more of
"you, than to proceed as you have begun; and
"I depend upon it. For, when I consider how
"cheerfully and universally you concurred in
"this address, I cannot doubt but every one
"of you will sincerely endeavour to make it
"effectual in all the parts of it."

The Lords having taken into consideration the
dangerous state of Europe, more especially *second ad-
arising from the Duke of Anjou's possessing the d. of*
Crown of Spain, which made in effect a con-
junction with France, and so must inevitably
overthrow the balance of power, unless timely
prevented by strong Alliances of other States and
Princes, the 6th of January presented a second
address to the King, wherein they made so true
and ample a representation of the French King's
unjust and violent proceedings, that it greatly
helped to confirm every one in their just abhor-
rence of them, and their zeal to have him reduced
to reason (1).

To bring the House of Commons into more
effectual measures for espousing and supporting
the cause of a new war, the King commanded
before the
Commons.

(1) This address was as follows:

"We your Majesties loyal and dutiful subjects,
"the Lords spiritual and temporal in Parliament as-
"sembled, are highly sensible of what we owe to Al-
"mighty God for the great deliverance he hath
"wrought for us by your Majesty. We are highly
"sensible of the dangers you have hitherto in-
"curred for the public and private dangers, to which your
"Sacred Person hath been exposed; and we hope
"the same Providence will carry your Majesty through
"the great work, which seems reserved for you, the
"reducing the exorbitant power of France, and main-
"taining the balance of Europe."

"All true Englishmen, since the decay of the Spa-
"nish Monarchy, have ever taken it for granted, that
"the security of their Religion, Liberty and Prop-
"erty, that their honour, their wealth, and their
"trade, depend chiefly upon the proper measures to
"be taken from time to time in Parliament against
"the growing power of France. But it is their pec-
"uliar blessing in your Majesty's reign, to have a
"Prince upon the Throne, who not only agrees with
"them in this opinion, but who, in the frequent
"Parliaments assembled, is ever reminding them of
"this their greatest concern; and who, to compleat
"his happiness, is always ready, with the hazard of
"his Person, to support his Subjects and Allies, against
"their common enemy."

"And we esteem it a further good fortune, in the
"time of public danger, that the French King has
"taken those measures, which will make it impos-
"sible for him to impose any more upon the world by
"treaties so often violated. Neither can he hope
"any longer to cover his ambitious designs, or justify
"his usurpations under the specious pretences of peace.
"Your Majesty has so justly represented the dan-
"ger, to which Europe is exposed by the French
"King's placing his Grandson on the Throne of Spain;

"your Majesty is so justly sensible, that under that
"pretence he is become absolute Master of the whole
"Spanish Monarchy; and we are so well apprized of
"the dangerous consequence of this bold attempt,
"that we think it most proper to assure your Majes-
"ty in your own words, that we are under the high-
"est impatience, that speedy and effectual measures
"may be taken against the undoubted ambition of the
"French King."

"And as the placing his Grandson upon the Throne
"of Spain is, visibly to the whole world, the cause of
"all those dangers mentioned in your Majesty's
"speech, and of the breach of the balance of power
"of Europe, which the People of England are so
"deeply engaged to preserve; so we humbly conceive
"the remedy is as apparent as the disease; and that
"your Majesty, your Subjects, and Allies, can never
"be safe and secure, till the House of Austria be re-
"stored to their rights, and the invader of the Spanish
"Monarchy brought to reason."

"To conclude, Sir, as we humbly addressed to
"your Majesty last Parliament to enter into Allian-
"ces with the Emperor, the States of Holland, and
"other Princes and States, willing to unite against the
"power of France; so we take the liberty at this
"time to assure you, we are willing and zealous to
"lay hold of this opportunity, which the blessing of
"God and your Majesty's care have put into our
"hands; resolving to make our utmost efforts for our
"own security and the support of our Allies; de-
"siring of your Majesty to rest assured, that no time
"shall be lost, nor any thing wanting on our part,
"which may answer the reasonable expectations of
"our friends abroad; not doubting but to support the
"reputation of the English name, when engaged under
"so great a Prince in the glorious cause of maintain-
"ing the liberty of Europe."

1701-2. Mr. Secretary *Vernon* to lay before them the copies of the treaties of the Grand Alliance, viz.

1. The treaty between himself, King of *Denmark*, and the *States-General*, June 15, 1701.
2. The secret articles of that treaty.
3. The treaty between the Emperor, his Majesty, and the *States-General*, Sept. 7, 1701.
4. A Convention between his Majesty, the King of *Sweden*, and the *States-General*, Sept. 26, 1701.
5. The treaty between his Majesty and the *States-General*, Novemb. 11, 1701.

*Their regis-
trations.*
Pr. H. C.
III. 187.

All which were so well approved, that the House immediately resolved, that a supply be granted to his Majesty; and that whoever should advance or lend to his Majesty's *Exchequer* the sum of six hundred thousand pounds, for the service of the fleet, should be repaid the same with interest at six per cent. out of the first aids to be granted this Session: And that whosoever should advance the further sum of fifty thousand pounds, for the subsistence of the guards and garrisons, should be repaid in like manner.

They then took the state of the navy into consideration, and ordered the Commissioners of the Admiralty to lay before that House a state of the fleet, and condition of each respective ship, and place, where they are; with a state of the debt of the navy, and an estimate of what was necessary for the extra repairs of it: And, to encourage the people with the hopes of making good all former deficiencies, they ordered an account of the debts of the Nation unprovided for, both principal and interest, to be laid before them. And further, to justify the disposal of public funds, they ordered the Speaker to write to two of the Trustees for the forfeited estates in *Ireland* to attend the House, and lay before them a full account of their proceedings in execution of that act. But what gave the greatest vigour to a war abroad and unity at home, was, that on the 9th of *January* they resolved unanimously, that leave be given to bring in a bill, for securing of his Majesty's Person, and the Succession of the Crown in the Protestant line, and extinguishing the hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret abettors. And the next day they further resolved, that an humble address be presented to his Majesty, that he would be graciously pleased to take care, that it be an article in the several treaties of Alliance between his Majesty and other Potentates, that no peace shall be made with France, until his Majesty and the Nation have reparation for the great indignity offered by the French King, in owning and declaring the pretended Prince of *Wales* King of England, Scotland, and *Ireland*: They agreed at the same time, "That the proportion of land-forces to act in conjunction with the forces of the Allies, for making good the Alliances, be forty thousand men, and forty thousand more for sea-service." These were the numbers the King by the Alliances was obliged to furnish, and all was consented to in every particular; though some angry men shewed much rancour against the King,

and tried to cross every thing that was proposed, 1701-2. both as to the quota's of the troops, and as to the strength of the fleet.

The Commons began a bill for the attainder of the pretended Prince of *Wales*, to which, though it could not be opposed, much less stopped, many shewed a coldness, and absented themselves on the days, on which it was ordered to be read. It was sent up to the Lords, and passed that House on the 20th of *February*, with an addition of an attainder of the Queen, who acted as Queen regent for him. This was much opposed; for no evidence could be brought to prove the allegation; but the fact was so notorious, that it passed, and the bill was sent down again to the Commons. It was excepted to there as not regular, since but one precedent in King *Henry VIII*'s time was brought for it; and in that the Commons had added some names, by a clause in a bill of attainder sent down to them by the Lords; and as this was a single precedent, so it seemed to be a hard one. For, attainders by bill being the greatest rigours of the law, the stretching of that ought to be avoided. It was therefore thought more proper to attain her by a bill apart than by a clause in another bill, to which the Lords agreed, and so the bill against the pretended Prince of *Wales* passed. The Lords also passed a new bill attainting the Queen, but that was let sleep in the House of Commons.

The matter, that occasioned the longest and warmest debates in both Houses, was an act for abjuring the pretended Prince of *Wales*, and him, for swearing to the King, by the title of *rightful* and *lawful* King, and his Heirs, according to the act of settlement. This was begun in the House of Lords, and the first design was, that the oath should be voluntary, it being only to be tendered to all persons, and their subscription or refusal to be recorded, without any other penalty. This was vehemently opposed by all the Tory party, at the head of whom the Earl of *Nottingham* set himself. Those, who argued against it, said, that this Government was first settled with another oath, which was like an original contract, and that it was unjust and unreasonable to offer a new one. There was no need of new oaths, as there was no new strength got by them. Oaths relating to men's opinions had been always looked upon as severe impositions. A voluntary oath seemed to be by its nature unlawful; for we cannot swear lawfully, unless we are required to do it. To all this it was answered, that in ancient time the oath of Allegiance was short and simple, because then it was not thought, that Princes had any right other than what was conveyed to them by law. But of late, and indeed very lately, new opinions had been started of a divine right, with which former times were not acquainted; so that it was necessary to know, who among us adhered to these opinions. The present Government was begun upon a comprehensive foot, it being hoped, that all parties might have been brought to concur in support-

ing

His Majesty, in answer to this address, declared, that he was extremely pleased to find the just sentiments their Lordships had of the present state of affairs, and their readiness to do their part in this No. 32. Vol. III.

"great conjuncture; and he hoped, that their joint endeavours would be successful for restoring the balance of *Europe*, and establishing the common security."

6 M

(1) This

ing it. But the effects had not answered expectation: Distinctions had been made between a King *de jure* and a King *de facto*; by which men plainly declared, with whom they believed the right was lodged. This opinion mult, whenever that right comes to be claimed, oblige those, who hold it, to adhere to such Claimants. It seemed therefore in some sort necessary, that the Government should know, on whom it might depend. The discrimination made by such a test, was to be without compulsion or penalty; no hardship was put on any person by it. Those, who refused to give this security, would see what just cause of jealousy they gave, and would thereby be obliged to behave themselves decently and with due caution. When a Government tendered an oath, tho' under no penalty, that was a sufficient authority for all to take it, who were satisfied with the substance of it. While therefore there was so great a power beyond sea, that espoused so openly the pretensions of this young man, and while there were just grounds to suspect, that many at home favoured him, it seemed very reasonable to offer a method, by which it should appear, who obeyed the present Government from a principle, believing it *lawful*, and who submitted only to it as to a prosperous usurpation. About twenty Lords persisted in their opposition to this bill, those, who were for it, being thrice that number. But in the House of Commons, when it appeared how the Lords were inclined, they resolved to bring in a bill that should oblige all persons to take this abjuration. It was drawn by Sir Charles Hedges. All employments in Church and State were to be subject to it. Some things were added to the abjuration, such as an obligation to maintain the Government in King, Lords, and Commons, and to maintain the Church of England, together with the Toleration for Dissenters. Mr. Finch offered an alteration to the clause abjuring the Prince of Wales, so that it imported only an obligation not to assist him; but, though he pressed this with unusual vehemence in a debate, that he resumed seventeen times in one Session, against all rules, he had few to second him in it. The debate, whether the oath should be imposed or left free, held longer. It was carried but by one vote to impose it. The party chose that, rather than have it left free; for they reckoned, that the taking an oath, which was imposed, was a part of their submission to the usurpation; but the taking any oath, which strengthened the Government, of their own accord, did not suit with their other principles. But, to help the matter with a shew of zeal, they made the clause, which imposed it, very extensive, so that it comprehended all Clergymen, Fellows of Colleges, School-masters, and private Tutors. The clause of maintaining the Government in King, Lords, and Commons, was rejected with great indignation, since the Government was only in the King; the Lords and Commons being indeed a part of the Constitution, and of the Legislative body, but not of the Government. This was a direct Republican notion, and used to be condemned as such by the same persons, who now pressed it. It was further said, that, if it appeared, that our Constitution

was in danger, it might be reasonable to secure it by an act and an oath apart; but since the single point, that required this abjuration, was the French King's declaring, that the pretended Prince of Wales was King of England, it was not fit to join matters foreign to that in this oath. Upon the same reason, the clause in favour of the Church, and of the Toleration were also laid aside. The design of this act was to discover to all, both at home and abroad, how unanimously the nation concurred in abjuring the pretended Prince of Wales. But here was a clause to one part of which (the maintaining the Church) the Dissenters could not swear; and even the more moderate men of the Church, who approved well of the Toleration, yet might think it too much to swear to maintain it, since it was reasonable to oblige the Dissenters to use their liberty modestly, by keeping them under the apprehension of having it taken away, if it was abused by them. One addition was offered to make it equally penal to compels or imagine the death of her Royal Highness the Princess Anne of Denmark, as it is to compels or imagine the death of the King's eldest Son and Heir, which was admitted without any debate or shadow of opposition. The Tories pretended great zeal for her Highness, and gave it out, that there was a design to set her aside, and to have the House of Hanover to succeed the King immediately; though it could never be made appear, that any motion of this kind had ever been either made or debated, even in private discourse, by any of the whole Whig party. Great endeavours were used, and not altogether without effect, to infuse this jealousy into the Princess, and into all about her, not without insinuations, that the King himself was inclined to it. When this clause was offered, its being without a precedent gave handle enough to oppose it; yet there was not one word said in opposition to it in either House, all agreeing heartily in it. This ought to have put an end to the suspicion; but surmises of that kind, when raised on design, are not soon parted with.

The Commons, after a long delay, sent up the bill for abjuring the pretended Prince of Wales. In the House of Lords the Tories opposed it all they possibly could; and, as it was a new bill, the debate was intirely open. They first moved for a clause, excusing the Peers from it. If this had been received, the bill would have been certainly lost, for the Commons would never have yielded to it. When this was rejected, they tried to bring it back to be voluntary. This motion was thought a strange inconsistency in those, who had argued against even the lawfulness of a voluntary oath; but it was visible, that they intended by it only to lose or at least to delay the bill. When this was over-ruled by the House, not without a mixture of indignation in some against the Movers, they offered next all those clauses, which had been rejected in the House of Commons, with some other very strange additions, by which they discovered both great weakness and an inveterate rancour against the Government; but all the opposition ended in a protest of several Peers against the bill, when it passed on the 24th of February (1).

The

(1) This protest was as follows, 1. We conceive, that no new oath should be imposed upon the subject, for-

1701-2. The public interest was now so visible, and the concurrent sense of the Nation ran so vehemently for a war, that even those, who were most averse to it, found it convenient to put on the appearance of zeal for it. The City of London was more united than it had been at any time during this Reign; for the two Companies, that traded to the *East-Indies*, saw, that their common interest required they should come to an agreement; and, though men of ill designs did all they could to obstruct it, yet in conclusion it was happily effected. This made the body of the City, which was formerly much divided between the two Companies, fall now into the same measures. But those, who intended to defeat all this good beginning of the Session, and to raise a new flame, set on debates, that must have embroiled all again, if they had succeeded in their designs. They began with complaints of some petitions and addresses, that had reflected on the proceedings of the last House of Commons, and particularly of the *Kentish* petition (1). However, it was carried against them, that it was the undoubted right of the People of England to petition or address to the King, for the calling, sitting, or dissolving of Parliaments, and for the redressing of grievances: And that every subject, under any ac-

cusation, either by impeachment or otherwise, 1701-2. had a right to be brought to a speedy trial. Not discouraged at this, they went on to complain, that the Lords had denied them justice in the matter of the late impeachments. This bore a long and hot debate in a very full House: But it was carried, though by a small majority, that justice had not been denied them. After this, the party gave over any farther struggling, and things were carried on with more unanimity.

The House had a multiplicity of other business before them; as the produce of the Customs; the Quaker's bill; the more effectual punishing of vagrants; the number, and charge, and condition of the forces to be filled up and raised for sea and land; the affair of the abuses committed in the King's brew-house at St. Catharine's; the Apothecaries bill; the care of regulating collections; the examination of stories related by *William Fuller*, the impostor; and of a letter sent to the Speaker from one *Dr. Stringer*, pretending the discovery of a plot against the Government; with other intervening affairs; notwithstanding which, the House proceeded vigorously in the more important business of the Nation; for, on the 3d of February, they resolved, That a sum not exceeding

forasmuch as those, established by an act made in the first year of the reign of his Majesty and the late Queen *Mary*, were, together with our rights and liberties, ascertained in that act under the terms of our Submission to his Majesty, which were enacted to stand, remain, and be the law of this Realm for ever; and which, we conceive, do comprehend and necessarily imply all the duty and allegiance of the subject to their lawful King.

2. And much less should any new oath be imposed upon the Lords, with such a penalty as to lose their seats in Parliament, upon their refusing it; such a penalty being, in some measure, an intrenchment upon our Constitution, and expressly contrary to the standing order of this House made the 30th day of April 1675.

3. And, if such an infringement of the rights of Peers might be admitted, yet, in a matter of so great importance to all the Peers, we conceive, that in justice they should all have had notice of this matter, and been especially summoned to have attended the House upon so great an occasion; which has not been done, though it was moved and humbly desired on behalf of the absent Lords.

4. And, if any further evidence of the subjects fidelity were, at this time, necessary to be required, we conceive a new oath is no such evidence, nor any additional security to the Government; because those who have kept the oaths, which they have already taken, ought in justice to be esteemed good subjects; and those, who have broken them, will make no scruple of taking or breaking any others, that shall be required of them. And consequently this new oath may be of dangerous and pernicious consequence to the Government, by admitting such ill men, who do not fear an oath, into the greatest trusts, and who, under the specious pretence and protection of this new oath, which is to free them from suspicion, will have greater opportunities of betraying their King and their Country.

5. If a new oath were necessary, as we conceive it is not, yet the words of this oath are so very ambiguous, and have been so differently construed by several Lords, who have declared their sense of them, that this may become a snare to men's consciences, or tend to overthrow the obligation of an oath, by allowing men liberty to take it in their own sense; whereas this, as all other oaths, ought to be taken in the sense of the

Imposer, which hath not been declared in this case, though we earnestly pressed it, and though it has been done in other cases of the like nature.

6. And we conceive, that it necessarily follows from hence, that this oath can be no bond of union among those, who do take it; nor any true mark of distinction between the friends and the enemies of this Government; and therefore repugnant to the very nature of a test.

*Winchelsea,
Denbigh,
Guilford,
Craven,
Weymouth,
Plymouth,*

*Nottingham,
Scarfsdale,
Starwell,
Jeffreys.*

Pr. H. L. II. 34.

(1) In the contraverted election at *Maidstone*, between *Thomas Blisse* and *Thomas Culpepper*, Esquires, it was resolved, That the latter had been not only guilty of corrupt, scandalous, and indirect practices, in endeavouring to procure himself to be elected a Burgess, but likewise, being one of the instruments in promoting and presenting the *scandalous, insolent, and seditious petition*, commonly called, the *Kentish petition*, to the last House of Commons, was guilty of promoting a scandalous, villainous, and groundless reflection upon that House, by aspersing the Members with receiving *French money*, or being in the interest of *France*; for which offence he was ordered to be committed to *Newgate*, and to be prosecuted by his Majesty's Attorney-General. The House also resolved on the 26th of February, 1. That, agreeable to the opinion of a Committee appointed to consider of the rights, liberties, and privileges of their House, to assert, that the House of Commons is not the only Representative of the Commons of England, tends to the subversion of the rights and privileges of the House of Commons, and the fundamental Constitution of the Government of this Kingdom. 2. That to assert, that the House of Commons have no power of Commitment, but of their own Members, tends to the subversion of the Constitution of the House of Commons. 3. That to print or publish any books or libels, reflecting upon the proceedings of the House of Commons, or any Member thereof, for or relating to his service therein, is a high violation of the rights and privileges of the House of Commons. Pr. H. C. III. 188.

1701-2. ceeding three hundred and fifty-two thousand pounds be granted to his Majesty, for the maintaining of guards and garrisons, and for providing for officers upon half-pay. And, to quicken the Allies, as well as to support the King, they resolved at the same time, "That an humble address be presented to his Majesty, that he would be graciously pleased to interpose with his Allies, that they may increase their quota's of land-forces to be put on board the fleet, in proportion to the numbers his Majesty shall have on board his fleet." To which his Majesty answered, *That he would do it.* When they had settled the sums appropriated to the several uses of the war, they agreed, on the 7th of February, to another address to the King, "That he would provide for the half-pay officers in the first place, in the recruits and levies to be now made." To which he answered, *That it was always his intention.*

His Majesty, to encourage the dispatch of publick affairs, came to the House of Peers, and gave the Royal assent to a bill, which had miscarried in the last Parliament, intitled, *An act for the appointing Commissioners to take, examine, and determine the debts due to the army, navy, and the transport-service, and also an account of prizes taken during the war.*

Amendments and removals.

Before this, the King had thought proper to make several advancements and removals; Charles, Earl of Carlisle, was appointed first Lord Commissioner of the Treasury, in the room of the Lord Godolphin; and the Earl of Radnor was sworn of the Privy-Council, as was the Earl of Burlington. The Earl of Manchester was made one of the Secretaries of State, in the room of Sir Charles Hedges; the Earl of Pembroke was declared Lord High-Admiral, while the Duke of Somerset succeeded him as Lord-President of the Privy-Council.

The King's projects.

The King had likewise framed a scheme to reduce the exorbitant power of France. He had, before he left Holland, concerted measures with the Prussian and Dutch Generals for the siege of *Keyserwaert*, a place, which the Elector of Cologne had put into the hands of the French. The Elector of Hanover was at the same time to fall on and disarm the Princes of Wolfenbuttle, who, in the heart of the Empire, had raised troops with French money, and sent for a General of that Nation to command them. The King of the Romans and Prince Lewis of Baden were to besiege Landau; and the Emperor had engaged to send a powerful supply to Prince Eugene, to enable him to attack in form the city of Mantua, which he kept closely blocked up, and the conquest of which must very probably be attended with the total ruin of the French interest in Italy. Besides these designs, his Majesty was now laying another, both more glorious in the execution, and extensive in its consequences, with the Prince of d'Armstadt and the Duke of Ormond, and that was, the besieging Cadix both by sea and land; upon the taking of which place, the Prince of d'Armstadt had assured the King, that the Admiral of Castile, and several other Grandees of Spain, with all their dependents, would declare for the House of Austria. The three first of these projects were successfully executed, but the other two miscarried, as will be seen in their proper places.

Soon after this Session was opened, the Earl 1701-2. of Rochester wrote to the King, and asked leave to come over; which was soon granted him: But, when he signified this to the Council of Ireland, the whole board joined in a request to him, that he would lay before the King the great grievances, under which the whole Kingdom lay, by the proceedings of the Trustees for the forfeited estates, who stretched the authority, which the law gave them, in many instances, to the oppressing of the Nation. The Earl seemed uneasy at the motion, but promised to lay it before the King, which he did at his coming over. Soon after that, petitions were sent round all the Counties of Ireland, and signed by many, representing both the hardships of the act, and the severe methods taken by the Trustees in executing it. It was thought, that all this was set on secretly by the Court, in hope that some temper might be found in that matter, so that the King's grants might again take place in whole or in part. The House of Commons was moved to proceed severely against the Promoters of these petitions; yet the complaining of grievances had been so often asserted to be a right of the subject, that this was let fall. But, since no person appeared to justify the facts set forth or suggested in those petitions, they were voted false and scandalous; and this stopped a further progress in that method. The heat, with which that act had been carried, was now much qualified; and, the Trustees having adjudged so many claims in favour of Irish Papists, shewing too manifest a partiality for them, and having now fast two years, in which they had consumed all the rents, that arose out of the confiscated estates, the House was applied to for their interposition by many petitions relating to that matter. This was the more necessary, because, as has been related, when that act was passing, they had made a vote against receiving any petition relating to it. The thing had now lost much of the credit and value, that was set upon it at first; and, though the same party still opposed the receiving any petitions, yet the current was now so strong the other way, that they were all received, and in a great many cases justice was done, yet with a manifest partiality in favour of Papists; it being a maxim among all, who favoured King James's interests, to serve Papists, especially those whose estates were confiscated for adhering to him. One motion was carried, not without difficulty, in favour of those, who had purchased under the Grantees, and had made great improvements, that they should be admitted to purchase, with an abatement of two years value of the estates. The Earl of Athlone, whose case was very singular, having sold his grant to men, who had reason to think they had purchased under a secure title, a special clause was offered in their favour; but the party had studied so far to inflame the Nation against the Dutch, that in this the votes were equal, and, the Speaker's vote being to turn the matter, he gave it against the Purchasers. Many bills were brought in relating to Irish forfeitures, which took up the greatest part of this Session.

The King being very sensible, that the Protestant Succession would not be so easily settled in Scotland, where it might be retarded, on purpose for a claim to an independence on the Crown.

The King's letter for an union Scotland. Feb. 23. Pr. H. C. 189.

1701-2. Crown of *England*, and that nothing was more seasonable at this juncture, than an union of the two Kingdoms, wrote the following letter to the House of Commons, being disabled from coming to the House of Peers by a fall from his horse two days before :

William R.

" HIS Majesty, being at present hindered by an unhappy accident from coming in person to his Parliament, is pleased to signify to the House of Commons, by message, what he designed to have spoken to both Houses from the Throne. His Majesty, in the first year of his Reign, did acquaint the Parliament, that Commissioners were authorized in *Scotland* to treat with such Commissioners, as should be appointed in *England*, of proper terms for uniting the two Kingdoms, and at the same time expressed his great desire of such an union. His Majesty is fully satisfied, that nothing can more contribute to the present and future security and happiness of *England* and *Scotland*, than a firm and inviolable union between them; and he cannot but hope, that, upon a due consideration of our present circumstances, there will be found a general disposition to this union. His Majesty would esteem it a peculiar felicity, if, during his Reign, some happy expedient for making both Kingdoms one might take place; and is therefore extremely desirous, that a treaty for that purpose might be set on foot; and does, in the most earnest manner, recommend this affair to the consideration of the House."

The occasion of this letter.
Burnet.

The immediate occasion of this message was a motion, which the Earl of *Nottingham* had made in the House of Lords, when the act of Abjuration was agreed to; who said, that though he had differed from the majority of the House in many particulars relating to it, yet he was such a friend to the design of the act, that, in order to the securing a Protestant Succession, he thought an union of the whole Island was very necessary; and that therefore they should consider how both Kingdoms might be united. But in order to this, and previous to it, he moved, that an address should be made to the King, that he would be pleased to dissolve the Parliament now sitting in *Scotland*, and to call a new one, since the present Parliament was first a Convention, and then turned into a Parliament, and was continued ever since, so that the legality of it might be called in question; and it was necessary, that so important a thing as the union of both Kingdoms should be treated in a Parliament, against the Constitution of which no exception could lie. This motion was warmly opposed; for that Nation was then in such a ferment, that the calling a new Parliament would have been probably attended with bad consequence: For which reason that project was let fall, and no progress made upon the King's message.

The King's illness and fall from his horse.
Burnet.

The King seemed all this winter in a fair way of recovery: he had made the Royal apartments in *Hampton-Court* very noble; and he was so much pleased with the place, that he went thither once a week, and rode often about the park. But on the 21st of *February* riding from *Kensington*, as he was putting his horse to

the gallop, the horse fell, and he, being then

very feeble, fell off, and broke his right collar-bone. Upon this accident, he was carried to *Hampton-Court*, where the bone was set by Monsieur *Ronjat*, Serjeant-surgeon to the King, who, having felt his pulse, told him, that he was feverish, and that any other person in his condition would be let blood. The King answered, as for that, he had now and then had a head-ach, and some shivering fits for a fortnight past, and had that very morning a pain in his head before he went out a hunting. In the afternoon the King finding himself easy, contrary to advice, returned to *Kensington*, and slept almost all the way in his coach. He came to *Kensington* about nine at night, with his right arm tied up, and, as he entered the great bed-chamber, he saw Dr. *Bidloo*, to whom he said, "I have got a hurt in my arm; pray come, and see it." And soon after added to this effect: "I was riding in the park at noon, and while I endeavoured to make the horse change his walking into a gallop, he fell upon his knees. Upon that I meant to raise him with the bridle; but he fell forwards on one side, and so I fell with my right shoulder upon the ground. It is a strange thing, for it happened upon a smooth level ground. *Ronjat* says, there is a little bone broken, and indeed I feel some pain towards my back." At the same time he pointed with his left hand to the shoulder-blade, saying, *There, there*. Dr. *Bidloo*, finding his pulse in good order, dissuaded him from bleeding; and, after viewing the affected part, told him, that the right collar-bone was broke obliquely, a little below its juncture with the shoulder-blade. Then the King asked, If it was well set? And, the Doctor answering *No*, he said to *Ronjat*, "Justify yourself, Monsieur *Ronjat*, is it well set?" *Ronjat* replied, "It was well set; but that the jolting of the coach, and the loosening of the bandage, had occasioned a disunion." After the fracture was taken care of, the King went to bed, and slept the whole night so soundly, that the Gentlemen, who sat up with him, said, they did not hear him complain so much as once.

The King seemed in a fair way of doing well till *Sunday, March* the 1st, a fluxion fell upon his knee, which was a great pain and weakness to him, and thought to be a very ill symptom. He took it as a warning for the dispatch of public affairs, and therefore the next morning this message was sent from the House of Peers to the Commons:

" Mr. Speaker,

" The King hath granted a Commission under the Great Seal for passing the Royal Assent to those bills, which have been agreed to by both Houses of Parliament; and, the Lords commissioned by the King, do desire, that this House would presently come up with their Speaker, to be present at the passing thereof." Then the Speaker with the House went up, and the Lord-Keeper acquainted both Houses, that his Majesty, by an unhappy accident, had been prevented from coming in person, and had granted a Commission to several Peers for passing the bills therein mentioned; and then the Royal Assent was given by Commission to these and some other bills:

1701-2. *An act for the attainder of the pretended Prince of Wales of high treason.*

An act that the solemn affirmation and declaration of the people, called Quakers, shall be accepted, instead of an oath in the usual form.

On the 3d of March, the King had a short fit of an ague, which he regarded so little, that he said nothing of it; and the next day he seemed so well recovered of the lameness in his knee, that he took several turns in the gallery at *Kensington*; but at length, finding himself tired and faint, he sat down on a couch, and fell asleep, which probably occasioned that shivering fit, which soon after seized him, and which turned to a fever, accompanied with vomiting and a looseness. Upon this, the King thought proper to send for Sir *Thomas Millington*, who attended him to the last moment; as did also Sir *Richard Blackmore*, Dr. *Hutton*, Dr. *Hannes*, Dr. *Brown*, Dr. *Laurence*, Sir *Theodore Colladon*, Dr. *Bidloo*, and others of that faculty, who administered several remedies to him, that gave him great relief. He continued indifferently well till the 5th, when his vomiting and looseness returned so violent upon him, that he refused to take any sustenance till two o'clock the next morning, when he drank a cup of chocolate, and soon after took a sleeping-draught, which had that good effect, that he rested for three hours after. In the forenoon he took some broth and a cordial, and found himself somewhat easier, though excessively weak. His mind was so fixed upon the public interest, that he immediately ordered another Commission for passing the Malt and Abjuration bills, that were ready for his Assent; and, because he was now so weak, that he could not write his own name, a stamp was prepared, for his signing the Commission, which, according to form, must be signed by the King, in the presence of the Lord-Keeper and the Clerks of the Parliament. They came to the King when his fit began, and staid some hours before they were admitted. In the mean while, some of the House of Commons moved for an adjournment, though the Lords had sent to desire them not to adjourn for some time. By this means the party hoped, that the bill of Abjuration would be lost. But, as it was contrary to all rules to adjourn, when such a message was sent to them by the Lords, they waited till the King had signed the Commission, by which the Royal Assent was given to the Abjuration-bill in the last day of the King's life (1).

On the same day, about five in the morning, the Earl of *Albemarle*, who had been sent over to *Holland* to put things in readiness for an early campaign, arrived at *Kensington*, and immediately went to wait upon the King, who, being willing at that time to be retired, bid him go and take some rest, and come to him some hours after. The Earl attended accordingly, and gave so good an account of the posture of affairs in *Holland*, that, if matters of that kind could have wrought on the King, it must have revived him; but the coldness, with which he received it, shewed how little hopes were left.

Soon after he said, *Je tire vers ma fin, (I draw towards my end.)*

In the evening an extraordinary Council was called, before whom the Physicians appeared frequently; and at last acquainted them by Sir *Thomas Millington*, that all their hopes, under God, depended upon the use of those remedies, which they had already prescribed, and upon his Majesty's taking some little sustenance. Upon this the Duke of *Devonshire*, and several other Noblemen, desired Dr. *Bidloo* to press him to take something. Accordingly Dr. *Bidloo* spoke to him in *Dutch*, and he made answer, *Liste me up, and I will take as much as I can of what is thought proper.* Then he took some of *Ralegh's* cordial, with the julep, and soon after some hot claret. About the same time he thanked Dr. *Bidloo* for the great care he had taken of him, adding to this effect, "I know that you and the other learned Physicians have done all that your art can do for my relief; but, finding all means ineffectual, I submit." About three o'clock on Sunday morning he called again for Dr. *Bidloo*, and complained to him, that he had had a bad night, and could not sleep. Upon that he sat up, and leaned on him, saying, "I could sleep in this posture: Sit nearer me, and hold me so for a little time." In this posture he slept about half an hour, and, when he awakened, said, "You can bear me up no longer." Then he was held up by Mr. *Freeman* on the right side, and Mr. *Sewell* on the left, both of them having pillows in their arms. Soon after the Physicians gave notice, that they were apprehensive he had not long to live.

The Archbishop of *Canterbury* and the Bishop of *Salisbury* attended him from Saturday morning, and did not leave him till he died. The Archbishop prayed some time with him on that day; but he was then so weak, that he could scarce speak, but gave him his hand, as a sign, that he firmly believed the truth of the Christian Religion, and said, he intended to receive the Sacrament. His reason and all his senses were intire to the last minute. About five on Sunday morning he desired the Sacrament, and went through the office with great appearance of seriousness, but could not express himself. The Lords of the Privy-Council, with many of the Nobility and Gentry, attended in the adjoining apartments, and several of them were called in at times, to whom he spoke a little, and then they withdrew. Amidst all their tears the King did not betray the least concern or fear of death, but laboured to speak with ease and cheerfulness; and particularly when he talked a little to Lord *Overkirk*, he raised his voice, whom he thanked for his long and faithful services. He took leave of the Duke of *Ormond* and others, and delivered to the Lord *Albemarle* the keys of his closet and scrutore, telling him, that he knew what to do with them. After seven o'clock, he took Dr. *Bidloo* by the hand, and, breathing with great difficulty, asked him, *If this could last long?* The Doctor answering *No*, he asked again, *How long?* To which the Doctor replied, *An hour, or an*

(1) This bill was intituled, *An act for the further securing of his Majesty's Person, and the Succession of the throne in the Protestant line, and extinguishing the hopes*

of the pretended Prince of Wales, and all other Pretenders, and their open and secret abettors.

(1) The

1701-2. *an hour and half; though you may be snatched away in the twinkling of an eye.* After that, while the Doctor was feeling his pulse, the King took him again by the hand, saying, *I do not die yet; hold me fast.* Having taken a little of the cordial potion, he faintly inquired for the Earl of Portland, who immediately came to him, and placed his ear as near as he could to the King's mouth; but, though his lips were seen to move, his Lordship was not able to hear any distinct articulate sound; so the King took him by the hand, and carried it to his heart with great tenderness. He was often looking up to heaven in many short ejaculations. Between seven and eight o'clock, he began to rattle in his throat, when the commendatory prayer was said for him; and, as it ended, he expired in the arms of Mr. Sewell, one of the pages of the backstairs, in the fifty-second year of his age, having reigned thirteen years and one month wanting five days. As soon as the breath was out of his body, the Lords Lexington and Scarborough, who were then in waiting, ordered Ronjat to take off from the King's left arm a black ribbon, which tied next to his skin a gold ring with some hair of the late Queen Mary, which shewed the tender regard he had for her memory.

The King
died March
8.

Two days after the Royal corps was opened (1) and embalmed, and, having lain for some time in state at Kensington, was interred with all the magnificence, which a private funeral could admit of, on Sunday night, April the 12th, in a vault in Henry VII's Chapel in Westminster-Abbey; and, in the beginning of May, a will, which he had made October 18, 1695, and deposited in the hands of Monsieur Schuylenberg, was opened at the Hague, whereby it appeared, that he had appointed his cousin, the Prince Fris-son of Nassau, eldest son of Prince Casimir Nassau, Stadtholder of Friseland, his sole and universal Heir, and the States-General his Executors, without mentioning either the King of Prussia, the Prince of Nassau Siegen, or the Princess of Anhalt, who all claimed a right to his Succession. But, by a codicil annexed to that will, the Lordship of Breveer, and a legacy of two hundred

thousand gilders were given to the Earl of Albemarle.

Thus lived and died King William III. He had a thin and weak body; his hair brown, and his constitution delicate. He had a Roman eagle nose, bright and sparkling eyes, a large front, and a countenance composed to gravity and authority. All his senses were critical and exquisite. He was always asthmatical; and, the dregs of the small pox falling on his lungs, he had a constant deep cough. His behaviour was solemn and serious, seldom cheerful, and but with a few. He spoke little and very slowly, and most commonly with a disgusting dryness, which was his character at all times, except in a day of battle; for then he was all fire, though without passion, and was every where, and looked to every thing. He had no great advantage from his education. De Witt's discourses were of great use to him; and he being apprehensive of the observation of those, who were looking narrowly into every thing he said or did, had brought himself under an habitual caution, that he could never shake off, though in another scene it proved as hurtful, as it was then necessary to his affairs. He spoke Dutch, French, English, and German equally well; and he understood the Latin, Spanish, and Italian, so that he was well fitted to command armies composed of several Nations. He had a memory, that amazed all about him, for it never failed him. He was an exact observer of men and things. His strength lay rather in a true discerning and a sound judgment, than in imagination or invention. His designs were always great and good; but it was thought he trusted too much to that, and did not defend enough to the humours of his people, to make himself and his notions more acceptable to them. This in a Government, that has so much of freedom in it as ours, was more necessary than he was inclined to believe. His reservedness grew on him, so that it disgusted most of those, who served him; but he had observed the errors of too much talking more than those of too cold a silence. He did not like

(1) The Physicians and Surgeons, who were summoned by the Privy-Council to assist at and examine the dissection, made this report:

1. Upon viewing the body before the dissection, the following appearances were remarkable. The body in general was much imaciated. Both the legs up to the knees, and a little higher, as also the right hand and arm, as far as the elbow, were considerably swelled. There was likewise on the left thigh, near the hip, a bladder full of water as big as a small pullet's egg, resembling a blain.

2. Upon opening the belly, the guts were found of a livid colour, and the blood contained in their vessels black. The gut, called *lium*, had in some places the marks of a slight inflammation. The stomach, pancreas, mesentery, liver, gall, bladder, spleen, and kidneys, were all found, and without fault.

3. In the thorax or chest we observed, that the right side of the lungs adhered to the pleura, and the left much more; from which, upon separation, there issued forth a quantity of purulent or frothy serum. The upper lobe of the left side of the lungs, and the part of the pleura next it, were inflamed to a degree of mortification: And this we look upon as the im-

mediate cause of the King's death. From the ventricles of the heart, and the greater blood-vessels arising out of them, were taken several large, tough, flesh-like substances of the kind called *Pelypus*. The heart itself was of the smaller size, but firm and strong.

4. Upon laying bare the right collar-bone, we found it had been broken near the shoulder and well set. Some extravasated blood was lodged above and below the fracture.

5. The brain was perfectly sound, and without any sign of distemper.

6. It is very rare to find a body with so little blood as was seen in this, there being more found in his lungs, than in all the parts besides put together.

Physicians present,

Sir Richard Blackmore,
Sir Theodore Colladen,
Dr. Hannes,
Dr. Harel,
Dr. Hew,
Dr. Hulton,
Dr. Lawrence,

Sir Thomas Millington,
Professor Bidloo, &c.

Surgeons present.

Mr. Bernard,
Mr. Cowper,
Mr. Gardiner,
Mr. Ronjat, &c.

1701-2. like contradiction, nor to have his actions censured; but he loved to employ and favour those, who had the arts of complacency; yet he did not love flatterers. His genius lay chiefly to war, in which his courage was more admired than his conduct. Great errors were often committed by him, but his heroic courage set things right, as it animated those, who were about him. He was too lavish of money on some occasions both in his Buildings and to his Favourites; but too sparing in rewarding services or in encouraging those, who brought intelligence. He was apt to take ill impressions of people, and these stuck long with him; but he never carried them to indecent revenges. He gave too much way to his own humour almost in every thing, not excepting that, which related to his own health. He knew all foreign affairs well, and understood the state of every Court in Europe very particularly. He instructed his own Ministers himself, but he did not apply enough to affairs at home. He tried how he could govern us by balancing the two parties one against another, but he came at last to be persuaded, that the Tories were irreconcilable to him; and he was resolved to try and trust them no more. He believed the truth of the Christian Religion very firmly, and he expressed an horror at Atheism and Blasphemy; and, though there was much in both at his Court, yet it was always denied to him, and kept out of sight. He was most exemplarily decent and devout in the public exercises of the worship of God; only on week-days he came too seldom to them. He was an attentive hearer of sermons, and was constant in his private prayers, and in reading the Scriptures, and, when he spoke of religious matters, which he did not often, it was with a becoming gravity. He was much possessed with the belief of absolute decrees, because he did not see, how the belief of Providence could be maintained upon any other supposition. His indifference as to the forms of Church-government, and his being zealous for Toleration, together with his cold behaviour towards the Clergy, gave them generally very ill impressions of him. In his deportment towards all about him, he seemed to make little distinction between the good and the bad, and those who served well, or those who served him ill. He loved the Dutch, and was much beloved among them; but the ill returns he met with from the English Nation, their jealousies of him, and their perverseness towards him, had too much soured his mind, and had in a great measure alienated him from them, which he did not take care enough to conceal, though he saw the ill effects this had upon his business. He grew in his last years too remiss and careless as to all affairs, till the treacheries of France awakened him, and the dreadful conjunction of the French and Spanish Monarchies gave so loud an alarm to all Europe; for the watching over the French Court, and the opposing of their practices, was the prevailing passion of his whole life. Few men had the art of concealing and governing passion more than he had, yet few men had stronger passions, which were seldom felt but by inferior servants, to whom he usually made such recompences for any sudden or indecent vents he might give his anger, that they were glad every time it broke upon them. He was too easy to the faults of those about him,

when they did not lie in his way, or cross any of his designs; and he was so apt to think, that his Ministers might grow insolent, if they should find, that they had much credit with him, that he seemed to have made it a maxim to let them often feel, how little power they had even in small matters. His Favourites had a more intire power, but he accustomed them only to inform him of things, but to be sparing in offering advice, except when it was asked. It was not easy to account for the reasons of the favour, that he shewed in the highest instances to two persons beyond all others, the Earls of *Portland* and *Albemarle*, they being in all respects men, not only of different, but even of opposite characters. Secrecy and fidelity were the only qualities, in which it could be said, that they did in any fort agree. He appeared to be a person raised up by God to resist the power of France, and the progress of tyranny and persecution. The series of the five Princes of *Orange*, that was now ended in him, was the noblest Succession of Heroes, that we find in any history; and the thirty years, from the year 1672 to his death, in which he acted so great a part, carried in them so many amazing steps of a glorious and distinguishing providence, that in the words of *David* he might be called, *The man of God's right hand, whom he made strong for himself*. After all the abatements, that may be allowed for his errors and faults, he ought still to be reckoned among the greatest Princes, that our history, or indeed any other can afford.

This is the character of King *William*, as drawn by Bishop *Burnet*, who had occasion to know him well, having (as he says himself) observed him very carefully in a course of sixteen years. To this character shall be added the following account of the same Prince, penned and communicated by a person, extremely well versed in the affairs of those times.

To draw a character, with any tolerable degree of propriety and truth, is far from being an easy undertaking. The difficulty increases from a variety of particulars, and many appearances of strong contradictions. This is evidently the case of the Prince, of whom I shall presume to offer a free and impartial account.

He came into the world, and struggled thro' life with many and perpetual inconveniencies and disadvantages. The Father, dying immediately after his attempt on *Amsterdam*, produced many misfortunes to the Son, with regard both to his education and interest. Indolence and aversion to business, which requires confinement, are great misfortunes to a Prince; and they are consequences of not being under the restraints proper to form the mind to knowledge. Without attention and careful deliberation, how can any thing be well performed in the great scenes of life?

In his long minority, power and the conduct of affairs had been in the hands of the sure enemies of the *Orange* family; but under these disadvantages, when he was not above sixteen or seventeen years of age, he gave an instance of prudence, caution, and wisdom, worthy the experience of the oldest and ablest Minister of State. The fact is so very remarkable, that it deserves a particular relation. *De Witt*, having taken him under his government and tuition, in order to be master of all his actions and motions,

1701-2. tions, removed all his old servants, and placed others about him, in whom he could confide. One young man, who had constantly attended him from a child, and was his Valet de chambre, at the earnest request of the Prince, was suffered to continue in his service. But *De Witt* took care, at the same time, to engage him in his interest. The Prince had a constant, but very secret, correspondence with the *English* Court, in matters that concerned his own views and interest. On the receipt of letters from thence, he usually put them into his waistcoat pocket. The Valet, when his Highness was in bed and asleep, took out the letters, copied them for the Pensionary, and carefully replaced the originals. This continued some time, till *De Witt*, talking with the Prince upon his affairs, and warning him against intrigues inconsistent with their Government, and dangerous to his Highness, let fall expressions, from which the Prince inferred his having seen some of his secret letters from *England*. He took not the least notice to any one of what had happened, but, when he went to bed, feigning sleep, he saw the faithless operation of his Valet without the least notice or motion. He continued to conceal the discovery, but took care, in his subsequent letters to *England*, to write in such a manner, and to receive such answers for his waistcoat-pocket, for the treacherous use of his servant, and *De Witt's* information, as by degrees removed his jealousies, and kept him ever after in a false security relating to the Prince's transactions and correspondencies abroad. When the Prince had overcome all his difficulties, and was made Stadtholder, he coolly let his Valet know what great service he had done, while he was intending to betray him. After this confounding explanation, he was immediately dismissed from his service: But the Prince notwithstanding gave him a place for life about an hundred a year at *Breda*.

When he entered into public life, most of his friends and assistants were men distinguished only by noise and zeal. Circumstances as importantly unhappy attended him in *England*. The Marquis of *Halifax*, the Earl of *Danby*, Sir *Edward Seymour*, and several others, had been eminently useful in the contrivance and execution of the Revolution, and in fixing the Government. Neglects and disappointments under King *James*, and great expectations from the new settlement, were the chief motives of their behaviour. They could have no sense of civil and religious liberty, nor real concern for it's interests either at home or abroad, the whole of whose lives had been spent in bold and constant endeavours for it's subversion. But though, in the distribution of places, they had their full proportion, yet, because all their views were not answered, they quickly conceived bitter discontents, and infused their temper into all their dependents; but continued in place, in order more effectually to distress and disturb. Thus they had many opportunities of fatally advising in home and foreign affairs. They hated the King, and endeavoured to make him odious for his moderation and good temper in matters of Religion; and yet they flattered, and pretended zeal for his honour. They laboured with too much success in giving him disgusts to those, who were his friends both by princi-

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ple and inclination; and engaged him to confide in, and employ those, whose enmities to him were unalterable.

The avarice and rapaciousness of foreign Favourites was another very great misfortune. In order to silence the clamours of enemies, some of the chief of the Tories, particularly *Danby*, were liberal partakers in the Crown-lands. Such proceedings could not fail to be matter of grief and offence to the best friends of the Government. The King's regards to a favourite Lady, not many weeks after the Queen's decease, were published to the world by a most profuse and prodigious grant. This Lady's influence and management in general are known; but many particulars have not been represented, and many can never be produced to light. She engaged persons of the first rank to enter into business. She offered the Tories, by way of bargain for her *Irish* grants, to have Lord *Sommers* removed, whose disgrace, as well as that of the Earl of *Portland*, was chiefly owing to her address. Her brother, the Earl of *Jersey*, was a zealous and known Jacobite, and yet had all sorts of honour and trusts. A great variety of particulars might be added, but the reflections, which arise from what has been mentioned, is sufficient to our purpose.

A military life was most agreeable to his genius; but here his disadvantages and distresses were perpetual. He came to the rescue of his country in the lowest and most dejected state. His first performances are therefore to be regarded as the most glorious particulars of his conduct. His principal Ally, the *Spaniard*, only gave him vain promises and assurances, for they were every where feeble and unprepared.

After he came to *England*, in how many ways was he embarrassed? The unredressed and unsettled state of *Ireland* gave the enemy great advantages on the Continent. The Court of *Vienna* only attended to the war in *Turky*; every thing else was neglected. The *German* troops had no existence but in pompous lists published before the campaign. The part, which the Elector of *Bavaria* afterwards acted openly, seems to give credit to the suspicions, which were then entertained. Some traitors belonging to him were discovered, but perhaps not the principal. The King, for the support of the wars, had the name and sound of great supplies, but effectual services were very different from these appearances. The funds were insufficient, and the difficulties in raising money immediately were insuperable. When a little more vigour both at home and abroad began to open to us better views, the disorderly state of the coin defeated all the fair appearances.

The conduct of the treaty of *Ryswick* fell into the hands of the incapable or disaffected. After the peace, the King was on terms of diffidence and distrust with all his capable friends; which the discontented, the disaffected, and the eager for popularity improved into the fatal reduction of the army. When the long-dreaded event of the death of the King of *Spain* happened, he was found in the hands of those whose enmity was immoveable. They treated *France* with esteem and respect, while his Allies endured all the effects of their infolence and pride.

With regard to his military abilities and skill, the world has been greatly divided in their opinion.

1701-2. opinion. The Tories, while he was alive, prevailed in the obtaining places for themselves, by assurances of their peculiar regards to regal power; but, after his decease, they took the first opportunity of stigmatizing him as a Warrior; as appeared from their dividing so strongly for the word *retrieved*. His courage, bravery, and resolutions, were unquestionable; his conduct, temper, and skill, are not so generally allowed. Something of this kind will ever be supposed in a Commander, who fails of success in almost every enterprize. Victory scarce ever attended him, except in the passage of the *Boyne*. He expelled the *French* from most of the fortresses belonging to the *Dutch*, but was far from making any effectual opposition to their progress in the *Spanish Netherlands*; and they acquired, in a few years, towns and territories, which have contributed to their strength and riches, in an amazing and terrible manner.

In his political and civil management, true skill and resolution seem to have been much wanting. Perpetual changes of persons and parties were notorious throughout his Reign. Those, who were against all engagements, and all assurances of the fidelity of his subjects, and who, in important struggles, opposed the owning him as *lawful* and *rightful King*, after such repeated indignities, were preferred to his sure and most sincere friends. The *Convention Parliament*, to which he owed his *all*, was dissolved; the betrayers of Corporations, and the tools of Arbitrary power in the two former Reigns, were protected and preserved; while his zealous adherents were delivered up to contempt and disgrace. In return for this astonishing preference, the City of *London* chose such of the Members, as were then alive, who had been imposed on them by King *James*, who had delivered them from the incumbrance of all their privileges. The new Senate placed one at their head, who was of a malevolent and corrupt temper, and had been ready and willing to perform for the abdicated Monarch, the most profligate and desperate services. With regard to the coin, the King followed the mischievous and distressing advice of *Seymour*, and rejected the safe and salutary Councils of *Sommers*. Plottings and treasons of the most bloody and barbarous kind were repeated by great numbers of people of all ranks; and yet all possible methods were used to preserve from punishment the guilty; and the Leaders, in such managements, continued to be taken into his Councils and Confidence.

An effectual opposition to *France*, seemed to employ his most ardent wishes and endeavours; but measures quite opposite were pursued. The whole winter after the peace of *Ryswick*, he did not once confer either with Lord *Sommers*, or any of those who served with inclination and affection. The Earl of *Rocheſter*, and his adherents, though in the highest posts, after the infamous proceedings of *Lewis XIV.* with regard to the *Spanish Succession*, recommended that King's being treated with respect in the House of Lords, and resented some just freedoms. The Earl of *Jersey*, who is said to have often avowed to the King his affection for *St Germain's*, was sent Ambassador to *France*; and, instead of duly observing and resenting the perfidy and indignities of that Court, his business was to cultivate an interest with King *James*.

But at last the King was sensible of these errors, and, just before his death, resolved to bring again into his service the true friends to himself, and to the liberty and interests of his Kingdom.

Pride and neglect were imputed to him by the great Commanders, with whom he was concerned in military affairs, who thought themselves treated with too great a coldness and reserve. As he had nothing of the easy and affable in his manner, this is said to have offended the Elector of *Bavaria*, and to have occasioned great prejudice to the common cause. To his first conceptions of what was proper to be done, he adhered in a determined manner; and no counsels, except what were agreeable to these, were regarded.

Such in this world are the parts, which enter into the composition of the eminent and distinguished. However, the great Name which we have so freely placed in the most impartial light, deserves, on many accounts, to be remembered with gratitude and honour.

He had just views of the horrid consequences of the unrestrained progress of the power of *France*. With great integrity and vigour, he therefore made it the business of his life to oppose all it's mischievous motions; nor did he faint or grow weary in the glorious and difficult toil. He had an enemy, who was ever well prepared and provided; while his own situation was quite different. He was often baffled and disappointed, and rarely attended with triumphant success. However, the preservation of *Europe* from absolute subjection, may justly be ascribed to his endeavours. He knew in what a scandalous and mercenary manner his two Predecessors had surrendered themselves to the will and pleasure of the enemy; nor was he ignorant of the weak and corrupt condition of many other States. But, though thus discouraged, the offer of the Sovereignty of the greatest part of his country could not seduce him from the common cause. This is sufficient to silence the accusations of his enormous love of power.

As he proved himself the friend of the liberties of *Europe*, and preserved it's free States from being the oppressed Provinces of an universal Monarchy, so equally sincere was his zeal for the religious rights of mankind. He had a just abhorrence of Popish tyranny and usurpation on conscience. The bitterness and envyings amongst Protestants gave him great concern; and he wished for an effectual cure of these evils, and contrived the most proper measures. Uniformity in opinions and practices is not to be compassed: Therefore mutual forbearance, and restraining the several parties and professions among Christians from injuring one another, ever had his constant attention. The religious notions, which education and a habit of thinking had fixed, gave him no aversion to those who opposed his sentiments. In his days, and by his means, the firm and consistent foundations were laid, of what is truly valuable in civil or religious affairs. Before his time, avowing the rights of mankind, in a full and consistent manner, was criminal or disgraceful: As they had power and opportunity, the several parties of Christians oppressed and injured one another.

1701-2. An unthinking and ungrateful world is only delighted with hurry and mischief, and has therefore no sense of it's most valuable benefactors. But those, who will reflect and consider, must acknowledge a more real friend to human beings never appeared in this part of the earth. To him we owe the asserting and securing our most important immunities and privileges. To him the intellectual world is indebted for the full freedom of debating all subjects, and of avowing and defending their sentiments.

The appearances of Providence for his safety and preservation were many and very affecting. No life was ever more eminently exposed in the day of battle, nor did his many disadvantages abate his ardour: Far from declining, he fought opportunities. His enemies, not satisfied with the several chances thus offered, by many vile and dark methods, attempted his destruction both at home and abroad.

From an immature birth he derived a weak and feeble constitution; but a vigorous mind carried him through a perpetual succession of cares and labours. Considering an accidental hurt befalling a decayed and wasted frame, his days were prolonged beyond all expectation. His last work completed his good designs for conveying to us the great and valuable blessing of the Protestant Succession. Had he been cut off in any of the periods of his glorious struggle for our happiness and the welfare of Europe, the miseries and mischiefs, which must naturally have followed, would surely have equalled all the suggestions of the blackest and most melancholy imagination. But the unthinking part of the world, because wholly delivered, have not been, nor ever will be, duly sensible.

Henry IV. of France, and Queen Elizabeth, are perpetually produced as instances of superior Princely merit. How truly King William not only equalled but excelled them, in the really glorious qualities of a great and good Governor, might easily be made appear. On a careful examination, his difficulties and distresses will be found greater than theirs; and his faults, and mismanagements, less enormous and more excusable.

Before the conclusion of this Reign, it will be necessary briefly to relate such Ecclesiastical matters, as have been purposely omitted, that the narration of the Civil affairs might not be interrupted.

And here it may not be improper to premise an account of the rise and progress of our religious differences, from the Reformation to the time of the Revolution.

When Christendom was over-run with the superstitious and absurd doctrines and practices of the Church of Rome, and such things were established, as contradicted not only the Scriptures, but the reason, understanding, and very senses of men, then it was that several Reformers arose in different parts of Europe, and separated from a Church so overwhelmed with

corruption and error. It was laid down as a maxim, that the Scriptures are the sole rule of Faith, wherein all things necessary to Salvation are so plainly revealed, that every man may judge for himself, and needs not an infallible guide in matters of religion. Upon this foundation, *Infallibility, Transubstantiation, Indulgences, Worship of Saints and Angels*, with a numerous train of the like absurdities, were attacked, and proved to be repugnant to the Gospel. But the misfortune was, that, in the progress of the Reformation, the principle on which it was grounded was intirely forgot; instead of restoring Christianity to it's primitive state, as contained in our Saviour's last instructions to his Apostles, *That repentance and remission of sins should be preached in his name to all nations*: Instead of adhering to this plain and rational scheme of the Gospel, *St Austin's* doctrines were made the standard of Religion, and such systems were framed, as were as unintelligible to reason, and as difficult to be proved by Scripture, as the tenets of that Church from which the Reformers had separated. They were not content with saying, that by the sin of our first parents all mankind are great sufferers; that the effects of it are transmitted to all their posterity, namely, *loss of paradise, labour and toil, sorrow in conception, subjection to sickness, diseases, and all the calamities of life*; and finally, to the greatest of all natural evils, *death itself*. They were not satisfied with asserting, that man, since the fall, is prone to evil, too easily led astray by the force of example, education, prejudice, and temptation; and that, when the world lay buried in wickedness, God sent his Son to quicken men to a sense and practice of their duty, by the assurance of pardon, for his sake, of past offences upon repentance and amendment of life; by the promise of everlasting happiness to well-doers, and by the threatening of future punishment to all evil-doers, according to their respective deserts. Not content with this, the Reformers, copying after *St Austin*, declared, that *Adam* was the representative of all mankind, and consequently not only *the effects*, but also *the guilt*, of his sin is transferred on all his descendants, who are thereby obnoxious both to death and eternal damnation. That, since the fall, how free soever the will may be as to civil affairs, it is so far enslaved as to religious matters, that man is totally unable of himself to think a good thought, or to do a good action (1). That God, before the foundations of the world were laid, secretly decreed to save a certain number of persons, whom he has unconditionally chosen out of lost mankind. That, as *Adam's* sin is imputed to all his posterity, so the righteousness of *Christ* is imputed to *the Elect*, for whom only He died. That to *the Elect* is given both a preventing Grace, that they may have a good thought, and an assisting Grace, to enable them to put it in practice. That in this state of Grace *the Elect* will certainly persevere, and cannot finally fall from it. That the rest of mankind, for want of this efficacious and irresistible Grace,

(1). As the Papists held, that men were able not only to perform their duty, but even to do works of supererogation, or more than were necessary for sal-

vation; so the Reformers ran into the other extreme, and asserted, that man of himself can do no work acceptable to God.

Grace, remain in a state of curse and damnation (1).

Such were the doctrines that at first more generally prevailed among the Reformers, with this difference only, that some (thence called *Supralapsarians*) asserted, that God decreed *Adam's* sin, and the damnation, as well as salvation, of such as should be lost for his own glory; whilst others (thence styled *Sublapsarians*) affirmed, that, *Adam* having sinned freely, God decreed to save a certain number, and left the rest in their fallen state, without any farther determination about them.

In the progress of the Reformation, some of these doctrines began to be softened. *Arminius*, Divinity-Professor at *Leyden*, and his followers (from him called *Arminians*, and also *Remonstrants* or *Universalists*) declared, that God decrees not absolutely any person to be saved or damned, but conditionally, or according to what he foresees they would do: That Christ did not die only for a particular number whom God intended to save, but for all men; so that every one is intitled to the benefit of his death, who rejects not the Gospel-terms of faith and repentance: That *Grace*, or the assistance given to men to enable them to do their duty, is not irresistible, but the efficacy of it comes from the freedom of the will, which either may, or may not, co-operate with it as it pleases; and consequently, that the perseverance of those, to whom such *Grace* is given, is not certain, but they may finally fall away from that state (2).

The two chief branches of the Reformation are the *Lutherans* and *Calvinists*, so called from their founders *Luther* and *Calvin*. The *Lutherans*, though at first they were followers of *St. Austin*, and even denied the freedom of the will, altered their opinion in time, and eagerly came into the *Arminian* scheme of conditional decrees (3), whilst the *Calvinists* closely adhered to *St. Austin's* doctrines of absolute and unconditional Predestination, as before explained.

These two branches differ also in their notions of the Eucharist. The *Lutherans* hold, that, together with the bread and wine, the

real body and blood of Christ is distributed. The *Calvinists* say, that, under the bread and wine, the body of Christ is really, tho' spiritually, received. Here again, if the Bible had been adhered to, this subject of dispute had been avoided; for, from the words of the primitive institution, neither a real, nor a spiritual, presence can be inferred. Both parties avow the principle of perfection (4); and, on account of their religious differences, such animosity reigns between them, that they refuse to hold Communion with each other, and, in many places, will not allow a mutual Toleration (5). When the *Arminian* scheme began to spread in *Holland*, and to be favoured by the Government as more rational in itself, and more intelligible by the people than the *Calvinistical*, the *Predestinarian* party, who were most prevalent there, grew outrageous at the progress of the *Arminian* doctrines, and called the authors of them *Devils* and *Plagues*, animating the Magistrates to extirpate and destroy them, and utterly refusing to enter into any treaty of reconciliation. They never ceased till they had leave to hold a national Synod at *Dort* in 1618, from which all the *Arminian* Divines being expelled, their tenets were condemned, and the *Predestinarian* or *Calvinistical* doctrines more firmly established.

The Reformers made great alterations in the discipline, as well as in the doctrine, of the Church of *Rome*.

The Hierarchy was intirely demolished, and Episcopacy every where (except in a few *Lutheran Dioceses*) wholly abolished. Bishops and Presbyters are affirmed to be the same in Scripture, and all superiority of the one over the other being denied, and a parity asserted, the Ecclesiastical Government is (by the *Calvinists* at least) lodged in the hands of *Presbyters*, *Lay-Elders*, and *Deacons*.

In *Scotland* the Reformation was also settled after the *Calvinistical* or *Geneva-model*, both as to doctrine and discipline, and episcopacy not only rooted out, but declared to be repugnant to the word of God.

In

(1). The *Pelagians* (so called from *Pelagius*) think there is no need of any other *Grace* but that of *Pardon*, and deny both the preventing and assisting *Grace*. The *Semipelagians* think, that an assisting *Grace* is necessary, but that the first turn of the will to God is the effect of a man's own choice.

(2). There were some that went farther. They denied the certain foreknowledge of future contingencies, and therefore they thought the decrees of God, from all eternity, were only general; that such as believe and obey the Gospel shall be saved, and that such as live and die in sin shall be damned; but that there were no special decrees made concerning particular persons, these being only made in time, according to the state in which they are. They thought also, that man is by nature so free and so intire, that he needs no inward *Grace*; so they deny a special predestination from all eternity, and do likewise deny inward assistances. These, from *Socius* their founder, are called *Sociinians*, and also *Unitarians*, from their asserting the Supremacy of the Father, and denying the received doctrine of the Trinity.

(3). When *Luther* began to form his opinions into a body, he clearly saw, that nothing did so plainly destroy the doctrine of merit and justification by works as *St. Austin's* opinions: He found also in his works every express authorities against most of the corruptions

of the *Roman Church*; and being of an order that carried his name, and by consequence accustomed to read and reverence his works, it was no wonder if he, without a strict examining of the matter, espoused at first all his opinions, though, before he died, he is reported to have changed his mind; for *Melancthon*, who had been of the same opinion, as to the freedom of the will, did retract it, and was not blamed for it by *Luther*.

(4). *Luther* allowed of perfection as far as banishment; but *Calvin* thought it lawful to put Heretics to death. *Beza* published a treatise in favour of perfection, which was translated into Dutch by *Bogerman*, President of the Synod of *Dort*.

(5). It may here be observed, that one standing cause of their not holding Communion with one another, is, that both parties have taken care to insert their peculiar tenets and doctrines into the offices of their public worship. For instance, there is scarce a *Calvinistical* prayer, but what supposes absolute predestination and election, partial redemption, total inability of man to any thing that is good, efficacy or grace, final perseverance, or some other controverted point, by which means a *Lutheran* or *Arminian* cannot join in it, without straining the words to their own sense, which is sometimes hardly to be done.

In *England* a middle course was steered. Though the articles of Religion are a plain transcript of *St Austin's* doctrine in the controverted points of *Original Sin*, *Predestination*, *Justification by Faith alone*, *Efficacy of Grace*, and *Good Works*, yet are they composed with such a latitude and such additional cautions, as that they may be taken in an *Arminian* as well as *Calvinistical* sense. For instance, in the article of *Predestination* it is not expressed, whether God's decree was *absolute* or *conditional*; and therefore, though the Authors very probably meant, that the decree was *absolute*, yet the *Remonstrants* may subscribe to it in a *conditional* sense. However this be, of the thirty-nine articles, the most rigid *Calvinist* can give his assent to all, except three relating to the discipline of the Church. For though the doctrine of the Church of *England*, as it stands in the *Articles and Homilies*, agrees with that of the *Calvinists*, yet the discipline is intirely different. The *Hierarchy*, or Church-government by Bishops, Priests, and Deacons, is preserved in *England*, and declared to be *Apostolical*: The Bishops are held to be of a superior order to the Priests, and to have the sole power of *Ordination*. The *English* Reformers thought proper also to retain the *Papish* Ecclesiastical habits or vestments, the *Surplice*, *Hoods*, &c. and also some of the ceremonies, as the *Cross* in Baptism, *Ring* in Matrimony, *Kneeling* at the Sacrament, &c. The Liturgy or Common-Prayers were chiefly taken from the offices of the Church of *Rome*, and certain responses were added to engage the attention of the People, who before had no concern in the publick devotions which were uttered in an unknown tongue.

It happened in Queen *Mary's* reign, that great numbers of the Reformed, upon the restoration of Popery, fled beyond sea, and were kindly entertained by the Protestant States in *Germany*, *Switzerland*, and *Geneva*, who allowed them Churches for their public worship. Among these were five Bishops, as many Deans, some Archdeacons, and above fifty eminent Preachers and Doctors, and of Noblemen, Merchants, &c. above seven hundred. Many of these exiles, returning home in Queen *Elizabeth's* reign, brought with them a great liking of the *Discipline* and *Worship* of the Reformed Churches abroad, and used their utmost endeavours to cause the Church-Discipline to be reduced to a nearer Conformity with the *Calvinistical* plan. They alledged, that the Scriptures are a Standard of Discipline as well as Doctrine: That the form of Government, appointed by the Apostles, was, like the *Jewish Sanhedrim*, Aristocratical, and to be administered by Pastors, Elders, and Deacons: That this form was designed as a pattern for the Churches of all ages, not to be departed from, on account of any customs of the Papacy or practice of the earlier ages, unless warranted by the Bible. They objected to the Act of Supremacy, as giving too much power to the Crown in matters of Religion. They said, that Christ and no other was the sole Law-giver and Head of the Church: That the direction of religious matters was by God's ordinance committed to the Church-officers: That the Civil Magistrate might call a Council of his Clergy, and be there in person or by deputy, but not a *Moderator* or *Judge*:

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That it was his province not to make ordinances or determine controversies, but to see the decrees of the Clergy executed, and to punish the contemnners. They declaimed against those habits, rites, and ceremonies, which were used by Papists, insisting that those things, which were left indifferent by the Scriptures, ought not to be made necessary by any human law, and that such rites as had been abused to Idolatry, and tended to lead men back to Superstition, were no longer indifferent, but to be rejected as unlawful. They, who were thus for carrying on the Reformation farther than the Establishment, were by their adversaries termed *Puritans*.

These were told, that, in the affairs of Church-government, not only the Scriptures, but the practice of the Church, for the first four or five centuries, was to be regarded: That therefore the later corruptions of the Papacy, from the time the Pope usurped the title of universal Bishop, were only to be rejected, and those things left standing, which could be traced much higher; such as Archbishops, Bishops, Priests, and Deacons: That every Prince had authority to correct all abuses of *Doctrine* and *Discipline* within his own territories, and that things indifferent, such as *Rites*, *Ceremonies*, *Habits*, &c. might be settled by the command of the Civil Magistrate, and in such cases it was the indispensible duty of all subjects to observe them.

Hence it appears, that both parties agreed in the necessity of Uniformity of public worship, and of calling in the sword of the Civil Magistrate for the support of their several schemes, but differed about the standard of this same Uniformity, one party asserting, it was the *Queen's Supremacy* and the laws of the land; the other, the decrees of *Provincial* and *National Synods*, allowed and enforced by the Magistrate. Neither party thought of admitting Liberty of Conscience and Freedom of Profession, which seems to be the right of every man, as far as is consistent with the peace of the Government.

From this principle of Non-toleration both parties in their turns, when they had the Civil Power in their hands, failed not to oppress one another. The Puritans were the first sufferers. The controversy began about the habits, (which had been objected against in the reign of *Edward VI*) several refusing Bishopricks or other preferments, on account of the vestments and ceremonies, and great numbers being deprived for not using them. Queen *Elizabeth*, jealous of her Ecclesiastical Power, and fond of pomp and shew in the externals of Religion, was so far from granting the least indulgence in these matters, that she insisted on a strict Uniformity as well in discipline as doctrine. The Puritans, rather than comply, submitted to suspensions and deprivations, the number of which in her reign amounted to several thousands. Penal laws were multiplied and rigorously executed. Non-compliance with, or speaking, or acting, against the Liturgy, was for the third offence perpetual imprisonment, with loss of preferment to a Clergyman, and forfeiture of goods and chattels to a layman. Absence from Church was first punished with 12 *d.* a *Sunday*, afterwards with 20 *l.* a month, and lastly with imprisonment

prisonment without bail; and, unless a declaration of Conformity was made in three months after conviction, with perpetual banishment; and, in case any returned, they were to suffer death without benefit of the Clergy. During these proceedings, though the Puritans in general were unwilling to forsake the established Church, and therefore evaded the force of these laws by coming to Church, when the prayers were almost over, and receiving the Sacrament where it was administered with some latitude; yet others resolved to separate from it, and to assemble, wherever they could, to worship God in their own way. The *Brownists* (so called from *Robert Brown* their Pastor, educated in *Corpus Christi College Cambridge*) formed the first separate Congregation; but they were quickly forced to leave the Kingdom and retire to *Holland*, where *Mr Robinson*, Pastor of the Church at *Leyden*, first struck out the *Congregational* or *Independent* form of Church-government (1). Part of this Church, transplanting themselves at length into *America*, laid the foundation of the colony of *New-England*.

Here was the beginning of the Separation, whereby people of the same country, of the same religion, and of the same judgment and doctrine, parted Communion, on account of a few habits and ceremonies, which by degrees begot unspeakable mischiefs to the Nation, and in the end proved the destruction of the Constitution both of Church and State. A strong instance of the weakness, perverseness, and superstition of mankind! How weak must it be to part with a livelihood and embrace poverty, rather than wear a surplice or square cap! How perverse to enforce the use of such things against conscience! How superstitious to believe it of any consequence to religion, to use or disuse them! Had these external things been left as indifferent in their practice as they are in their nature, there had been probably no Schism in

the Church, nor civil War in the State. For, though the Puritans had many other objections to the established Discipline, they would doubtless have remained in the Church, if the use of the habits had been dispensed with. But the Queen's resolution, not to indulge them, drove many into an actual separation, which widened the breach. For the controversy, which had been chiefly confined to the habits and a few ceremonies, began to open into several considerable branches, and particularly the Hierarchy was attacked. The Puritans were also divided, and a new dispute arose concerning the necessity of a Separation from the established Church.

Soon after the Accession of King *James*, the Canons of the Church were established by the King and Convocation. By these Canons all were declared to be *ipso facto* excommunicated, that affirmed, the Church of *England* not to be a true and Apostolical Church, or the Liturgy to be corrupt, or the rites and ceremonies to be antichristian, or that separated from the Church, and pretended that any sect of Ministers and Lay-persons, may make rules, orders, and constitutions, without the King's authority. Thus the Puritans found themselves in a worse condition than ever, excommunication (the consequences of which are terrible) being added to suspensions and deprivations (2). Things were in this state, when a great turn happened in the Doctrine of the Church. The *Arminian* or *Remonstrant* Tenets (which had been condemned by the Synod of *Dort*) began to spread in *England*. They were espoused by the Court and the Universities (3). The *Calvinistical* sense of the articles was discouraged, and injunctions were published against Preaching upon *Predestination*, *Election*, *Efficacy of Grace*, &c. whilst the *Arminians* were suffered to inculcate their doctrines. As *Arminianism* was first embraced by those who were for exalting the prerogative above law, all that

(1). In the year 1616, *Mr Jacob* (who, after conferring with *Robinson*, embraced his sentiments of Church discipline) set up the first *Independent* or *Congregational* Church in *England*. Some time after, some of the most rigid, being dissatisfied about the lawfulness of Infant-Baptism, chose *Mr Jesse* their Minister, who laid, 1640, the foundation of the first Baptist Congregation in *England*. The *Brownists* increased in such a manner, that in 1592, *Sir Walter Raleigh* declared in the Parliament House, that there were no less than 20,000 divided into several Congregations, in *Norfolk*, *Essex*, and about *London*. They had now at their head, *Smith*, *Jacob*, and *Ainsworth*, the Rabbi of the age. *Copping* and *Thacker*, two of their Ministers, were condemned and put to death for Non-Conformity, in 1583. The *Brownists* did not differ from the Church in any doctrinal points; but were so rigid and narrow in points of discipline, that they not only maintained the discipline of the Church of *England* to be Antichristian, but renounced communion with all other reformed Churches, except such as should be of their model.

(2). In the Reign of King *James*, two persons were burnt for Heresy; one was *Bartholomew Legate*, an *Arian*; he was well versed in the Scriptures, and of an unblameable conversation. The King himself and some Bishops conferred with him, but could not convince him of his errors. After having lain some time in *Newgate*, he was convened before Bishop *King*, in his Consistory at *St Paul's*, who, with some other Divines and Lawyers, declared him an obdurate

Heretic, and certified the same into *Chancery* by a *significavit*, delivering him up to the secular arm. Whereupon the King signed a writ de *Hæretico comburendo* to the Sheriffs of *London*, who brought him to *Smithfield*, March 18, 1612, and in the midst of a vast concourse of people burnt him to death. A pardon was offered at the stake, if he would recant, but he refused it. The next month *Edward Wightman*, of *Burton upon Trent*, was convicted of Heresy by Bishop *Neile*, and was burnt at *Lichfield*, April 11. He was charged in the warrant with the Heresies of *Arius*, *Cerinthus*, *Manicheus*, and the Anabaptists. — There was another condemned to the fire, but the constancy of the other two sufferers moved such compassion in the spectators, that it was thought better to let him linger out a miserable life in *Newgate*. *Fulter*, B. X. 63, 64.

(3). The *Predestinarian* controversy was began in 1595, in Queen *Elizabeth's* reign, by *Barret*, Fellow of *Caius College, Cambridge*, who preached against *Calvin's* doctrine of *Predestination*, &c. for which he was censured by the University, and forced to retract in *St Mary's Church*. He was afterwards sent to *Lambeth*, and examined before Archbishop *Hitchcote*; who enjoined him to confess his errors, and not teach the like doctrines for the future; but he chose rather to quit the University. This gave occasion for the famous *Lambeth*-articles, in which the *Calvinistical* sense of *Predestination*, *Election*, and the other controverted points, is strongly asserted; and to which the Scholars in the Universities were strictly enjoined to conform.

that adhered to the side of liberty, or to the Calvinistical sense of the articles, though ever so good Churchmen, were branded by the Court with the name of Puritans. Hence the distinction of *State or Doctrinal Puritans*, and *Discipline Puritans* or *Disciplinarians*. By this means the Puritans acquired great strength, for the bulk of the People and Clergy were at once confounded with them. At the head of the *Arminians* was *Laud*, and of the *Doctrinal Puritans*, Archbishop *Abbot*.

When King *Charles I.* came to the Crown, the state of the controversy between the Church and the Puritans was intirely changed. In the reigns of King *James* and Queen *Elizabeth*, the Puritans were almost all for the *Presbyterial* Government, but, from the time that *Arminianism* prevailed in the Church, the whole body of *Calvinists* came to be called *Doctrinal Puritans*. There was no mention for many years before the civil wars of the old *Book of discipline*, (framed by the Puritans in Queen *Elizabeth's* Reign) but all seemed to unite in a moderate *Episcopacy* (1), and the controversy ran upon the *Doctrinal Articles*, upon the *Reduction of Episcopal Power*, and upon *Innovations in the Church*. For *Laud*, instead of indulging the *Puritans*, widened the breach between them and the Church, by introducing many new and pompous ceremonies in the publick worship. These not only made the terms of Conformity more difficult, but were enforced both upon the Clergy and Laity with all the terrors of the *High-commission*, to the ruin of many families, and the raising very great disturbances in many parts of the Kingdom. Upon these proceedings great numbers transplanted themselves and families into *America*, and gave birth to a second colony in *New-England*, that of *Massachusetts's* bay (2).

The Church was now in the height of its splendor, *Episcopacy* was declared to be of *Apostolical*, and consequently of *Divine Institution*, and the *Presbyterial* Government, though challenging the title of *Christ's Kingdom and Ordinance*, to have no foundation in Scripture, nor in the practice of the Church for fifteen hundred years. The Clergy were all obliged, on pain of deprivation, to swear that they approved the *Doctrine and Discipline of the Church*, and would never consent to alter the Government of it by *Archbishops, Bishops, Deans, and Archdeacons, &c.* The Churches were adorned with paintings, images, altar-pieces, &c. and, instead of *Communion-tables*, altars were set up, and bowings to them and the *Sacramental* elements enjoined. The *Predestinarian* doctrines were forbid, not only to be preached, but to be printed, and the *Arminian* sense of the articles was encouraged and propagated.

On the other hand the Puritans loudly complained of these innovations, and taxed the Authors of them with a design to introduce Popery. The more severely they were used, the more they increased and continued to do so, till the meeting of the long Parliament in 1640, when the affairs of Religion took a new turn.

This Parliament being composed chiefly of *State and Doctrinal Puritans**, one of their resolutions was, to redress the grievances of the Notes, Church. They began with censuring the Authors of the late innovations, and voted them down. A solemn protestation was drawn up for all to subscribe, that they would maintain the true reformed Protestant Religion, expressed in the doctrine of the Church of England, against all Popery and Popish innovations, &c. The High-Commission Court and Star-Chamber were abolished. The votes and temporal jurisdiction of the Bishops were taken away; and afterwards, in compliance to the *Scots*, a bill passed both Houses for the utter abolishing all Archbishops, Bishops, their Chancellors and Commissaries, Deans, Chapters, Archdeacons, Canons, Prebends, &c. Thus the discipline of the Church was voted away, and no other was erected in its room till several years after. In this interval, the Clergy were permitted to read more or less of the Liturgy, as they pleased, and to govern their parishes according to their discretion. The Vestments were left indifferent, some wearing them, and others, in imitation of the foreign Protestant Churches, making use of a cloak. The Puritan Clergy, being zealous Calvinists, and having been prohibited for some years from preaching against the *Arminians*, now pointed all their artillery against them, and insisted upon little else in their sermons but *Predestination, Justification by Faith alone, Salvation by Free Grace*, and the inability of man to do that which is good. Moral duties were too much neglected, and, from a strong aversion to *Arminianism*, these Divines made way for *Antinomianism*, running from one extreme to the other, till at last some of them were lost in the wild mazes of enthusiastic dreams and visions, and others, from false principles, pretended to justify the hidden works of dishonesty. In the mean while, the *Presbyterians* were labouring the Establishment of their form of Church-Government as the discipline of *Jesus Christ*, but See Note, in vain; for the Parliament, instead of complying with a petition to that end, voted it scandalous. Nor could they ever obtain the power of the Keys, Excommunication, &c. for which they were continually applying to the Parliament. It is true, by an ordinance of August 19, 1645, the Presbyterian Church-Government became the national Establishment, as far as an ordinance

1642.

(1). That is, instead of a Bishop governing alone a Diocese of five hundred or a thousand parishes by his Chancellor, Commissaries, Officials, and other Ecclesiastical officers, they were for a Bishop or Stated-President over a district of ten or twelve parishes, who jointly, with the Parochial Ministers, should manage the Church affairs of his district.

(2). It is said, there were eight sail of ships at once, in the spring of 1638, in the river of *Thames*, bound for *New-England*, and filled with Puritan families, among whom (according to *Bates* and *Dugdale*) were

Oliver Cromwell, afterwards Protector, *John Hampden*, Esq; and Mr *Arthur Haselrigge*, who, seeing no end of these oppressions, were determined to spend the remainder of their days in *America*; but by an order of Council, dated May 1, 1638, the ships were stopped, and the passengers commanded to be put on shore; and, to prevent the like for the future, the King prohibited all masters and owners of ships to carry any passengers to *New-England*, without a special licence from the Privy-Council. Upon which great numbers went over and settled in *Holland*.

nance of the Parliament could make it; and, by another of *Sept. 1, 1646*, Episcopacy was abolished, and the Church-lands alienated for payment of the public debts. Notwithstanding all this, though the Hierarchy was destroyed, and the best, if not all the livings of the Kingdom distributed among them, the Presbyterians were not satisfied. For it must be observed, that the Presbyterian Government was more narrow than the Episcopal, and allowed not a liberty of conscience, but claimed a Civil as well as Ecclesiastical authority over men's persons and properties. Consequently they were still discontented, for want of *Church-power* to crush the *Sectaries*, as they termed all that dissented from them. Of these the Independents were the chief, whose opinion it was, that every Congregation had power to chuse or ordain their Pastor, and jointly with him to manage their religious concerns without *Classical* or *Synodical* Assemblies, and consequently they were for universal Toleration. These two points, Independency of Congregations (from whence they were called *Congregationalists*) and Toleration were the constant subjects of dispute between them and the Presbyterians, who were professed enemies to both. The Presbyterians insisted upon a strict Uniformity in worship and discipline, and bitterly inveighed against Toleration, which they called the *Great Diana* of the Independents. Not content with having their form of Government made the national Establishment, they were continually soliciting the Parliament for a *Coercive Power*, in order to persecute all that differed from them. On the other hand the Independents, who multiplied daily, and the *Anabaptists* (who differed from them in little else but *Infant-baptism*) were as strenuous for Toleration and Liberty of Conscience, declaring no opinions or sentiments of Religion are cognizable by the Magistrate any farther than they are inconsistent with the peace of the Civil Government. Little did the Presbyterian Divines think, that in less than twenty years all their artillery would be turned against them: That they should be excluded the Establishment by an Act of Episcopal Uniformity, and reduced to the necessity of pleading for that indulgence, which they now denied others. Their thoughts were intirely engrossed with *Covenant-Uniformity* and the *Divine Right* of their Presbytery, which, after all, the Parliament would never admit in the extent they desired.

During these proceedings, the Episcopal Clergy felt in their turn the effects of non-tolerating principles. By an ordinance of the 23d of *August 1645*, the *Directory* was enjoined to be read openly in all Churches, under the penalty of forty shillings, and whoever spoke or acted against it was to forfeit from five to fifty

pounds. The use of the Common-prayer-book was forbid, not only in any Church or place of public worship, but even in any private place or family, under the penalty of five pounds for the first offence, ten for the second, and for the third a year's imprisonment. The *Covenant* was imposed upon them, and whoever refused to take it was ejected. Several thousands of the Parochial Clergy lost their livings, after the civil wars were begun; some left them, and fled over to the King's party; others were deprived by the Committees of the Counties, and the rest for refusing the *Covenant*. About two hundred Masters and Fellows of Colleges in *Cambridge*, besides inferior Scholars, were expelled that University; and about nineteen or twenty Heads of Colleges, besides Fellows, were expelled at *Oxford*: But nothing shews how far the governing Presbyterians in those days would have carried the use of their power, if it had been supported by the sword of the Civil Magistrate, than the ordinance against *Blasphemy* and *Heresy*, which, perhaps, is one of the most shocking laws to be met with. This ordinance is dated *May 2, 1648*, and ordains, among other things, that whoever affirms, That there is no God: That God is not Omnipresent, Almighty, &c. That the Father is not God, the Son is not God, the Holy Ghost is not God, or that these three are not one eternal God, or that Christ is not God equal to the Father: That the Godhead and Manhood of Christ are not distinct natures: That the death of Christ is not meritorious: That Christ is not risen: That there is no resurrection or a future judgment: That the Scriptures are not the Word of God, &c. shall suffer death as in case of felony. And that whoever says, That all men shall be saved: That man by nature hath Free-will to turn to God: That man is bound to believe no more than by his reason he can comprehend: That the Baptism of Infants is unlawful, &c. shall upon conviction be committed to prison, till he find sureties that he will not publish or maintain the said error or errors any more. This ordinance was a comprehensive engine of cruelty, and would have inclosed great numbers, if it had not been laid aside by the influence of the Army, till it was voted to be determined (1). The Presbyterian Government, which, by the former ordinance, had not been absolutely established, was at last settled without limitation of time, by an ordinance of *June 21, 1648*. This was done without laying any penalty on Recusants, or such as did not come to the Sacrament, or submit to their discipline; which was the utmost length that Presbytery obtained in the Kingdom. And therefore, when afterwards many Sectaries sprung up, as *Seekers* (2), *Ranters* (3), *Quakers*

(1). In this ordinance, *Papists*, *Arminians*, *Antinomians*, *Arians*, *Socinians*, *Anabaptists*, *Quakers*, and the other *Sectaries* would have been included, if the confusion of the times had not hindered the Presbyterians from putting it in execution.

(2). These taught, That the Scriptures were uncertain: That present miracles were necessary to Faith: That our Ministry is null, and without authority; and our worship and ordinances unnecessary or vain, the true Church, Ministry, Scripture, and Ordinances being

lost, for which they were seeking. The *Papists* hated and actuated this Sect. Some of them were real *Papists*, and others *Infidels*.

(3). These made it their business, as the *Seekers*, to set up the *Light of Nature*, under the name of *Christ in Men*, and to dishonour and cry down the Church. Scriptures, Ministry, Worship, and Ordinances; and called men to hearken to Christ within them. But, withal, they conjoined a cursed doctrine of *Libertinism*, which brought them to abominable

filthiness.

1660.
April 4.

Quakers (1), *Behmenists* (2), (whose doctrines were almost the same, though they differed in name) all declaring against a *settled Ministry*, and for the guidance of the *light within*; and the Independents (who were equally enemies of the *Episcopal* and *Presbyterian* Uniformity) came to be so far masters, as to hold the Presbyterians in a sort of subjection (3), the Presbyterians turned to the thoughts of restoring King *Charles II.*, and joined with the Episcopalians in that affair, upon the King's declaration of liberty to tender consciences, and that no man should be disquieted or called in question for differences of opinion, which did not disturb the peace of the Kingdom. When the King was restored, some moderate Episcopal men thought of an union with the Presbyterians. But the more politic part of them knew, that all their ancient power and revenues would be restored to them, and none suffered to share with them, but such as were intirely of their mind and way. The Presbyterians, who were possessed of most of the great benefices in the Church and in the Universities, were in great hopes of favour, not only from the King's declaration, but upon ten or twelve of their Divines being made the King's Chaplains in ordinary. By this means they had easy access to his Majesty, and, intending to improve it to the common good, waited upon him with the Lord *Manchester*, recommending to his serious consideration the union of his subjects in religious matters, for which he had now a most happy juncture for effecting, and begging, that only things necessary might be the terms of union, and that the true exercise of Church-discipline might be allowed. The King declared himself highly pleased with their inclinations to agreement, but told them, that this agreement could not be expected to be compassed, but by abating something on both sides, and therefore desired them to

offer some proposals about Church-Government, that being the main difference, and to *set down the most they could yield to*. Hereupon they declared, They could not pretend to speak for, or oblige others, and therefore what they did must signify but the minds of such as were present. The King told them, It should be so taken. Then they begged, that, at the same time that they offered their concessions, the brethren on the other side might also bring in theirs, containing the utmost they could yield on their side, in order to concord. And the King promised it should be so.

In about three weeks time they agreed to a paper of proposals, in which they offered to allow of the true ancient Presidency in the Church, with a due mixture of Presbytery, and proposed that Bishop *Usher's* Reduction of Episcopacy should be the ground-work of an accommodation. As to the Liturgy, they desired that a new one might be compiled, or the old reformed; and begged that *Kneeling at the Sacrament* might not be imposed, and the *Surplice*, *Crofs in Baptism*, and bowing at the name of *Jesus* rather than *Christ*, might be abolished. The Ministers waiting on the King with their proposals, he treated them very respectfully, told them he was well pleased that they were for a Liturgy, and yielded to the essence of Episcopacy, and promised them, that the places, where the old Incumbents were dead, should (as they had desired) be confirmed to the Possessors.

As they expected to meet (according to the King's promise) some Divines of the other side, and to see their proposals, it much disappointed them to find none of them appear. After some time of waiting for the compliances of the Episcopal Divines, they at length received a sharp answer, reflecting on their proposals, in which *Usher's Reduction* was rejected as a heap only of private conceptions, the

filthiness of life. They taught, as the *Familists*, That God regardeth not the actions of the outward man, but of the heart: And to the pure, all things are pure, even things forbidden. The horrid villainies of this Sect soon put an end to it.

(1). The *Quakers*, who (as *Calamy* says) were the *Ranters* reversed, turned from horrid profaneness and blasphemy, to a life of extreme austeriety. Their doctrines were mostly the same with the *Ranters*. They make the Light which every man hath within him a sufficient rule; and consequently, the Scripture and Ministry are set light by. They speak much for the dwelling and working of the Spirit in us, but little of justification, pardon of sin, and reconciliation with God through Jesus Christ. They pretend their dependence on the Spirit's conduct against set times of Prayer, and against Sacraments, Scriptures, and Ministry. They will not have the Scripture called the word of God. Their principal zeal lieth in railing at Ministers as *Hirelings*, *Deceivers*, and *False Prophets*, and in refusing to swear before a Magistrate, &c. Their chief Leader, *James Nayler*, had his tongue bored through as a blasphemer, by the Parliament. Many *Franciscan* Friars and other Papists have been proved to be disguised Speakers in their assemblies. But afterwards *William Pen*, their Leader, under-

took the reformed the Sect, and set up a kind of Ministry among them.

(2). The opinions of the *Behmenists* were much like those of the *Quakers*, they being for the sufficiency of the light of Nature, and a dependence on Revelations. But they were fewer in number, and of much greater meekness than the rest of the Sectaries. They had their name from *Jacob Behmen*, in whose writings their doctrine is to be seen at large.

(3). The Presbyterians were so rigid in point of Uniformity, as that, in the treaty of the life of *Wight*, they would not allow the King liberty to have the *Common-Prayer* read privately in his family. Upon which the Army, whose favourite point was *liberty of Conscience*, was justly incensed against them, and said, If *Presbyterian Conformity* should take place, what must the Independents and Sectaries expect, since the King himself was thus used by them? What have we been fighting for, if, after all the hazards we have run to set up *Presbytery*, we must be banished our country, or driven into corners? Thus the rigid Uniformity of the Presbyterians threw the Army upon the desperate measures of assuming the Sovereign power; bringing the King to justice: Setting aside the Covenant, and erecting a Commonwealth.

the Liturgy was applauded as unexceptionable, but a revival was agreed to in case the King thought fit; and, as for the ceremonies, not one could be parted with. It is very remarkable, that, when the Puritans in 1641 would have been satisfied with *Usher's* scheme for the Reduction of Episcopacy, they could not obtain it from the King and Bishops; that afterwards, when the King offered the same scheme at the treaty of the *Ile of Wight*, the Parliament and Puritan Divines would not accept it, for fear of breaking with the *Scots*. And now when the Presbyterian Ministers presented it to King *Charles II.*, as a model with which they were satisfied, both the King and Bishops rejected it with contempt, and would not suffer it to be debated (1).

Shortly after, instead of the Dioceſan concessions, the Ministers were told, that the King would put all that he should grant them into the form of a Declaration, and they should see it before it was published. Accordingly on a day appointed it was read by the Chancellor before the King, several Noblemen, and some Divines of both sides. Each party was to speak to what they disliked, and the King to determine how it should be. There were various altercations about Prelacy, and Re-ordination, and the particulars of the Declaration. When the whole was perused, the Chancellor drew out another paper, intimating, that the King had also been petitioned by the Independents and

Anabaptists for liberty, and therefore he read an additional part to the Declaration to this purpose, "That others also be permitted to meet for religious worship, so be it they do it not to the disturbance of the peace; and that no Justice of Peace or Officer disturb them." This being designed to secure liberty to the Papists, there was a general silence upon the reading it. The Bishops thought it a nice point, and said nothing. The Presbyterians were afraid to speak against it, lest all the Sects should look upon them as the causers of their sufferings. But at length Mr *Baxter*, fearing their silence might be misinterpreted, said, "As they humbly thanked his Majesty for his declared indulgence to themselves, so they distinguished the tolerable party from the intolerable: For the former, they humbly craved just lenity and favour; but for the latter, such as *Papists* and *Socinians*, they could not make their Toleration their request." To this the King said, "There were laws sufficient against the Papists." *Baxter* replied, "They understood the question to be, Whether those laws should be executed or not?" Upon which the matter was dropped. At length the Declaration came out so amended, as that it was fitted to be an instrument of concord and peace, if settled by a law; and so the division might have been healed, upon the alteration of the Liturgy, as the Declaration promised (2).

But

(1). *Usher's* Reduction of Episcopacy consisted of the four following articles.

I. In every parish the Rector, or the Incumbent Pastor, together with the Church-Warden and Stewards, may every week take notice of such as live scandalously in that Congregation; who are to receive such several admonitions and reproofs, as the quality of their offence shall deserve; and, if by this means they cannot be reclaimed, they may be presented unto the next monthly Synod, and in the mean time be debarred by the Pastor from access unto the Lord's Table.

II. Whereas by a Statute in the 26th of *H. n. VIII.* (revived in the 1st of *Queen Elizabeth*) Suffragans are appointed to be erected in twenty-six several places of this Kingdom, the number of them might very well be conformed unto the number of the several Rural Deaneries, into which every Diocese is subdivided; which being done, the Suffragan (supplying the place of those, who in the ancient Church were called *Chorepiscopi*) might every month assemble a Synod of all the Rectors, or Incumbent Pastors, within the Precinct, and according to the major part of their voices conclude all matters that should be brought into debate before them. To this Synod the Rector and Church-wardens might present such impenitent persons, as by admonition and suspension from the Sacrament would not be reformed; who, if they would still remain contumacious and incorrigible, the sentence of Excommunication might be decreed against them by the Synod, and accordingly be executed in the Parish where they lived. Hitherto also all things that concerned the Parochial Ministers might be referred, whether they did touch their doctrine or their conversation: As also the censure of all new opinions, Heresies, and Schisms, which did arise within that

circuit, with liberty of appeal, if need so require, unto the Dioceſan Synod.

III. The Dioceſan Synod might be held once or twice in the year, as it should be thought most convenient; therein all the Suffragans, and the rest of the Rectors or Incumbent Pastors, or a certain select number out of every Deanery within that Diocese might meet; with whose consent, or the major part of them, all things might be concluded by the Bishop or Superintendent (call him which you will) or in his absence by one of the Suffragans, whom he should depute in his stead to be Moderator of that assembly. Here all matters of greater moment might be taken into consideration, and the orders of the monthly Synods revised, and (if need be) reformed. And, if here also any matter of difficulty could not receive a full determination, it might be referred to the next Provincial or National Synod.

IV. The Provincial Synod might consist of all the Bishops and Suffragans, and such of the Clergy as should be elected out of every Diocese within the Province. The Primate of either Province might be the Moderator of this meeting (or in his room some one of the Bishops appointed by him) and all matters be ordered therein by common consent, as in the former assemblies. This Synod might be held every third year, and, if the Parliament do then sit, both the Primates and Provincial Synods of the Land might join together, and make up a National Council; wherein all appeals from inferior Synods might be received, all their acts examined, and all Ecclesiastical Constitutions, which concern the State of the Church of the whole Nation, established.

(2). This Declaration was dated *October 25, 1660*, wherein the King thus expresses himself, "When we were

But, after all, the Declaration had no effect, except only a year's suspension of the law that afterwards took place; nor as to Church-Government were any of the concessions put in execution.

However, pursuant to a promise in the Declaration, that the Liturgy should be reviewed, a Commission was granted to certain persons (twelve of a side, with nine assistants to each side) to meet for that purpose at the *Savoy*. At the first meeting, instead of an amicable conference, it was infisted upon by the Bishops, that the Ministers should bring all their *Exceptions* at one time, and all their *Additions* at another. Accordingly the *Exceptions* were drawn up, and in some time offered to the Bishops; and *Baxter* alone undertook to frame a *new Liturgy*, which was generally approved of by the Ministers.

This Liturgy (called *the Reformed Liturgy*) being presented with a petition to the Bishops, they, after some delay, sent the Ministers a paper of reasonings against their exceptions, without any abatements or alterations at all worth the mentioning. An answer to which was also drawn up. But it is very probable, that neither this answer, nor *the Reformed Liturgy*, were ever read by the generality of the Bishops and Doctors, who were present at the meetings. So that it seems, before they knew what was in them, they were resolved to reject the papers of the Ministers. After many debates, a dispute was at last agreed on, to argue the necessity or no necessity of altering the Liturgy. Three of a party were chosen on each side, to manage the dispute, which was done in writing; and the sole argument handled was, *The sinfulness of injoining Mini-*

sters to deny the Communion to all that dare not kneel. This dispute was drawn out to a great length, and ended in exclamations against one of the Disputants *, for asserting, That a thing, not evil in itself, may have accidents so evil, as may make it a sin to him that shall command it. As if it followed from thence, Nothing may be commanded, for fear of those evil accidents, in cases where the Commander cannot be chargeable with any hand in them. Whereas his meaning was, That whenever the commanding or forbidding of a thing indifferent is like to occasion more hurt than good, and this may be foreseen, the commanding or forbidding it is a sin.

Thus ended the dispute at the *Savoy*, and all endeavours for reconciliation upon the warrant of the King's Commission.

Notwithstanding these discouragements, endeavours were used to get the King's Declaration passed into a law, but, when it came to the trial, it was rejected; and so the Declaration did not only die before it was executed, but all attempts for union were at an end. Nay, a rigorous act was brought in for Uniformity, by which all, who did not conform to the Liturgy by the 24th of *August*, *St Bartholomew's* day, in the year 1662, were deprived of all Ecclesiastical benefices, without leaving a discretionary power with the King in the execution of it, and without making provision for the maintenance of those who should be deprived: A severity neither practised by *Queen Elizabeth*, in the enacting her Liturgy, nor by the Parliament in ejecting the Royalists, in both which, a fifth part of the benefice was reserved for their subsistence. Indeed, while the bill was depending,

* Baxter.

Baxter's
life.

"were in *Holland*, we were attended by many grave and learned Ministers from hence, who were looked upon as the most able and principal assertors of Presbyterian opinions, with whom we had as much conference, as the multitude of affairs, which were then upon us, would permit us to have: And, to our great satisfaction and comfort, found them persons full of affection to us, of zeal for the peace of the Church and State, and neither enemies (as they have been given out to be) of Episcopacy or Liturgy; but modestly to desire such alterations in either, as, without shaking foundations, might best allay the present distempers, which the indisposition of times, and the tenderness of some men's consciences, had contracted. For the better doing whereof, we intended upon our first arrival in these Kingdoms to call a Synod of Divines: And in the mean time published in our Declaration from *Breda* a liberty to tender consciences. We need not profess the high esteem and affection we have for the Church of *England*, as it is established by law. Nor do we think that reverence in the least degree diminished by our contentions, nor peremptorily to insist upon some particulars of ceremony, which, however introduced by the piety, devotion, or order of former times, may not be so agreeable to the present; but may even lessen that piety and devotion, for the improvement whereof they might be first introduced, and consequently may be well dispensed with. And we have not the least doubt, but the present Bishops will think the

"present concessions now made by us, to allay the present distempers, very just and reasonable, and will very cheerfully conform themselves thereto." Of these concessions, this was the substance: "The King declared his resolution to promote the power of godliness, to encourage the exercises of Religion both in public and in private, to take care that the Lord's day should be applied to holy exercises, without unnecessary diversifications; and that insufficient, negligent, and scandalous Ministers, should not be permitted in the Church. That no Bishops should ordain, or exercise any part of jurisdiction, which appertains to the censures of the Church, without the advice and assistance of the Presbyters, and neither do, nor impose any thing, but what was according to the known laws of the Land; that Chancellors, Commissaries, and Officials, should be excluded from acts of jurisdiction, the power of the Pastors in their several congregations restored, and a liberty granted to all the Ministers to assemble monthly, for the exercise of the pastoral persuasive power, to the promoting of knowledge and godliness in their flocks. That the Ministers should be freed from the subscription required by the Canon, and the oath of Canonical obedience, and receive ordination, institution, and induction, and exercise their function, and enjoy the profits of their livings, without being obliged to it: And that the use of the ceremonies should be dispensed with, where they were scrupled."

pending, the Ministers, still interposing, as they had opportunity, were positively promised by some in great places, that the King would grant that by indulgence, which had been denied in the way they desired it; and that care should be taken, that the King should have power reserved to him, to dispence with the act to such as deserved well of him at his Restoration, or whom he pleased. But when the act passed (by a very few votes) all their great friends left them in the lurch; and when, afterwards, upon encouragement from men in power they drew up a petition for indulgence, they were threatened with incurring a *Præmunire* by so bold an attempt, though they had worded it so cautiously, that it did not extend to the Papists. During this interval, the Presbyterians were under great perplexities. They had many meetings, and much disputing about Conformity. Reynolds accepted the Bishoprick of *Norwich*, but *Calamy* and *Baxter* refused the Sees of *Lichfield* and *Hereford*. At length, the appointed day came, when about two thousand Ministers fell under the Parliamentary deprivation; whereas, had the terms of the King's Declaration been stood to, it is affirmed, not above three hundred would have been deprived. This raised an outcry over the Nation, tho' few of the Episcopal party were troubled at it, or apprehensive of the ill effects such a severity was like to have. Here were men much valued, some on better grounds, others on worse, who were now ignominiously cast out, reduced to great poverty, provoked by spiteful usage, and thrown upon those popular practices, that both their principles and circumstances seemed to justify, of forming separate Congregations, and of diverting men from the public worship, and from considering their Successors as the lawful Pastors of those Churches in which they had served.

Thus, instead of healing the religious differences, it was resolved to widen them, by making the terms of Conformity much stricter than before the war (1). All persons were obliged to subscribe an unfeigned assent and consent to all and every particular, contained in the book of Common-prayer: And all, who had not Episcopal Ordination, were made incapable of holding any benefice. In-

stead of *Indulgence* or *Comprehension*, an act^{Jan. 30. 1663.} passed, declaring any meeting for religious worship, at which five were present more than the family, to be a *Conventicle*. And every person above sixteen, that was present at it, was to lie three months in prison, or to pay five pounds for the first; six months for the second, or twenty pounds; and for the third offence, was to be banished to any plantation except *New-England*, or pay a hundred pounds. During the plague, some Nonconformists preaching in the empty pulpits, as well as in other places, a severe act passed in the Parliament at *Oxford*, requiring all silenced Ministers to take an oath, declaring it unlawful, on any pretence whatsoever, to take arms against the King, or any commissioned by him, and that they would not at any time endeavour an alteration in the Government of the Church or State. Such as refused this oath were not to come within five miles of any City or Corporation, or of the Church where they had served. In 1668, a project of a Comprehension for the Presbyterians, and of an Indulgence for the Independents, and the rest, was prepared by *Bridgman* and *Wilkins*, consisting chiefly of those things that the King had promised by his Declaration in 1660; but this was exclaimed against by the Church-party, and the House of Commons was then so possessed against the Nonconformists, that, when it was known that a bill was ready to be offered to the House for that end, a very extraordinary vote passed, that no bill to that purpose should be received. After struggling several years under these difficulties, the Dissenters had a little respite by the King's Declaration for suspending the execution of all penal laws, both against Papists and Non-conformists. Great endeavours were used by the Court to persuade them to make addresses upon it, but few were so blind as not to see it was chiefly designed for the sake of the Papists. However, the Presbyterians, with *Dr Manton* at their head, came and thanked the King for it, which offended many of their best friends. But this indulgence lasted not long; for the House of Commons, alarmed at this step in favour of Popery, voted the King's Declaration illegal, and passed the Test-act, by which it was enacted, that no man should bear any office or place, who

The four-mile act.
1665.

1671-2.
Mar. 15.

1673.

(1). It had at first been resolved, when the Bishops were restored to their power and revenues, instead of using means to bring in the Dissenters, to seek the most effectual methods for casting them out, and bringing in a new set of men into the Church. The King was pleased with this design, though from a different view; for he was in another and deeper laid design for introducing Popery, to which he intended to make the heat of the Episcopal party subservient. It was thought that a Toleration was the only method for spreading Popery over the Nation; and nothing could make a Toleration for Popery pass, but the having great bodies of men put out of the Church, and put under severe laws, which should force them to move for a Toleration, and should make it reasonable to grant it to them; and it was resolved, that whatever should be granted of that sort should be so compre-

hensive as to include the Papists. Hence the Papists were instructed to oppose all propositions for a Comprehension, and animate the Church-party to maintain their ground against all Sectaries. At the same time they spoke of Toleration, as necessary both for the peace of the Nation and encouragement of Trade. The King being thus resolved on fixing the terms of Conformity to what they had been before the war, without making the least abatement or alteration; it is plain, the *Savoy* conference, and the other appearances of moderation, were never intended to have any effect. The Church-party, out of their old animosity to the Presbyterians for what they had done during the war, helped to carry on the King's designs, till his Declaration of universal indulgence plainly discovered his intentions.

who did not take the oaths of Allegiance and Supremacy, and receive the Sacrament, according to the usage of the Church of *England*. This act, though intended against the Papists, affected also the Non-conformists; however, the friends of the Presbyterians did not oppose it, that an effectual security against Popery might not be prevented. For this reason it was, that, when the designs of the Court for Popery were now fully discovered, the same House of Commons, that had passed such severe acts against the Dissenters, voted the bringing in a bill in their favour, which however was, after a second reading, dropped in the Committee. Though this Bill was not finished, the prudent behaviour of the Non-conformists on this occasion did so soften their adversaries, that no more Votes or Bills were offered against them.

1680. the contrary, a Bill passed both Houses for repealing the severe Act in Queen *Elizabeth's* Reign against the Puritans; but on the day of prorogation, when the King came to pass the Bills, the Clerk of the Crown, by the King's particular order, took this Bill from the table, and it was no more heard of. However, the Commons, in the morning before they were prorogued, passed two extraordinary votes, That the laws against Popish Recusants, ought not to be executed against Protestant Dissenters, and That it was the opinion of the House, that the laws against the Dissenters ought not to be executed. Though this shewed the sense of the Commons, yet, instead of being a kindness to the Non-conformists, it raised a storm against them, and after the dissolution of the Parliament they were persecuted afresh. Orders and directions were sent from the King and Council-board to suppress all Conventicles, and the laws against them were rigorously executed. Many Ministers were imprisoned, and they and their hearers fined. This persecution continued all the rest of the Reign of King *Charles II.*; and, when King *James* ascended the Throne, it was still continued, till the King, to carry on his design for the introduction of Popery, issued out a Declaration for liberty of Conscience to all persons of what persuasion soever. The Church-party, perceiving that Popery was advancing with large steps, instead of any longer exclaiming against the Dissenters, thought proper to lay aside their resentments, and join with them in promoting the Revolution. The Bishops declared in their petition to the King, that their refusal to read his Declaration of indulgence, did not proceed from any want of due tenderness to Dissenters, in relation to whom they were willing to come to such a temper as should be thought fit, when that matter should be considered in Parliament and Convocation. Accordingly it was hoped, by the moderate of all parties, that our religious differences would, in great measure, have ceased at the Revolution, by the union of such Protestant Dissenters with the Church, as expressed an inclination towards it: But the proceedings of the first Convocation in 1689 (of which a large account has been given) soon put an end to these hopes. The King was so far

from obtaining a Comprehension, that the removal of the Sacramental Test (originally intended against the Catholics) and the admission of all his Protestant subjects into places of trust, were rejected by the Parliament. All that could be done for the Dissenters was the act of Indulgence, whereby they were excused from all penalties for their not coming to Church, and for going to their separate Meetings. This, indeed, was a valuable privilege, as it put an end to all persecution in matters of conscience, and secured to them the first and chief right of human nature, of following the dictates of conscience in the service of God.

The Non-juring Bishops and Clergy, persisting in their refusal to take the oaths to the Government, were deposed, and their vacant dignities filled up in 1691. Upon this, great contests arose, and a Schism began to be formed in the Church. One side asserting, that the State could not deprive Bishops of their Episcopal character, whilst the others maintained, that Princes had power intirely to depose them. These contests between the two parties in the Church were carried on with great warmth, when Archbishop *Sancroft* died in 1693. He died in a state of Separation from the Church; and yet he had not the courage to own it in any public declaration: For, neither living nor dying, did he publish any thing concerning it: His death ought to have put an end to the Schism, that some were endeavouring to raise upon this pretence, that a Parliamentary deprivation was never to be allowed, as contrary to the intrinsic power of the Church; and therefore they looked on *Sancroft* as the Archbishop still, and reckoned *Tillotson* an usurper; and all that joined with him were counted Schismatics; they were willing to forget, as some of them did plainly condemn, the deprivations made in the progress of the Reformation, more particularly those in the first Parliament of Queen *Elizabeth's* Reign, and the deprivations made by the act of Uniformity in the year 1662: But, from thence, the controversy was carried up to the fourth century; and a great deal of angry reading was brought out on both sides, to justify or condemn those proceedings. But arguments will never have the better of interest and humour: Yet now, even according to their own pretensions, the Schism ought to have ceased; since he, on whose account it was set up, did never assert his right; and therefore that might have been more justly construed a tacit yielding it.

Whilst a Schism was thus forming in the Church, the Dissenters were no less divided about doctrinal matters, and such heats arose among them, as justly exposed them to censure. Many papers passed between the two parties, called *Presbyterian* and *Congregational*, in order to a renunciation of *Arminianism* on one hand, and *Antinomianism* on the other, but to little purpose. Some Independents were raising the old *Antinomian* tenets, as if men, by believing in Christ, were so united to him, that his righteousness became theirs, without any other condition, besides that of their faith: So that, though they acknowledged

A Schism in the Church.
1691.

Sancroft's death.
1693.

1687.
Apr. 11.

Affairs of the Church after the first Convocation.

knowledgeed the obedience to his laws to be necessary, they did not call it a condition, but only a consequence of justification. In this, they were opposed by most of the Presbyterians, who seemed to be sensible, that this struck at the root of all Religion, as it weakened the obligation to a holy life (1). The Presbyterians had been also engaged in disputes with the Anabaptists. They complained, that they saw too great a giddiness in their people, and seemed so sensible of this, and so desirous to be brought into the Church, that a few inconsiderable concessions would very probably have brought the bulk of them into our Communion: But the greater part of the Clergy were so far from any disposition this way, that they seemed to be more prejudiced against them than ever (2). The Churchmen and Dissenters being thus both engaged at once (though in different ways) neither side could much insult the other.

1695.
Debates
about the
Trinity.

This year there was a great contest in the Church about the doctrine of the Trinity. It seems, the Socinians had got considerable ground in England since the Revolution. Many books were printed against the Trinity, which were dispersed by *Thomas Firmin* (a noted Citizen of London) over the Nation, and by him distributed freely to all who would accept them. By this means it became a common topic of discourse, to treat all mysteries in Religion as the contrivances of Priests, to bring the world into a blind submission to them. Priestcraft grew to be another word in fashion, and the enemies of Religion vented all their notions under the cover of these words. But, while these pretended much zeal for the Government, those, who were at work to undermine it, made great use of all this; they raised a great outcry against *Socinianism*, and gave it out that it was like to over-run all; for Archbishop *Tillotson*, and some of the Bishops, had lived

in great friendship with *Firmin*, whose charitable temper they thought it became them to encourage.

Many Divines undertook to write in this controversy, but they did not all go in the same method, nor upon the same principles. Dr *Sherlock* engaged in the controversy; he was a clear, a polite, and a strong writer, and had got great credit in the former Reign, by his writings against those of the Church of Rome; but he was apt to assume too much to himself, and to treat his adversaries with contempt; this created him many enemies, and made him pass for an insolent haughty man; he was at first a Jacobite, and, while, for not taking the oaths, he was under suspension, he wrote against the *Socinians*, in which he took a new method of explaining the Trinity; he thought there were three eternal Minds, two of these issuing from the Father, but that these were one, by reason of a mutual consciousness in the three to each others thoughts: This was looked on as plain Trithemism; but all the party applauded him and his book. Soon after that, an accident of an odd nature happened.

There was a book drawn up by Bishop *Overall*, fourscore Years ago, concerning Government; in which, it's being of a divine institution was very positively asserted; it was read in Convocation, and passed by that body, in order to the publishing it, in opposition to the principles laid down, in that famous book of *Parsons* the Jesuit, published under the name of *Doleman*; King *James* the First did not like a Convocation entering into such a theory of politics; so he wrote a long letter to *Abbot*, who was afterwards Archbishop of *Canterbury*, but was then in the Lower House; Bishop *Burnet* had the original, writ all in his own hand, in his possession; by it he desired, that no further progress should be made in that matter, and that this

(1). Mr *Asgil*, a Member of Parliament, published a book, grounded on their notions, on which he had grafted a new and wild inference of his own, that, since true Believers recovered in Christ all that they lost in *Adam*, and our natural death was the effect of *Adam's* sin, he inferred, that Believers were rendered immortal by Christ, and not liable to death: And that those who believed, with a true and firm Faith, could not die. This was a strain beyond all that ever went before him, and, since we see that all men die, the natural consequence that resulted from this was, that there neither are, or ever were, any true Believers.

(2). The *Quakers* had likewise a great breach made among them by one *George Keith*, a Scotchman, educated at *Aberdeen*. He had been thirty-six years among them; he was esteemed the most learned man that ever was in that sect; he was well versed both in the oriental tongues, in philosophy, and mathematics; after he had been above thirty years in high esteem among them, he was sent to *Pennsylvania* (a colony set up by *Penn.*, where they are very numerous) to have the chief direction of the education of their youth. In those parts, he said, he first discovered that which had been always either denied to him, or so disguised that he did not suspect it; but being

far out of reach, and in a place where they were masters, they spoke out their mind plainer; and it appeared to him, that they were Deists, and that they turned the whole doctrine of the Christian Religion into allegories; chiefly those, which relate to the death and resurrection of Christ, and the reconciliation of sinners to God; by virtue of his Cross: He, being a true Christian, set himself with great zeal against this, upon which they grew weary of him, and sent him back to *England*. At his return, he set himself to read many of their books, and then he discovered the mystery, which was formerly so hid from him, that he had not observed it: Upon this, he opened a new meeting, and by a printed summons he called the whole party, to come and see the proof that he had to offer, to convince them of these errors: Few *Quakers* came to his meetings, but great multitudes of other people flocked about him: He brought the *Quakers* books with him, and read such passages out of them, as convinced his hearers, that he had not charged them falsely: He continued these meetings, being still, in outward appearance, a *Quaker*, for some years; till having prevailed as far as he saw any probability of success, he laid aside their exterior, and was reconciled to the Church, and took holy orders.

this book might not be offered to him for his assent: Thus that matter slept, but *Sanerost* had got *Overall's* own book into his hands; and, in the beginning of this Reign, he resolved to publish it, as an authentic declaration, that the Church of *England* had made in this matter; and it was published, as well as licenced by him, a very few days before he came under suspension, for not taking the oaths: But there was a paragraph or two in it, that they had not considered, which was plainly calculated, to justify the owning the *United Provinces* to be a lawful Government: For it was there laid down, that, when a change of Government was brought to a thorough settlement, it was then to be owned and submitted to, as a work of the Providence of God; and a part of King *James's* letter to *Abbot* related to this. When *Sherlock* observed this, he had some conferences with the party, in order to convince them by that, which he said had convinced himself. Soon after that he took the oaths, and was made Dean of *St Paul's*; he published an account of the grounds he went on, which drew out many virulent books against him; after that, they pursued him with the clamour of Tritheism, which was done with much malice, by the very same persons, who had highly magnified the performance, while he was of their party: So powerful is the bias of interest and passion, in the most speculative and the most important doctrines.

Dr. *South*, a learned but an ill-natured Divine, who had taken the oaths, but with the reserve of an equivocal sense, which he put on them, attacked Dr. *Sherlock's* book of the Trinity, not without wit and learning, but without any measure of Christian charity, and without any regard, either to the dignity of the subject, or the decencies of his profession. He explained the Trinity in a common method, that the Deity was one Essence in three Subsistencies; *Sherlock* replied, and charged this as *Sabellianism*; and some others went into the dispute, with some learning, but with more heat. A Fellow of University College in *Oxford*, in a public sermon, preached Dr. *Sherlock's* notions, and asserted, *That there were three distinct Minds and Substances in the Trinity*;

and also, *That the Three Persons in the Trinity are three distinct Minds or Spirits, and three individual Substances*. The friends of Dr. *South* making complaint of these words, the Heads of the Colleges, Nov. 25, 1695, caused them to be censured by a solemn decree in Convocation, wherein they were declared to be false, impious, and heretical, and all persons, under their institution or care, were required to affirm no such doctrine, either by preaching or otherwise. When *Sherlock's* book was first published, it met (as was said) with a general applause; and *Firmin* was told, that, if it did not reclaim him from his Heresy, it would rise up in judgment against him. But, when the *Oxford* decree came abroad, his former abettors intirely deserted him: And now said, Universities speak but seldom, and by way of authority; but, as they interpose but rarely, it is always with certainty. Thus the same persons who had boasted of his book (not only as orthodox, but) as unanswerable, now turned about, and as much approved the *Oxford* decree. *Sherlock* (who used to say, *I am sure I am right*) quickly published his *Examination* of this decree, wherein he says*, "These Decreeing and Heresy-making" p. 46.
"Heads of Colleges have condemned the true
"Catholic Faith, the *Nicene* Faith, and the
"Faith of the Church of *England*." Adding, in the same page, "Three Divine Persons, who are not three distinct Minds and Substances, is not greater Heresy than it is *Non-sense*." As *Sherlock* wrote against the *Oxford* censure with the highest strains of contempt, so the *Socinians* triumphed not a little upon all this, and in several of their books divided their adversaries into *real* and *nominal* Trinitarians; *Sherlock* was put into the first class; as for the second class, they pretended, it had been the doctrine of the Western Church, ever since the fourth *Lateran* Council (1).

The ill effects that were like to follow, *The King's*
on those different explanations, made the *injunction*
Bishops move the King to set out the fol-
lowing injunctions for unity in the Church, *Feb. 3.*
and purity of Faith, concerning the Trinity, *1695.*
which were to be published in the several Dioceses:

"I. That no preacher whatsoever, in his
"sermon or lecture, do presume to deliver
"any

(1) For the better understanding these matters, it will be proper briefly to state the *Trinitarian*, *Arian*, and *Socinian* doctrines of the Trinity.

The *Trinitarians* (called by their adversaries *Athanasians*) believe that in the Godhead, there are three co-equal, and co-eternal Persons, the Father, the Son, and the Holy Ghost, each singly God, and all Three as existing in the same undivided substance but one God.

The *Arians* on the contrary, believe the Father only to be the supreme God, and that the Son and Holy Ghost derived before all ages, their Being from him, and are subordinate to him.

The *Socinians* also believed the Father alone to be the supreme God, and affirm the Son had no existence before his miraculous conception and birth, and that the Holy Ghost or spirit of God, is not a real Person, but only the power, operation, or influence, of the Father.

From the different manner of explaining the word *Person*, the *Trinitarians* are called *nominal* or *real*.

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Nominal Trinitarians explain the *Three Persons* by three Modes (or manners) of subsistence, or by three differences in the Godhead, such were *Wallis*, *South*, *Tillotson*, &c. This explanation borders upon *Sabellianism*, and differs but little from *Socinianism*. The *Real Trinitarians* believe the *Three Persons* to be three intelligent Agents, having each an understanding and will; such was *Sherlock* at the time of this controversy, and such was the late Dr. *Waterland*, whose explanation of the Trinity seems now to be generally received; namely, there are *Three Persons* or intelligent Agents existing in one undivided substance, and as they thus exist in the same undivided substance, they are all Three but one God.

The *Trinitarians* charge their adversaries with asserting blasphemy, and denying the Divinity of their Saviour; on the other hand, the *Arians* and *Socinians* charge the *Trinitarians* with denying the Supremacy of the Father, with *Tritheism* or having three Gods, and with asserting impossibilities, absurdities, and contradictions.

any other doctrine concerning the blessed Trinity, than what is contained in the holy Scriptures, and is agreeable to the Three Creeds, and the Thirty-nine Articles of Religion.

"II. That, in the explication of this doctrine, they carefully avoid all new terms, and confine themselves to such ways of explication, as have been commonly used in the Church.

"III. That care be taken in this matter, especially to observe the fifty-third Canon of this Church, which forbids public opposition, between preachers; and that, above all things, they abstain from bitter invectives, and scurrilous language against all persons whatsoever.

"IV. That the foregoing directions be also observed by those who write any thing concerning the said doctrine."

July 26. With these injunctions, Archbishop Tenison also sent forth his circular letters, containing many rules and orders for general observation.

This put a stop to those debates, as *Firmin's* death put a stop to the spreading of *Socinian* books (1).

9th, Dissenters still continued their doctrinal contentions. An attempt was now made for a re-union among them. There was an offer on one side to renounce the *Arminian*, if the other side would renounce the *Antinomian* tenets; but it did not succeed.

1697. Upon all these proceedings, some angry
1698. Clergymen, who had not that share of preferment, that they thought they deserved, began to complain that no Convocation was suffered to sit, to whom the judging, in such points, seemed most properly to belong: Books were writ on this head; it was said, that the law made in King *Henry* the Eighth's time, that limited the power of that body, so that no new Canons could be attempted or put in use, without the King's licence and consent, did not disable them from sitting: On the contrary, a Convocation was held to be a part of the Parliament, so that it ought always to attend upon it, and to be ready, when advised with, to give their opinions chiefly in matters of Religion. They had also, as these men pretended, a right to prepare Articles and Canons, and to lay them before the King, who might indeed deny his assent to them, as he did to bills, that were offered him by both Houses of Parliament. This led them to strike at the King's Supremacy, and to assert the intrinsic power of the Church, which had been disowned by this Church, ever since the time of the Reformation: And indeed, the King's Supremacy was thought to be carried formerly too high, and that by the same sort of men, who were now studying to lay it as low. It seemed, that some

men were for maintaining it, as long as it was in their management, and that it made for them; but resolved to weaken it, all they could, as soon as it went out of their hands, and was no more at their discretion: Such a turn do men's interests and partialities give to their opinions.

This year a process for Simony against Bishop *Watson* was brought to a sentence and conclusion. He was promoted by King *James* to the Bishoprick of *St. David's*; it was believed that he gave money for his advancement, and that, in order to the reimbursing himself, he sold most of the spiritual preferments in his gift: By the law and custom of this Church, the Archbishop is the only judge of a Bishop, but, upon such occasions, he calls for the assistance of some of the Bishops; he called for six in this cause; it was proved, that the Bishop had collated a nephew of his to a great many of the best preferments in his gift, and that, for many years, he had taken the whole profits of these to himself, keeping his nephew very poor, and obliging him to perform no part of his duty: It was also proved, that the Bishop obtained leave to keep a benefice, which he held before his promotion by a *Commendam* (one of the abuses, which the Popes brought in among us, from which we have not been able hitherto to free our Church) he had sold both the cure and the profits to a Clergyman, for a sum of money, and had obliged himself to resign it upon demand, that is, as soon as the Clergyman could, by another sum, purchase the next presentation of the Patron: These things were fully proved. To these was added a charge of many oppressive fees, which being taken for benefices, that were in his gift, were not only extortion, but a presumptive Simony: All these he had taken himself, without making use of a register or actuary; for, as he would not trust those secrets to any other, so he swallowed up the fees, both of his Chancellor and Register; he had also ordained many persons, without tendering them the oaths enjoined by law; and yet, in their letters for orders, he had certified under his hand and seal, that they had taken those oaths; this was, what the law calls *crimen falsi*, the certifying that which he knew to be false; no exceptions lay to the witnesses, by whom these things were made out, nor did the Bishop bring any proofs on his side, to contradict their evidence; some affirmed, that he was a sober and regular man, and that he spoke often of Simony with such detestation, that they could not think him capable of committing it: The Bishop of *Rockester* withdrew from the Court, on the day in which sentence was to be given; he consented to a suspension, but he did not think that a Bishop could be deprived by the Archbishop: When the Court sat to give judgment, the Bishop resumed his privilege of Peerage,

(1) *Firmin* died in 1698. He was in great esteem for promoting many charitable designs, for looking after the poor of the City, and setting them to work; for raising great sums for schools and hospitals, and indeed, for charities of all sorts, private and public: He had such credit with the richest Citizens, that he had the command of great Wealth, as oft as there was oc-

casion for it; and he laid out his own time chiefly, in advancing all such designs: These things gained him a great reputation; He was called a *Socinian*, but was really an *Arian*, which he very freely owned before the Revolution; but he gave no public vent to it till after the Revolution, when he studied to promote his Opinions with much heat.

Peerage, and pleaded it; but he, having waved it in the House of Lords, and having gone on still submitting to the Court, no regard was had to this, since a plea to the jurisdiction of the Court was to be offered in the first instance, but could not be kept up to the last, and then be made use of: The Bishops, that were present, agreed to a sentence of Deprivation. He was a very ill man in all respects, passionate, covetous, and false in the blackest instances, without one good quality to balance his many bad ones. But, as he was advanced by King James, so he stuck firm to that interest; and the party, though ashamed of him, yet were resolved to support him with great zeal. He appealed to a Court of Delegates, and they, about the end of the year, confirmed the Archbishop's sentence.

Another prosecution followed for Simony against Jones, Bishop of *St. Asaph*, in which, though the presumptions were very great, yet, the evidence was not so clear as in the former case; the Bishops in *Wales* give almost all the benefices in their Dioceses; so this primitive constitution, that is still preserved among them, was scandalously abused by some wicked men, who set holy things to sale, and thereby increased the prejudices, that are but too easily received, both against Religion and the Church.

The King, during the Queen's life, left the affairs and promotions in the Church wholly in her hands. He found he could not resist importunities, which were not only vexatious to him, but had drawn performances from him, which he came quickly to see were ill bestowed. Wherefore, as this was an article of Government, for which he thought himself unqualified, yet was unwilling to commit to his Ministers, he devolved it upon the Queen, which she managed with strict and religious prudence (1). She consulted chiefly with Archbishop *Tillotson*, whom she favoured and supported in a most particular manner. The Queen openly declared against preferring those who put in for themselves, and took care to inform herself particularly of the merits of such of the Clergy, as were not so much known at Court, nor using any methods to get themselves recommended. Upon the Queen's death, a Commission was granted to the two Archbishops, and four other Bishops, and renewed in 1700, whereby they, or any three of them, were appointed to recommend to all Bishopsricks, Deaneries, or other

vacant preferments in the Church, signifying the same to his Majesty, by writing under their hands. And, during the King's absence beyond sea, they were impowered, of their own authority, to present to all benefices in the gift of the Crown, under the value of one hundred and forty pounds a year (2). It was hoped that this course would produce at length a great change in the Church, and in the temper of the Clergy. This Commission gave great offence to the discontented part of the Clergy, and the new Ministry often pressed the King to dissolve it. Those of the Clergy (who began now to be called the *High-Church* party, and among whom some great preferments had at first been given, to try if it were possible to soften them, and win them to be hearty to the government) when they saw preferments went in another channel, set up a complaint over all *England* of the want of Convocations, that they were not allowed to fit or act with a free liberty, to consider of the grievances of the Clergy, and of the danger the Church was in. This was a new pretension, never thought of since the Reformation. Some books were writ to justify it, with great acrimony of stile, and a high strain of insolence, especially a *Letter to a Convocation-man*, by Mr. *Francis Atterbury*. This Author (who in the course of this History will often be mentioned) had very good parts, great learning, was an excellent preacher, and had many extraordinary things in him, but was both ambitious and virulent out of measure. He had a singular talent in asserting paradoxes with a great air of assurance, shewing no shame when he was detected in them, though this was done in many instances. Nor did he in such cases, either confess his errors, or pretend to justify himself, but went on still venting new falsehoods, in so barefaced a manner that he seemed to outdo the Jesuits themselves. He thought the Government had so little strength or credit, that any claim against it would be well received. He attacked the Supremacy of the Crown, with relation to Ecclesiastical matters, which had been hitherto maintained by all our Divines with great zeal. But now the hot men of the Clergy did so readily entertain his notions, that in them it appeared, that those who are most earnest in the defence of certain points, when these points seem to be for them, can very suddenly change their minds upon a change of circumstances (3).

Complaints for want of a Convocation to sit and act.

A Con-

(1) There is a particular instance mentioned by Bishop *Burnet*, of the Queen's care in disposing of Bishopsricks. When Lord *Sidney* was Lord Lieutenant of *Ireland*, he was so far engaged in the interest of a great family in *Ireland*, that he was too easily wrought on, to recommend a branch of it to a vacant See. The representation was made with an undue character of the person: So the Queen granted it. But, when she understood, that he lay under a very bad character, she wrote a letter in her own hand to Lord *Sidney*, letting him know what she had heard, and ordered him, to call for six Irish Bishops whom she named to him, and to require them to certify to her their opinion of that person: They all agreed, that he laboured under an ill fame, and, till that he was examined into, they did not think it proper to promote him; so that matter was let fall.

(2) The four Bishops were *Samuel, Worcester, Ely,*

and *Norwich*. The last commission was dated May 9, 1700.

(3) An eminent instance of this had appeared in the House of Peers in the last Session, when Dr. *Watson*, the deprived Bishop of *St. David's*, complained of the Archbishop of *Canterbury*: First, for breach of privilege, since sentence was passed upon him, though he had in Court claimed a privilege of Parliament, to which no regard had been paid: But, as he had waved his privilege in the House of Lords, it was carried after a long debate, and by no great Majority, that, in that case, he could not resume his privilege. He excepted next to the Archbishop's jurisdiction, and pretended that he could not judge a Bishop, but in a Synod of Bishops of the Province, according to the Rules of the primitive times: In opposition to this, it was shewn, that from the ninth and tenth century downward, both Popes and Kings had concurred to bring

of Convocation
met. Feb. 10.
1700-1.

A Convocation had been summoned with every new Parliament; but after the first Convocation, in 1689, had (as was related) discovered their aversion to the scheme of Comprehension, which was to be laid before them, and expressed their resolution to do nothing in it, the King (according to the practice of King Charles II.) had ordered the Convocation to be regularly prorogued, and never suffered them to sit. This, by degrees, gave a handle of complaint, as if the Clergy were debarred from the rights and liberties of meeting and acting in Convocation. But, upon the King's putting the Government into the hands of the Tories, the new Ministry, when they undertook to serve the King, made it one of their demands, that a Convocation should have leave to sit, which was promised; and accordingly a Convocation was summoned to meet, the 10th of February 1700-1, which was allowed to sit and act. Mr. Aterbury's book, concerning the Rights of a Convocation, was reprinted with great corrections and additions; the first edition was drawn out of some imperfect and disorderly collections, and he himself soon saw, that, notwithstanding the assurance and the virulence with which it was writ, he had made many great mistakes in it; so, to prevent a discovery from other hands, he corrected his book in many important matters; yet he left a great deal to those who answered him, and did it with such a superiority of argument and of knowledge in these matters, that his insolence in despising these answers was as extraordinary, as the parties adhering to him after such manifest discoveries. Dr. Kennet laid him so open, not only in many particulars, but in a thread of ignorance that ran through his whole book, that, if he had not had a measure of confidence peculiar to himself, he must have been much humbled under it. The Clergy hoped to recover many lost privileges by the help of his performances; they fancied they had a right to be a part of the Parliament, so they looked on him as their champion, and on most of the Bishops as the betrayers of the rights of the Church: This was encouraged by the new Ministry; they were displeased with the Bishops for adhering to the old Ministry; and they hoped, by the terror of a Convocation, to have forced them to apply to them for shelter. The Jacobites intended to put us all in such a flame, as they hoped would disorder the Government. The things the Convocation pretended to were first, that they had a right to sit whenever the

Parliament sat; so that they could not be prorogued, but when the two Houses were prorogued: Next they advanced, that they had no need of a licence to enter upon debates, and to prepare matters, though it was confessed, that the practice for an hundred years was against them; but they thought the Convocation lay under no farther restraint, than that the Parliament was under; and as they could pass no act without the Royal assent, so they confessed that they could not enact or publish a Canon without the King's licence. Antiently the Clergy granted their own subsidies apart; but, ever since the Reformation, the grant of the Convocation was not thought good, till it was ratified in Parliament; but the rule of subsidies being so high on the Clergy, they had submitted to be taxed by the House of Commons ever since the year 1665, though no memorials were left to inform us, how that matter was consented to so generally, that no opposition of any sort was made to it; the giving of money being yielded up, which was the chief business of Convocations, they had after that nothing to do; so they sat only for form's sake, and were adjourned of course; nor did they ever pretend, notwithstanding all the danger that Religion was in during the former Reigns, to sit and act as at a Synod; but now this was demanded as a right, and they complained of their being so often prorogued, as a violation of their Constitution, for which all the Bishops, but more particularly the Archbishop of Canterbury, was cried out on; they said, that he and the Bishops looked so much to their own interests, that they forgot the interests of the Church, or rather betrayed them: The greater part of the Clergy were in no good temper; they hated the Toleration, and were heavily charged with the taxes, which made them very uneasy; and this disposed them to be soon inflamed by those, who were seeking out all possible methods to disorder our affairs: They hoped to have engaged them against the Supremacy, and reckoned, that, in the feeble state to which the Government was now brought, they might hope either to wrest it quite from the Crown, and then it would fall into the management of the House of Commons; or, if the King should proceed against them according to the Statute, and sue them in a Premunire, this might unite the Clergy into such an opposition to the Government, as would probably throw us into great convulsions: But many aspiring men among them, had no other design, but to force them-

bring this power singly into the hands of the Metropolitans; that this was the constant practice in England before the Reformation; that by the provisional clause, in the Act passed in the twenty-fifth of Henry the Eighth, that impowered thirty-two persons to draw a new body of Church-laws, all former laws or Customs were to continue in force, till that new body was prepared: So that the power, the Metropolitan then was possessed of, stood confirmed by that clause: It is true, during the high-commission, all proceedings against Bishops were brought before that Court, which proceeded in a summary way, and against whose Sentence no appeal lay: But, after that Court was taken away, a full declaration was made by an Act of Parliament, for continuing the power that was lodged with the Metropolitan. It was also urged, that, if the Bishop had any exception to the

Archbishop's jurisdiction, that ought to have been pleaded in the first instance, and not reserved to the conclusion of all: Nor could the Archbishop erect a new court, or proceed in the trial of a Bishop in any other way, than in that, which was warranted by law or precedent: To all this no answer was made, but the business was kept up, and put off by many delays: It was said, the thing was new, and the House was not yet well apprized of it; and the last time, in which the debate was taken up in the House, it ended in an intimation, that it was hoped the King would not fill that See till the House should be better satisfied, in the point of the Archbishop's authority: So the Bishoprick was not disposed of for some years: And this uncertainty put a great delay to the process of *Jones*, the other Welsh Bishop, accused of the same crime. *Burnet*. II. 250.

themselves into preferment, by the opposition they made. In the writ that the Bishops had, summoning them to Parliament, the clause, known by the first word of it *Premunientes*, was still continued: At first, by virtue of it, the inferior Clergy were required to come to Parliament, and to consent to the aids there given: But, after the Archbishops had the provincial writ, for a Convocation of the Province, the other was no more executed, though it was still kept in the writ, and there did not appear the least shadow of any use that had been made of it, for some hundreds of years; yet now some Bishops were prevailed on, to execute this clause, and to summon the Clergy by virtue of it (1). The Convocation was opened with speeches, full of sharp reflections on the Bishops, which they passed over, being unwilling to begin a dispute.

The Archbishop's power of adjourning disputed.

Dr Hooper, Dean of Canterbury, was chosen Prolocutor, a man of learning and good conduct hitherto; he was reserved, crafty, and ambitious; his Deanery had not softened him, for he thought he deserved to be raised much higher. He was presented on the 21st of February the day appointed, by Dr Fane Dean of Gloucester, and approved and confirmed in the usual manner. The constant method of adjournment had been this: The Archbishop signed a schedule for that purpose, by which the Upper House was immediately adjourned; and the schedule, being sent down to the Prolocutor, did also adjourn the Lower House. The Clergy perceiving, that by this method the Archbishop could adjourn them at pleasure, and either hinder or break off all debates, resolved to begin at dis-

puting this point. In the next Session therefore, February 25, when the Archbishop's schedule was brought down to the Lower House, which was legally to determine the Session, in contempt of it they continued sitting, and proceeded in some debates of no moment. After which, the Prolocutor intimated an adjournment by consent of the House, to meet again in Henry VII's Chapel, instead of the adjournment to meet in the *Jerusalem Chamber*, as by the schedule, which expressly included the whole body of the Convocation, and left no pretence to separate adjournments in either House. The Archbishop, and a far greater part of his Suffragans, looked on this proceeding of the Lower House as a declaration of setting up a separate interest and power, that would break the union of the provincial Synod, and prevent the good correspondence of both Houses, and so frustrate the common methods of doing any business. In the fourth Session, Feb. 28, the Prolocutor and Clergy did not attend the Archbishop and Bishops in the Synodical place, the *Jerusalem Chamber*; which was interpreted to be a second contempt of the authority of the President, and the obligation of his instrument, the schedule proroguing and continuing the whole body of Prelates and Clergy.

The Archbishop sent for the Prolocutor, and, with the consent of his brethren, put these two questions to him: 1. Whether the Lower House of Convocation did sit, after they were prorogued by his Grace on the 25th instant? 2. Whether they did meet this morning, without attending in this place, to which they were prorogued?

(1) In the Bishops writs of Summons to Parliament, there is a clause ordering them to summon to Parliament the *Dean, Chapter, Archdeacons, and Clergy* of their respective Dioceses. As this clause, called the *Premunientes* clause, was sometimes omitted in the Parliamentary writs, Dr Hady fixes the constant usage of it from the 28th year of Ed. III. 1353. The *Bishops, Abbots, and Priors*, to whom particular writs are directed, are summoned *cum prædictis Prælati magnatibus et proceribus supradictis negotiis tractaturi, vestrumque consilium impensuri*. In the first writ now extant, in which the inferior Clergy were summoned, the 23d of Ed. I. they were summoned *ad tractandum, ordinandum et faciendum nobiscum, &c.* which is the same style that was used in the writs directed at the same time to the Temporal Lords. In the 24th of Ed. I. they are summoned *ad ordinandum de quantitate et modo subsidii*. In the writ of the 28th of Ed. I. it is, *ad faciendum et consentiendum hiis quæ tunc de communi consilio (favente Domino) ordinari contigerit*. This form continued to the 20th of Ed. II. and after that to the 10th of Ed. III. The 20th of Ed. II. it begun to be *ad consentiendum hiis quæ tunc, &c.* Afterwards to the 5th of Rich. II. it was sometimes *ad faciendum et consentiendum*; sometimes, but more often, *ad consentiendum* only. From the last Parliament of that year down to these times, it has all along continued so. The clause now is always in these words: *Premunientes Decanum et Capitulum Ecclesiæ vestræ Cant. ac Archidiaconos totumque Clerum vestrum Diocæs. quod iidem Decanus et Archidiaconi in propriis personis suis prædictum Capitulum per unum, idemque Clerus per duos procuratores idoneos, plenam et sufficientem potestatem ab ipsis Capitulis et Clero divisiim habentibus, prædictis die et loco personaliter interfuit ad consentiendum hiis quæ tunc ibidem de communi consilio dicti Regni nostri divinâ favente clementia contigerit ordinari*. From the inferior Clergy being thus summoned to Parliament, a dispute was now set on foot, whether these *Parliamentary Assemblies* were

all *Ecclesiastical Synods*. Atterbury asserted, a Convocation is an attendant upon a Parliament of England. The Clergy were brought to Parliament by the *Premunientes* clause. But in process of time, by a mistake in their politics, they were separated from the Parliament, and yet still continued to attend it in two Provincial Assemblies or Convocations: Which, as they met for the same purpose, and had the same reasons of state inserted into their writs of summons as the Parliament had, so did they keep closely to the forms, and rules, and manner of sitting and acting, practised in Parliament, and they had Parliamentary Wages and Parliamentary Privileges, and attended the Parliament as one of the *Three States* of the Realm. These Parliamentary Convocations came in the room of Provincial Councils, which from the beginning of Christianity met twice a year, and needed no leave. He farther asserts, the Clergy have not only a right to meet and sit in Convocation as often as a new Parliament sits, but a right also (when met) of treating and debating about such affairs as lie within their sphere, and of coming to fit resolutions about them, without being obliged antecedently to qualify themselves for such acts and debates by a licence under the Broad Seal of England. Though they cannot make a Canon, yet they speak the sense of the whole Clergy of the Kingdom in matters proper for them to intermeddle in: They may petition, advise, address, represent, give their judgment where it may be desired, or their censures either of men or books where it may be needful: And suggest the fittest methods of securing the Christian Faith, and of preventing the revival of old heresies and errors, and the growth of new ones. He also asserts, that the *Premunientes* in the Bishops writ is not an idle useless clause, inserted only on a particular occasion, and continued by accident, but a real and effectual summons of the Clergy to Parliament; such as they heretofore made formal returns to, as often as it went out, and did expressly obey: and of this he gives

prorogued? Upon some discourse the Prolocutor said, That the Lower House was preparing somewhat to lay before his Grace and the Upper House, concerning the methods of prorogation, and some other things of form. The Archbishop answered, That he and his brethren were ready to receive, whatsoever should be offered by them, and would consider of it, and do upon it what should appear to them to be just and right: But, in the mean time, he and his brethren thought fit to continue the usual practice. Accordingly, that the phrase of proroguing *in hunc locum* might admit of no dispute, it was in the schedule of the day expressly specified, *in hunc locum vulgo vocat Jerusalem Chamber*: To which the Lower House submitted with a *salvo jure*; and at the next Session, March 6, the Prolocutor, with several Members, attended the Archbishop and Bishops in the *Jerusalem Chamber*, according to the last schedule; and being soon dismissed, went to their own House, from whence, in a little time, they carried up a report of a Committee, appointed to search the Convocation books, for directions concerning the prorogations of their House. The report was thus:

Report of
the Lower
House.

1. We find that the common usage of this House has been to continue sitting, till the Prolocutor did prorogue or adjourn, or intimate the adjournment or prorogation thereof, either personally, or by some Member of this House, thereunto deputed by him: And in both these cases (as we conceive) with the consent of this House. And we also find by some instances, that this House did not always prorogue and adjourn to the same day with the Upper House.

2. We find the like common usage by this

House to have been, that when, in the Upper House, the Convocation was prorogued or adjourned, by the words *in hunc locum*, this House did meet apart from the same, at the same particular place where it sat last. And when the Convocation was prorogued or adjourned to some other general place, *viz.* St Paul's and Lambeth, then also this House did assemble in a separate place, distinctly from their Lordships. And farther, we find no footsteps of evidence to conclude, that it was ever the practice of this House to attend their Lordships before this House did meet and sit, pursuant to their former adjournment. But when this House hath first met and sat, it hath been the constant practice to attend their Lordships with business of their own motion, or when they were called up to their Lordships by a special messenger.

This paper was ordered by the Archbishop to be read, though it was intitled, *A report of the Committee*, and did not run in the name of the House, as it should have done; and then referred the examination of it to a Committee of Bishops. In the mean while, the Archbishop delivered to the Prolocutor the form of an *umble address to his Majesty*, and propoed to him the content of the Lower House, which was given without amendment, only they propoed it might be *Reformed Churches*, instead of *Reformed Religion*: And with the alteration of that word, it was presented to his Majesty, on March 10, by the Archbishop. It contained thanks to his Majesty for his constant protection and favour to the Church of England; an acknowledgment of his pious concern for the Reformed Churches in general, and an assurance of their steadfast fidelity and affection, and readiness

to

instances till the time of Henry VIII: And then undertakes to prove, that the writ to the two Archbishops to convene the Clergy of their Provinces, though it does not expressly mention a Parliament, yet has an immediate reference to it: The original design of it's issuing out, together with the Bishop's writ, being only to secure an obedience to the premonitory clause of it, and to make the Clergy's Parliamentary attendance the more full and certain.

On the contrary, Kennet asserts, *Diocesan Synods* are more ancient than *Provincial*. That Presbyters are no authoritative part of *Provincial Synods*. That *Capitular Prebends* were summoned to our Convocations, not for counsel or necessary consent in spiritual affairs, but for secular possessions and civil rights, which were often there treated of; and to support the Government with the unreasonable aid and taxes. He distinguishes between true *Ecclesiastical Synods*, which had no authority in, or dependence on, the Parliament, and *Parliamentary Assemblies* of the Clergy.

He says, That the lower Clergy for many ages did not come to Provincial Synods, but for a dutiful attendance on the Bishops, and offered only a submissive approbation of their acts: And that their coming to Parliamentary Assemblies, was to give money. And that it was by degrees found expedient, that the same Clergy, as was summoned to the National Parliament, should at the same time be summoned to a Provincial Synod or Assembly, concurrent with that Parliament. But this was by another writ, besides that contained in the Bishop's summons, with the clause *Præmunientes*: And even by another writ from the King. And he charges Mr Aiterbury with miserable confusion all along, as if he thought every Parliamentary meeting of the Clergy, to be an Ecclesiastical Synod, and every Ecclesiastical Synod, to be a Parliamentary body of the Clergy; than which nothing more false in fact and law. He takes a great deal of pains to rectify the

matter of the *Præmunientes* clause: And then says, That the English Clergy in their own Parliamentary Convocations, taxed their own Body, to the 15 Car. II. 1663; when in a following Session of Parliament in 1664, by measures wisely concerted between the Governors of the Church, and the leading Members of the House of Commons, the Clergy were in silence to recede from the customary right of taxing themselves apart from the Laity: And all their Ecclesiastical Benefices were to be now assessed, (as their Temporal Estates were before) upon the same foot and level with all other English Subjects in the bills beginning in the House of Commons. And thus departing from their ancient practice of taxing themselves, the end of the *Præmunientes* he says was lost. Rectors and Vicars being now taxed for their glebe and tythes, by the Commons, have a vote in electing Members: And therefore have the less occasion to be now represented by any Members of their own body.

Hody considers a Convocation either in itself, as it is a Synod, and called by the Archbishop's mandate, or as it is a part of the Parliament, and summoned by a Royal writ directed to each particular Bishop. He observes, they that are summoned by the *Præmunientes* clause, have not sat in Parliament for some hundreds of years. For some ages together, the writ has been seldom executed, or if executed, never effectually obeyed; that is, it has not been so obeyed, as to be returned into the Crown-office, and no one, for some ages, has been so constituted a proxy for any of the inferior Clergy, as to be sent up on that errand. After many remarks upon the *Præmunientes* clause, he concludes, that it was continued in the writs, after it became a constant custom for the Clergy to meet in a separate body by virtue of the Archbishop's mandate, that thereby our Princes might assert their right of calling the Clergy (if they please) to Parliament; which the Clergy opposed, as an invasion and inroad upon their liberties.

(1) The

to maintain the Supremacy as settled by law, &c. And they were graciously received by the King. He thanked them for their promises of maintaining his Supremacy according to law; beyond which he assured them he would never extend it.

1701.
Books censured.

During these disputes, that the Lower House might express a zeal for matters of Religion, they resolved to proceed against some bad books; they began with one, intitled, *Christianity not mysterious*, wrote by one Toland, a man of a bold and petulant wit, who passed for a Socinian, but was believed to be a man of no Religion: They drew some propositions out of this book, but did it with little judgment, that they passed over the worst, that were in it, and singled out some, that how ill soever they were meant, yet were capable of a good sense (1): They brought up the censure, that they had passed on this book, to the Bishops, and desired them to agree to their resolutions: This struck so directly at the Episcopal authority, that it seemed strange to see men, who had so long asserted the Divine right of Episcopacy, and that Presbyters were only their assistants and counsel (according to the language of all antiquity) now assume to themselves the most important act of Church Government, the judging in points of doctrine. Hence it appeared, how soon mens interests and passions can run them from one extreme to another. The Bishops saw, that their design was only to gain some credit to themselves, by this shew of zeal for the great articles of Religion; so they took advice of men learned in the law, how far the act of Submission, in the twenty-fifth of Henry the Eighth, did restrain them in this case (2).

There had been the like complaint made in the Convocation 1689. of many ill books then published; and the Bishops had then advised both with Civilians and common Lawyers in this matter: They were answered, that every Bishop might proceed in his own Court, against the authors or spreaders of ill books, within his Diocese: But they did not know of any power the Convocation had to do it: It did not so much as appear, that they could summon any to come before them: And when a book was published, with the Author's name to it, the condemning it, without hearing the Author upon it, seemed contrary to the common rules of justice. It did not seem to be a Court at all, and since no appeal lay from it, it certainly could not be a Court, in the first instance. When this question was now again put to Lawyers, namely, *Whether the Convocation's giving an opinion concerning a book that is heretical, impious, and immoral, is contrary to law?* Some were afraid, and others were unwilling to answer it: But Sir Edward Northey, afterwards made Attorney-General, thought the condemning books was a thing of great consequence; since the Doctrine of the Church might be altered, by condemning explanations of one sort, and allowing those of another; and since the Convocation had no licence from the King, he thought that, by meddling in that matter, they should incur the pains in the statute: So all further debate of this matter was let fall by the Bishops (3).

When the Bishops had considered the report brought up from the Lower House, they drew a copious answer to it, in which all their precedents

Report of the Lower House answered.

(1) The Positions extracted out of Toland's book were as follow:

"*Pos. 1.* I conclude, That neither God himself, nor any of his attributes, are mysterious to us, for want of adequate ideas.

"*Pos. 2.* No doubt on it, as far as any Church allows of mysteries, so far it is Anti-Christian, and may, with a great deal of justice, though little honour, claim kindred with the scarlet whore.

"*Pos. 3.* To speak freely, contradiction and mystery are but two emphatical ways of saying nothing.

"*Pos. 4.* It evidently follows, (i. e. from his observations) that faith is so far from being an implicit assent to any thing above reason, that this notion contradicts the ends of Religion, the nature of Man, and the goodness and wisdom of God.

"*Pos. 5.* Having drawn a parallel of the ancient Heathen, and, as he calls them, new-coined Christians mysteries, he says—

"I could draw out this parallel much larger, but here is enough to shew how Christianity became mysterious, and how to divine an institution did, through the craft and ambition of Priests and Philosophers, derogate into mere Paganism."

(2) By the act of Submission, the Clergy shall not presume to claim, or put in use, any Constitutions or Canons; nor shall exact, promulge, or execute any such Canons or Ordinances in their Convocations (which always shall be assembled by authority of the King's writ) unless the Clergy may have the King's Royal assent and licence so to do. The King shall have power to name thirty two persons, sixteen of the two Houses of Parliament, and sixteen of the Clergy, to revise the old Canons, and to abrogate, confirm, or alter them as they please, the King's assent being obtained. Provided, that till such revision

and correction of the Canons is made, all those which are now received shall remain in force, except such as are contrary to the laws and customs of the realm, or are to the damage or hurt of the King's Prerogative. Upon the proviso of this act, all the proceedings of the Commons and other spiritual Courts are founded; for the Canons not being corrected to this day in the manner here expressed, the old ones are in force, with the exceptions before-mentioned; and this proviso is probably the reason why the Canons were not corrected in the following Reigns, for now it lies in the breast of the judges to declare, what Canons are contrary to the laws or rights of the Crown, which is more for the King's Prerogative, than to make a collection of Ecclesiastical laws, which should be fixed and immovable. The penalties of this act are imprisonment and fine at the King's will.

(3) The Archbishop producing a certain Book, Entitled the *Balance of Power*, &c. in the 40th page of which were these words; *Are not a great many of us able to point out to several persons, whom nothing has recommended to places of the highest trust, and often to rich BENEFICES and DIGNITIES, but the open enmity which they have almost from their cradles profest to the Divinity of Christ?* It was agreed that a Paper should be fixed over several doors in Westminster-Abbey, intimating that it was desired by the said Archbishop and Bishops, that the Author himself, wherever he was, or any one of the GREAT MANY to whom he refers, would point out to the particular persons, whom he or they knew to be liable to that charge, that they might be proceeded against in a judicial way; which would be esteemed a great service to the Church: Otherwise the above-mentioned Passage must be looked upon as a PUBLIC SCANDAL. It was now become usual for the violent Party to point out the Bishops and Divines best affected to the Government in Church and State, as Socinians, or any other kind

dents were examined and answered, and the matter was so clearly stated, and so fully proved, that it was hoped the dispute was at an end. But the Lower House, after having sat some time about a reply, instead of going on with it, voted, on the 31st of March 1701, their own right to adjourn themselves, and then sent the Prolocutor with a Message to the Upper House, intimating, that they had considered their reply, which did not give them the satisfaction they desired, and therefore they prayed a *free Conference* upon the subject-matter in debate. Thus they began to affect, in all their proceedings, to follow the methods of the House of Commons. The Bishops resolved not to comply with this, which was wholly new. They had, upon some occasions, called up the Lower House to a conference, in order to the explaining some things to them; but the Clergy had never taken upon them to desire a *free Conference* with the Bishops before; wherefore they resolved not to admit of it; and the Archbishop said to the Prolocutor, "We received your verbal message, and took the same into consideration. And whereas we sent you two questions in writing, to which you answered in writing; and we gave a large and distinct answer to the same in writing, in which there were several quotations referring to matter of fact; we therefore expect an answer in writing to the same, and we shall then take the matter into farther consideration, and desire no time to be lost." The Prolocutor replying, "That their answer would take up above twenty sheets," his Grace took occasion to declare, "That he did not confine them to length and breadth, but expected their answer in writing." The Lower House resolved not to comply with this, but insisted upon a *free Conference*, a word that had never before appeared in the acts of any former Convocation. They would send no other written paper but of reasons for not writing; which were presented on the 5th of April. Three days after a paper was delivered to the Prolocutor in answer to their reasons, in which the Bishops tell them, "That their proceedings had been irregular, and without precedent inundry Particulars: That they could not find so much as one instance of any conference desired by the Lower House: That they were indeed once called up *ad Colloquium* in 1689, but that the consequences of it were such as did by no means encourage the doing of the like at this present time: And that their pretending to make a recess, by their own authority, apart from the Upper House, and without order from the President, was altogether new, and such a violation of his authority, as could not be complied with, nor suffered, without destroying the fundamental Constitution of an *English Convocation*." After which, the Archbishop made a speech, and prorogued the Convocation to the 8th of May. The Lower House took no notice of the Archbishop's adjournment, but continued to sit as a

House some time that day, and then adjourned themselves to the next day. This was an affectation of independance unknown to former Convocations, and never before attempted by any Presbyters in an Episcopal Church. They did indeed observe the rule of adjourning themselves to the day which the Archbishop had appointed in his schedule, but they did it as their own act, and adjourned themselves to intermediate days.

On the 8th of May the Archbishop told the Prolocutor, that, "what had been done in the Lower House, as a House, since the Prorogation, was not only null and without authority, but of very dangerous consequence to the Constitution. And that they could not receive from them, either by word of mouth or in writing, any thing done by the said House, as a House in that interval." At the same time the Prolocutor delivered a paper, as the act of the Lower House this day, which was an answer to what had been sent them about *Toland's* book. "They therein intimate their apprehension of the little need there was to consult Lawyers about that book; that the Archbishop might easily have obtained a licence; that a bad use would be made of their omitting to express their dislike of so ill a book: And justify their own proceedings, and much complain of grievances they suffered from the Upper House."

A Committee of Bishops prepared a reply to this paper; signifying, "That they thought it safest, and most for the interest of the Church and Religion, that in the matter of *Toland's* book as well as others, they should govern themselves by precedents of former Convocations: That his Majesty was the properest Judge, when to grant a licence, and when not; though, considering the treatment which the licence granted to the Convocation in 1689 met with, it could not be thought advisable to desire another, till a better spirit had appeared in those of the Lower House than either did then or now: That they would endeavour to procure a law for regulating the press, &c. That the actions of the Lower House did not agree with their profession; for that they had risen to higher degrees of disrespect and invasion of the Metropolitan and Episcopal rights, than ever was attempted by any Lower House of Convocation before, &c. And that they had hereby given the greatest blow to the Church, that had been given it, since the Presbyterian Assembly that sat at *Westminster*, in the late times of confusion."

The Lower House going on to sit in intermediate days, Dr *Sherlock*, and many of the most eminent and learned among them, not only refused to sit with them on those days, but thought it was incumbent on them to protest against their proceedings; but the Lower House refusing to suffer this to be entered in their books, they exhibited a complaint in writing to the Archbishop, and subscribed their names to it.

kind of Hereticks. But no proof was made by Dr *Davenant*, or by any one who suggested this scandal to him. All moderate divines were looked upon by some hot men, with an ill eye, as persons who were cold and indifferent in the matters of the Church: That

which flowed from a gentleness, both of temper and principle, was represented as an inclination to favour Dissenters, which passed among many, for a more heinous thing than leaning to Popery itself.

it (1). The party sitting alone in the intermediate days, they entered into such a secrecy, that it could not be known what they fate so close upon. The Archbishop therefore appointed five Bishops to meet a Committee of the Lower House (not exceeding ten) to inspect the acts of each House in this Convocation, and report their judgments. But though this had often been done, yet upon this occasion the Lower House refused to comply with it, or to name a Committee. This was such an unprecedented invasion of the Episcopal Authority, that the Upper House came to a resolution to receive nothing from them, till that irregularity was set right.

Burnet's
Exposition
of the ar-
ticles cen-
sured.

As the Lower House was highly incensed against the Bishop of *Salisbury*, they censured his Exposition of the articles of the Church of *England*, and in imitation of the general impeachments by the House of Commons, they put their censure into three general propositions. I. That it allowed a diversity of opinions, which the articles are framed to avoid. II. That it contained many passages contrary to the true meaning of the articles, and to other received doctrines of the Church. III. That some things in it were of dangerous consequence to the Church of *England*, as by law established, and derogated from the honour of the Reformation. Bishop *Burnet* begged that the Archbishop would dispense with the order made against further communication with the Lower House as to this matter. Accordingly the paper against the Bishop was brought up and received. But what the particulars were, to which these general heads referred, could never be learned; this was a secret lodged in confiding hands. For when the Archbishop moved for the particulars of their charge against the book, they would enter into none, unless they might at the same time offer some other matters, which the Upper House would not admit of (2).

On the 20th of *June*, the Prolocutor appeared in the Upper House, and the Archbishop told him (as before) that he could receive no paper but that containing the particularities of the general charge against the Bishop of *Salisbury*'s Exposition, which at the Bishop's request he was ready to receive. The Prolocutor saying he had two papers, but could not present the one without the other, without the direction of the Lower House, went back for the opinion of the House, but did not return till the Convocation was prorogued to *August* the 7th, and thence to *September* the 18th, and so on, till the Parliament was dissolved, and the Convocation with it.

The Con-
vocation
dissolved.

In these proceedings the Bishops were unanimous, except the Bishops of *London*, *Rocheſter*, and *Exeter*: The Bishop of *London* had been twice disappointed of his hopes of being advanced to the See of *Canterbury*; so for several years he was engaged with the Tory party, and opposed the Court in every thing, but with little force or authority: The Bishop of *Rocheſter* * had been deeply engaged in the former * *Sprat*. Reigns, and he stuck firm to the party, to which, by reason of the liberties of his life, he brought no sort of honour. These Bishops gave no great reputation to the proceedings of the Lower House, to which they adhered; they likewise entered their dissent to the resolutions taken in the Upper House. From the fire raised thus in Convocation, a great heat was spread through the whole Clergy of the Kingdom; it alienated them from their Bishops, and raised factions among them every where (3).

Whilst in *England* the disputes about *Schism*, *Religious Socinianism*, and the rights of Convocation were carrying on amongst those of the Established Church, and the contests about doctrinal points, divided the Dissenters; other Kingdoms were no less disjointed in matters of Religion. The *Quietists* were increasing not only in *Italy* but in *France* (4). The persecution in *France* began at first

Religious
divisions
abroad.

(1) These were, the Deans *Sherlock*, *Wichart*, *Freeman*; the Archdeacons *Bull*, *Stanley*, *Jeffery*, *Trimmel*, *Boucher*; the Proctors, *Vernoy*, *Evans*, *Whitefoot*, *Pooley*, *Little*.

(2) A committee of Bishops being appointed to declare their judgment of the extraordinary proceedings of the Lower House, upon occasion of the complaint against the Bishop of *Salisbury*, they declared it their opinion, "That the Lower House had no manner of power, judiciously to censure any book: That they ought not to have entered upon the examination of a book of any Bishop of this Church, without first acquainting the President and Bishops: That their censuring the Bishop of *Salisbury*'s book in general terms, without mentioning the particular passages on which the censure was grounded, was defamatory and scandalous: That that Bishop by his excellent *History of the Reformation*, approved by both Houses of Parliament, and other writings, had done great service to the Church of *England*, and deserved the thanks of their House: And, that though private persons may expound the articles of the Church, yet that it could not be proper for the Convocation at this time to approve, and much less to condemn; such private expostitions."

(3) Notwithstanding *Atterbury*'s book had been proved to be false in many instances, yet we find the following remarkable passage concerning it in the *History of this Convocation*, published in 1702 in 4to.

When on *April* the 8th, Dr *Pinch* returned from the Upper House to the Lower, with an account that

no message would be received from them for want of the Prolocutor's presence, the Dean of *Gloucester* * in * *Jane*: some resentment took occasion to say, that since the Upper House denied this correspondence with them, it was now time for the House to return their thanks to Mr *Atterbury*, for his learned pains in asserting and vindicating the rights of Convocation. Upon which it was warmly debated, and the form of thanks being proposed to be changed, from *learned pains in asserting and vindicating*, into his *endeavours to assert and vindicate*, upon a division of the House, it was carried, as designed, in the affirmative. And then the Prolocutor said, Mr *Archdeacon of Totness*, I and this House (no Parliamentary phrase says the Author of the *History*) return you our thanks, &c. Upon which vote a letter was afterwards sent to *Oxford*, That whereas Mr *Francis Atterbury*, late of *Christ Church*, had so happily asserted the rights and privileges of an English Convocation, as to merit the solemn thanks of the Lower House of it, for his learned pains on that subject. — It might be hoped the University would not be less forward in taking some public notice of so great a piece of service to the Church. And that the most proper and seasonable mark of respect to him, would be to confer on him the degree of Doctor of Divinity by diploma, without doing exercise, or paying fees: Which was accordingly done.

(4) The *Quietists* or *Molinists* (from *Molina* the Jesuit) opposed the Doctrine of *Grace* as explained by St *Austin*, and were in that point, much the same as the *Semi-pelagians*; See Note p. 511.

first upon a few *Jansenists* (1), but afterwards turned to the Protestants, on whom it had been long very heavy and bloody; this put an end to all disputes in those matters, and a new controversy arose, which was managed with great heat, between *Bossuet* the famous Bishop, first of *Condom* and afterwards of *Meaux*, and *La Motte Fenelon*, who was in high favour with *Madam Maintenon*, and was by her means made Preceptor to the *Dauphin's* children, and advanced to the Archbishoprick of *Cambray*. *Fenelon* wrote a treatise of spiritual maxims, according to the subtilty to the *Mystics*. In this treatise, he distinguished between that, which was falsely charged upon them, and that which was truly their doctrine: He put the perfection of a spiritual life, in the loving of God purely for himself, without any regard to ourselves, even to our own salvation: And in our being brought to such a state of indifference, as to have no will nor desire of our own, but to be so perfectly united to the will of God, as to rejoice in the hope of heaven, only because it is the will of God, to bring us thither, without any regard to our own happiness. *Bossuet* wrote so sharply against him, that one is tempted to think, a rivalry for favour and preferment had as great a share in it, as zeal for the truth. The matter was sent to *Rome*, *Fenelon* had so many authorized and canonized writers of his side, that many distinctions must be made use of to separate them from him; but the King was much set against him; he put him from his attendance on the young Princess, and sent him to his Diocese; his disgrace served to raise his character. *Madam Maintenon's* violent aversion to a man, she so lately raised, was imputed to his not being so tractable as she expected, in persuading the King to own his marriage with her. But this is only conjecture.

At this time also a breach was running thro' the *Lutheran* Churches. It appeared at first openly at *Hamburg*, where many were going into stricter methods of piety, who from thence were called *Pietists*. There is no difference of opinion between them and the rest, who are most rigid to old forms, and are jealous of all new things, especially of a stricter course of devotion beyond what they themselves are inclined to practise. But to return to *England*.

A new Convocation called. 1701-2. Kennet.
* Burnet.

With the new Parliament the King summoned a new Convocation. Dr *Sherlock* preached a *Latin* sermon at the opening, and Dr *Woodward* (a Civilian grown popular by his opposition to his Diocesan *, to whom he owed his preferments) carried it for Prolocutor against Dr *Beveridge*, Archdeacon of *Colchester*. The first act of the two Houses was an address to the King, the 22d of *January*, on occasion of the *French King's* proclaiming the Pretender.

They expressed therein the deep resentment every one of them had, at their first hearing of the great indignity which the *French King*

offered to his Majesty and his People, in declaring the pretended Prince of *Wales* to be King of his Majesty's Realms and Dominions. They renewed their protestations of a firm and unshaken allegiance: And assured his Majesty, they would do their utmost endeavours, in their respective places and stations, to maintain his rightful title, and the Succession in the Protestant line, as by law established, against the said pretended Prince, and all other his Majesty's open and secret enemies, &c. And the King gave them a gracious Answer.

The faction raised in the Lower House, during the last Convocation, had still the majority; several books were writ to show, that by our constitution the power of adjourning was wholly in the Archbishop. The original book of the Convocation, that late in 1661, being happily found, it showed the practice of that Convocation agreed with the Bishops in every particular (2). But though it was communicated to the Lower House, it had no effect upon them; for when parties are once formed, and a resolution is taken upon other considerations, no evidence can convince those, who have beforehand resolved to adhere to their point. Accordingly the dispute about the power of adjourning was revived, and on the 28th of *January* a Member of the Lower House moved to change the form of entry in the minutes, which being done, the Prolocutor, in his own name, continued and prorogued the House, instead of intimating, that it was continued and prorogued (3).

This was excepted against by several Members, on *Feb. 3*: But it was carried by a majority, that there should be no alteration, and that the matter should not then be further debated: And when the schedule of prorogation came down from the Upper House, it was laid aside, while the House was proceeding to other business. A Member moved, that the message delivered to the Prolocutor might be communicated to the House, which he thought they had a right to insist on; the majority opposed him, and they went on to appoint a Committee of grievances. And then the Prolocutor adjourned as by the authority of the House, and the dissenting Members protested by word of mouth; and before the next meeting put their verbal protestation into writing. On *February 9*, a motion was made, that that protestation might be admitted and entered as a standing evidence of their asserting the just rights and authority of the President. This was opposed by a majority. But Dr *Beveridge* proposed a question, *Whether upon supposition that the House may sit upon Synodical business, after the coming down of the schedule, till they think their business over, the House would agree that the schedule should be then executed, and the House prorogued to the day and hour there specified, by virtue of the said schedule,*

(1) The *Jansenists* (from *Jansenius* Bishop of *Ypres*, 1635) explained the Doctrine of *Grace*, according to the notions of *St Austin*, or the *Catholic* scheme.

(2) It must be observed, that the acts of the Convocations were recorded in the Archbishops registers, till the death of Archbishop *Morton*, in 1500. The last Convocation extant in the Archbishops registers, was held 1488; and, in the last of those whose acts are entire, except the Convocation of 1640, published

in *Nelson's* Collections. After *Morton's* time, the acts of Convocations were recorded not in the great registers, but in distinct volumes: All which perished in the fire of 1666.

(3) Instead of the usual form, *Prolocutor intimavit hanc Convocationem esse continuatam*, &c. they entered in their minutes the phrase of, *Dominus Prolocutor continuavit et prorogavit quoad hanc domum*.

and in obedience to the authority whereby the whole Convocation was prorogued. To evade answering this question, it was at last agreed, That a Committee should be appointed to consider of such an expedient about the prorogation of the Lower House, as might tend to the composing of disputes: And eight were fixed on one side, viz. Dr Hooper, Dr Jane, Dr Aldrich, Dr Aterbury, Dr Binckes, Mr Needham, Mr Moor, and Dr Wynne: And eight on the other side, viz. Dr Beveridge, Dr Haley, Dr Willis, Dr Kennet, Dr Trimmel, Dr Prideaux, Dr Green, and Mr Lloyd. And this Committee meeting, Feb. 10, agreed, *That no forms of prorogation should be used by the Prolocutor hereafter, that were not used before the last Convocation: That the forms used by the Prolocutor in the Convocations of 1586, and 1588, should hereafter be used by the Prolocutor in the order they lie in the books, beginning with the first till they are gone through: And that they should be pronounced by the Prolocutor, when the House agreed that their business was over.* After this, some boasted of the advantage gained on the side of the Lower House, and that the Archbishop's friends had given up his cause, and excluded the schedule from any concern in the adjournment. This was so industriously spread, that the eight Members of the Committee drew up a declaration of their sense, in which they signified, among other things, that they refused an alteration that was offered on the third article of the agreement forementioned, viz. *That the form should not be pronounced by the Prolocutor, till the House agreed that their business was over:* This they refused, because, though they might generally presume upon the Archbishop's consent for their sitting to dispatch all proper business; yet they could not agree to any thing that should preclude his right to prorogue them immediately, if he found it expedient: And that they used the words *pronounced by the Prolocutor*, to prevent the putting any question to the House about *adjourning themselves*; and that the prorogation might be always to the time and place appointed by the schedule.

On Feb. 12, the Prolocutor being indisposed, appointed the Dean of *Christ Church* to act as his Deputy: And a Deputy so appointed, had been accepted, had application been duly made to the President to approve and confirm him. But no such application being made, the Archbishop sent for the Clergy, and prorogued the Convocation to the 14th, telling them, that an incident had happened of great moment, which he and his brethren must take time to consider of.

On February 13, Dr Woodward the Prolocutor died in his lodgings at *Westminster*, in very unhappy circumstances. The Archbishop on the 14th told the inferior Clergy he was much surprized at the news of it, and adjourned them to the 19th. The Prolocutor before his last sickness, had complained much of his Bishop, my Lord of *Sarum*, on account of his breach of privilege in his treatment of him. The case was thus: The Bishop visiting his Clergy, the Clergy paid their attendance: But the Dean of *Sarum* declined appearing as Rector of *Pewsey*, without making a reasonable excuse; nay, rather aggravated his absence with contempt. The Bishop ordered a citation in the usual method. When the time of privilege afterwards commenced, he ordered his Chancellor to put a *stet*

upon the cause, and there was no farther proceeding. Upon this a formal complaint was, on February 9, presented to the Upper House, in which this was represented, not only as an unlawful molestation of a Member of the Lower House, but an injury offered to the whole body of the Convocation, in the person of the Prolocutor. The Archbishop and Bishops answered, that the proceedings referred to were begun when there was no privilege, and that upon the opening of the present Convocation, a *stet* was put upon the cause, nor was there any citation or process decreed since.

The prosecution of this complaint (which is Kennet said to have been carried on with great partiality and prejudice) ceasing upon the Prolocutor's death, and there being no business depending but the Clergy's pretensions of exemption from the Synodical authority of the Upper House, the Archbishop, on the 19th of February, dismissed the Clergy with a speech: In which, taking occasion from their complaint of the Bishop of *Sarum*, he tells them, "He hopes for the future, they would not be surprized into complaints, but would stay till they were assured they were well grounded both in *Right* and *Fact*." He adds, that the choice of a new Prolocutor would not now be so seasonable, for that many Members were absent, attending their respective Cures; and that a war was breaking out, which would turn men's thoughts another way: And that therefore he intended a prorogation. He tells them, their heats had given great offence, even to those that understand not the nature of the controversy, but were concerned that there should be any differences, among such as were, by profession, the Ministers of the Gospel of peace." The prorogation was to the 5th of March. After the Archbishop's speech, with which some were well satisfied, others discovered their great discontent. They met again in Henry VII's Chapel two days after, and resolving themselves into a sort of assembly, chose a Moderator or Chairman. And when the day came to which both Houses had been prorogued, they came up as a house, without a Prolocutor, to the Chamber adjoining to the *Jerusalem Chamber*, and there meeting the Bishop of *Lincoln*, who, as the Archbishop's Commissary had now prorogued the Convocation to a farther day, begged him to carry a message to the Archbishop, of their desire to proceed to the choice of a Prolocutor. The Bishop offered, in order to prevent mistakes, to receive their message in writing. Upon which they began to express themselves to this effect: *It is the unanimous desire of the Lower House, &c.* One present * immediately interposed, and said, that they were not a House, and that many Members did not assent to such a message; and therefore, at most, it could with truth run only in the name of several Members of the Lower House. This raised a new clamour; and those who assumed the name of a House, especially Dr *Finch*, fell severely on the Member, who thus openly dissented, as a betrayer of their rights and liberties.

The King's death, which happened a day or two after, should have put an end to these disputes, but instead of that, occasioned another question, Whether the Convocation did expire with *that*?

Whether the Convocation was dissolved by the King's death?

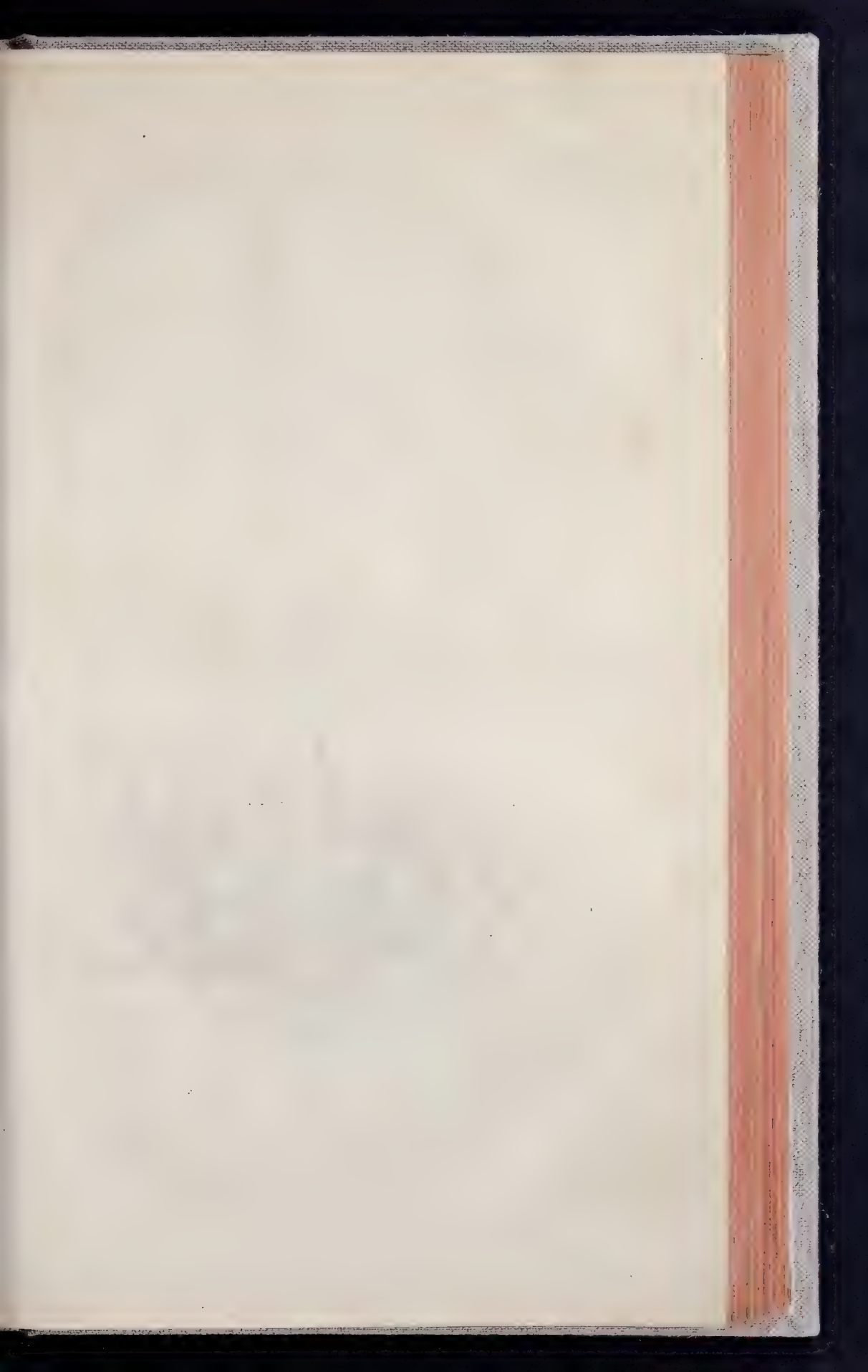
with the King? The Archbishop and Bishops were sensible, that the Convocation, being assembled by the Archbishop's mandate in obedience to the King's writ, could no longer subsist, than while the Royal writ remained in force, since in the late act for empowering the Parliament to sit after the King's death, no provision was made to continue the Convocation. But that part of the Lower House, who had assumed new claims, were taught (as hath been observed) to call themselves a Parliamentary body, and at least to attend upon a Parliament by virtue of the *Præmunientes* clause, which they had lately got executed in several Dioceses. And therefore they insisted, that they were such a part of the Parliament, as could not be separated from it; and consequently if they were no longer a provincial Synod, they were however a part of the national Clergy summoned by the *Præmunientes* clause to meet in Parliament. And, indeed, this had been a just inference from them. But when they came to consult the Learned in the

law, they soon found, that the act for continuing the Parliament did by no means include the Convocation, which, being called by a different writ, had a different constitution, and must determine with the King's death. When they were under this disappointment, they solicited some friends in the House of Lords to bring in an extraordinary clause to declare the Convocation to be still in being. This was moved by the Earl of Rochester, but the Attorney-General declaring it was against the Queen's Ecclesiastical Supremacy, it was let fall, and they were forced to acquiesce in the dissolution.

Upon the Queen's Accession to the Crown, all these angry men, that had raised this flame in the Church, as they treated the memory of the late King with much indecent contempt, so they seemed very confident, that for the future, all preferments should be distributed among them (the Queen having superseded the Commission for Ecclesiastical preferments) and they thought they were full of merit, and were as full of hopes.

The END of the REIGN of WILLIAM III.







St. James's Palace. Engraved by J. Smith. 1704.



THE HISTORY of ENGLAND.

BOOK XXVI.

SECT. I.

From the Accession of Queen ANNE, to the Treaty of the HAGUE
in 1709.

29. ANNE.

1701-2.
Queen
Anne's
Accession.

Account of
her before
she was
Queen.
Burnet.



UPON the death of King William, the Crown, pursuant to the act of Succession, devolved to the Princess Anne of Denmark, daughter of King James II. by the Lady Anne Hyde (1.) This Princess was born at St. James's on the 6th of February 1664-5. She was sent to France in 1669, which much alarm-

ed the people, on a surmise, that she was gone thither to be bred a Catholic; the bigotry and superstition of her Father, who had found means to pervert her Mother, being well known. But their fears ceased, when it was found she was sent there on account of her health only, she having at that time a defluxion in her eyes, which the change of air, and the methods there used, soon removed; and she returned to England much improved in her constitution and person.

(1) She was daughter of the Earl of Clarendon. The King, when Duke of York, was contracted to her at Breda, November 24, 1659, and privately married to her at Worcester-House, September 5, 1660, in N^o XXXV. Vol. III. 6 U the

1701-2. son. Dr. Henry Compton, Dean of the Chapel, and afterwards Bishop of London, had the care of her education.

The Duke of York, two years after the death of his first wife, married, in 1673, *Mary of Este*, the Duke of Modena's daughter, a rigid Papist (1), by which means, all hopes of a Protestant male-heir being lost, a greater value was raised in the people for the Princesses *Mary* and *Anne*, from the general expectation of having the Succession continued to them, whom, with joy, they saw educated in the Protestant Religion.

Upon the marriage of the Princess *Mary* to the Prince of Orange, her Father was very pressing with the King his brother, to leave him the disposal of his other daughter the Princess *Anne*; but the King thought it more advisable to hearken to the importunities of his Parliament, and marry her also to a Protestant Prince. In the year 1681, the Prince of Hanover (afterwards King George I. of England) came over to make his addresses to her: But he was scarce got hither, when he received orders from his Father not to proceed in that design; for he had agreed a match for him with his brother the Duke of Zell's daughter, which, at that time, was more advantageous to the family. Two years after

Prince George of Denmark, second son of Frederick III. and younger brother of Christian V. Kings of Denmark, came into England, in order to marry the Princess *Anne*. Accordingly, eleven days after his arrival, they were solemnly married by the Bishop of London, in the Chapel-Royal at St. James's, on the 28th of July 1683. This marriage, at first, did by no means please the Nation: For it was known that the proposition came from France, and therefore it was apprehended, that the English and French Courts reckoned, they were sure he would change his Religion. But these apprehensions were, by experience, found to be entirely groundless. He had now lived, in all respects, the happiest with his Princess that was possible, except in one point. For, though there was a child born almost every year for many years, yet they all died: So that the most fruitful marriage of the age was fatally blasted as to the effect of it (2.)

Upon the Princess's marriage, the Lady Churchill (afterwards Duchess of Marlborough) of the Duchesse of Marl. was, at the Princess's earnest request to her Father, made one of the Ladies of her bed-chamber, and was at length distinguished by so high a place in her favour, as perhaps no person ever arrived at a higher with Queen or Princess. She had an ascendancy over the Princess in every thing:

Prince George of Denmark comes into England, July 19, 1683, and marries the Princess Anne, July 28.

the night by Dr. Joseph Croucher the Duke's Chaplain. Her father solemnly protested, that he knew nothing of the matter, till it broke out in 1662. The Duke thought to have shaken her from claiming her marriage by great promises and as great threatnings. But she, being a woman of a high spirit, said, she was his wife, and would have it known that she was so, let him use her afterwards as he pleased. King Charles II. ordered some Bishops and Judges to peruse the proofs she had to produce, and they reporting the marriage was good, the King, not being then willing to break with the Earl of Clarendon, told his brother he must live with her whom he had made his wife. The Duchess of York was a very extraordinary woman. She had great knowledge and a lively sense of things. She soon understood what belonged to a Princess, and took state on her rather too much. She writ well, and had begun the Duke's Life, of which she shewed Dr. Burnet a Volume. It was all drawn from the Duke's journal; and he intended to have employed Burnet in carrying it on. She was bred to great strictness in Religion, and practised secret confession. Morley was her Confessor. She began at twelve years old, and continued under his direction, till, upon her Father's disgrace, he was put from the Court. She was generous and friendly, but was too severe an enemy. It was supposed she had been prevailed upon to change her Religion, for a paper was published by Maimburg after her death, giving an account of the grounds of her conversion, which paper the Duke of York shewed Burnet all writ with her own hand, but would not let him copy it, though he gave him leave to read it twice. After a long decay of health she died in 1672, very little beloved or lamented. Her haughtiness had raised her many enemies, and her friends, because of the change of her Religion, reckoned her death rather a blessing than a loss at that time. She bore the Duke of York four sons and four daughters, Charles of York, Duke of Cambridge, born the 22d of October, 1660, who died at seven months old; James of York, called also Duke of Cambridge, born the 12th of July 1663, who died in 1667; Charles of York, Duke of Kendal, third son, born the 4th of July, 1666, and who died in May, 1667; Edgar of York, Duke of Cambridge, the fourth son, was born the 14th of September, 1667, and died the 8th of June, 1672. The four daughters were, 1. MARY of York, born the 30th of April, 1662, a Princess of great beauty and eminent virtue,

who was married to William Henry of Nassau, Prince of Orange, afterwards King William III. and died on the 28th of December, 1694. 2. ANNE of York, second daughter, born at St. James's on the 6th of February, 1664-5. Henrietta of York, third daughter, born at Whitehall the 13th of January, 1668, and deceased at ten months old; and Katherine of York, fourth daughter, who was born the 9th of February, 1670, and died the 5th of December, 1671.

(1) The new Duchess of York was brought over by the Earl of Peterborough (who had married her by proxy) in the winter of 1673. She was then very young, about sixteen, but of a full growth. She was a graceful person, with a good share of beauty, and so much wit and cunning, that, during all King's Charles's reign, she behaved herself in so obliging a manner, and seemed so innocent and good, that she gained upon all that came near her, and possessed them with such impressions of her, that it was long before her behaviour, after she was Queen, could make them change their thoughts of her. So artificially did this young Italian carry herself, that she deceived even the eldest and most jealous persons, both in the Court and the Country. Only sometimes a satirical temper broke out too much, which was imputed to youth and wit not enough practised to the world. She avoided the appearances of a zealot, or a meddler in business, and gave herself up to innocent cheerfulness, and was universally esteemed and loved as long as she was Duchess. Burnet I. 368.

(2) Their children, besides several miscarriages, were as follow:

The first was a daughter, of whom her Royal Highness was delivered on the 12th of May, 1684; and, being dead, was privately interred. II. Lady Mary, second daughter, born at Whitehall the 2d of June, 1685, who died in February, 1686. III. Lady Anne Sophia, third daughter, born at Windsor the 12th of May, 1686, died the February following. IV. WILLIAM, first son, born at the Royal Palace at Hampton-Court the 24th of July, 1689, was, at his baptism, declared by King William Duke of Gloucester, who died July 24, 1700. V. The Lady Mary, a fourth daughter, was born at St. James's in the month of October, 1690, but died soon after she was baptized. VI. George, another son, was born at St. James's, the 17th day of April, 1692, but died as soon as born.

(1) Sarah

1701-2. thing: She was a woman of little knowledge, but of a clear apprehension, and a true judgment; a warm and hearty friend, violent and sudden in her resolutions, and impetuous in her way of speaking. She was thought proud and insolent on her favour, though she used none of the common arts of a Court to maintain it: For she did not beset the Princess, nor flatter her. She staid much at home, and looked carefully after the education of her children. The beginning of the Princess's kindness for her had a much earlier date than her entrance into her service. They had used to be together, when children, and the Princess even then express'd a particular fondness for her. This inclination increased with their years; and the Princess always distin-

guished her by the pleasure she took in her conversation and confidence. Hence it was, that, upon her marriage, she was so desirous to have her near her person (1).

After her father King James's Accession to the Throne, the Princess, during his whole reign, kept her Court as private as she could, consistent with her station. When the King's designs were discovered, and Popish councils began to prevail, attempts were made to draw the Princess into them. The King indeed used no harshness with her; he only discovered his wishes, by putting into her hands some books and papers, which he hoped might induce her to a change of Religion (2). Lord Tyrconnel also took some pains with his sister-in-law, the Lady Churchill,

to

(1) Sarah Jennings, daughter and coheirs (with her sister the Countess of Tyrconnel) of Richard Jennings, of Sandridge in Hertfordshire, Esq; by his wife Frances, daughter and heiress of Sir Gifford Thornbury, of Agnes Court in Kent, Baronet, was born on the 29th of May, 1660, the day of King Charles's Restoration, and in 1681 married to John Churchill (then a Colonel of Dragoons, and afterwards Duke of Marlborough). She was at that time in great favour with the Princess Anne, of which she herself gives the following account:

The beginning of the Princess's kindness for me had a much earlier date than my entrance into her service. My promotion to this honour was wholly owing to impressions she had before received to my advantage; we had used to play together, when she was a child, and she even then expressed a particular fondness for me. This inclination increased with our years. I was often at Court, and the Princess always distinguished me by the pleasure she took to honour me, preferably to others, with her conversation and confidence. In all her parties for amusement, I was sure, by her choice, to be one; and so desirous she became of having me always near her, that, upon her marriage with the Prince of Denmark in 1683, it was, at her own earnest request to her Father, I was made one of the Ladies of her bed-chamber.

What conduced to render me the more agreeable to her in this station was, doubtless, the dislike she had conceived to most of the other persons about her, and particularly to her first Lady of the bed-chamber, the Countess of Clarendon; a Lady, whose discourse and manner (though the Princess thought they agreed very well together) could not possibly recommend her to so young a Mistress: for she looked like a mad-woman, and talked like a scholar. Indeed her Highness's Court was throughout so oddly composed, that I think it would be making myself no great compliment, if I should say, her chusing to spend more of her time with me, than with any of her other servants, did no discredit to her taste. Be that as it will, it is certain she at length distinguished me by so high a place in her favour, as perhaps no person ever arrived at a higher with Queen or Princess. And, if from hence I may draw any glory, it is, that I both obtained and held this place without the assistance of flattery; a charm, which in truth her inclination for me, together with my unwearied application to serve and amuse her, rendered needless; but which, had it been otherwise, my temper and turn of mind would never have suffered me to employ.

Young as I was, when I first became this high favourite, I laid it down for a maxim, that flattery was falsehood to my trust, and ingratitude to my greatest friend; and that I did not deserve so much favour, if I could not venture the loss of it by speaking the truth, and by preferring the real interest of my Mistress before the pleasing her fancy, or the sacrificing to her passion. From this rule I never swerved. And, though my temper and my notions in most things were widely different from those of the Princess, yet, during a long course of years, she was so far from being dis-

pleased with me for openly speaking my sentiments, that she sometimes protested a desire, and even added her command, that it should be always continued, promising never to be offended at it, but to love me the better for my frankness.

Favour with a Princess upon these terms engaged me to her in the manner that it ought; I mean, by a sentiment which I chuse to call *Honour*, rather than *Gratitude or Duty*, because, while it implies all the justice and affection of these, it seems to express a more disinterested principle of action. For I can truly affirm, that I never considered myself on any occasion where her interest or glory was concerned, nor had I any Idea of a misery which I would not have sooner incurred, than the inward shame of being conscious of a failure in this respect. The facts themselves, which I am going to relate, will in a great degree evince the truth of what I say; and that the Princess was perfectly persuaded of it, is, I think, sufficiently manifest both from her letters to me, and from that unreserved intimacy of friendship, in which we for many years lived together.

Kings and Princes, for the most part, imagine they have a dignity peculiar to their birth and station, which ought to raise them above all connexion of friendship with an inferior. Their passion is to be admired and feared, to have subjects awfully obedient, and servants blindly obsequious to their pleasure. Friendship is an offensive word, it imports a kind of equality between the parties; it suggests nothing to the minds of Crowns or Thrones, high titles or immense revenues, fountains of honour or fountains of riches; prerogatives which the possessors would have always uppermost in the thoughts of those who are permitted to approach them.

The Princess had a different taste. A friend was what she most coveted; and for the sake of friendship (a relation which she did not disdain to have with me) she was fond even of that *Equality* which she thought belonged to it. She grew uneasy to be treated by me with the form and ceremony due to her rank; nor could she bear from me the sound of words which implied in them distance and superiority. It was this turn of mind, which made her one day propose to me, that, whenever I should happen to be absent from her, we might in all our letters write ourselves by feigned names, such as would import nothing of distinction of rank between us. *Morley* and *Freeman* were the names her fancy hit upon; and she left me to chuse by which of them I would be called. My frank open temper naturally led me to pitch upon *Freeman*, and so the Princess took the other; and from this time Mrs. *Morley* and Mrs. *Freeman* began to converse as equals, made so by affection and friendship. *Conduct of the Duchess of Marlborough*, p. 9, &c.

(2) The Duchess of Marlborough observes here, that, had the Princess had any inclination to change her Religion, the Chaplains about her were such Divines as could have said but little in defence of their own Religion, or to secure her against the pretences of Popery, recommended to her by a Father and a King. *Conduct of the Duchess of Marlborough*, p. 15.

(1) His

1701-2. to engage her, if possible, to make use, for the same end, of that great favour he knew she enjoyed with the Princess; but all these endeavours proved fruitless, and the Prince and Princess of Denmark remained firm to their Religion.

Though the Queen, after she had declared herself with child, declined giving the Princess of Denmark any satisfaction in that matter, yet it does not appear that she thought it an imposture; nor did she, in her letter to the Queen, when she left the Court, give the least hint of such a suspicion. Upon the landing of the Prince of Orange, in 1688, the King went down to Salisbury to his army, and the Princess of Denmark with him: But the news quickly came from thence, that the Prince of Denmark had deserted the King and joined the Prince of Orange, and that the King was returning to London.

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The Princess was so struck with the apprehensions of the King's displeasure, that she told the Lady Churchill, she could not bear the thoughts of it, and declared, rather than see her Father, she would jump out at the window. The Bishop of London (who, in that critical time, absconded,) was then lodged secretly in Suffolk-Street. The Princess immediately sent the Lady Churchill, (who knew where he was) to concert measures with the Bishop, how she should withdraw from the Court. It was agreed, that he should come about midnight in a hackney-coach near the Cockpit, in order to convey the Princess to some place where she might be private and safe.

The Princess went to bed at the usual time to prevent suspicion. Lady Churchill came to her soon after; and, with her and Lady Fitzharding, and one servant, the Princess, by the back-stairs which went down from her closet, walked to the coach, where they found the Bishop and the Earl of Dorset. They conducted them that night to the Bishop's house in the City, and the next day to the Lord Dorset's at Cockpit-Hall, from whence they went to Nottingham, where the Country gathered about the Princess, and forming themselves into a little army, chose to be commanded by the Bishop of London, which he too easily accepted; but the Princess did not think herself safe, till she was surrounded by the Prince of Orange's friends.

Quickly after this the King fled into France, and, the Throne being declared vacant, was presently filled with the Prince and Princess of Orange. The Parliament thought proper to

settle the Crown on King William for life, and 1701-2. the Princess of Denmark gave her consent to it. The Lady Churchill at first took a great deal of pains (which she believed the King and Queen never forgot) to persuade her against it; but, finding that all the principal men, except the Jacobites, were for King William, and Dr. Tillotson (whom she consulted) having convinced her of the expediency of the settlement proposed, she advised the Princess to acquiesce in it, and carried Dr. Tillotson to her to second her advice. Upon what the Doctor said to her, the Princess took care that no disturbance should be made by her pretended friends the Jacobites, who had pressed her earnestly to form an opposition.

Not long after the advancement of King William to the Throne, the misunderstanding between not only the King, but also the Queen and the Princess of Denmark, broke out, of which a large account has been given. Though, after Queen Mary's death, there was (as has been said) a reconciliation, yet it went not much farther than what civility and decency required; and such a coldness had continued between the King and the Princess, that she was not made acquainted with public affairs, or encouraged to recommend any to posts of trust and advantage: Neither had the Ministry orders to inform her how matters went, or to oblige those about her. Only the Earl of Marlborough, after some years of disgrace, had been taken again into favour; and nothing had contented him better, than the command he had the former year of the troops which were sent to the assistance of the States. As he afterwards became the greatest General of the age, it will be proper to give a brief account of his rise and character.

John Churchill, Earl (afterwards Duke) of Marlborough, was second son of Sir Winston Churchill of Wotton Bassett in Wiltshire, by Elizabeth, daughter of Sir John Drake of Althe in the parish of Musbury in Devonshire (1). He was born at Althe the 24 of June, 1650. He was brought young to Court, and made a Page of honour to the Duke of York, who, upon his discovering a martial inclination, procured him, at the age of sixteen, an Ensign's Commission in the Guards. He went first to Tangier, and afterwards to France with the six thousand English forces sent to the assistance of the French King, under the command of the Duke of Monmouth, who gave him a Captain's Commission in his own regiment. He distinguished himself

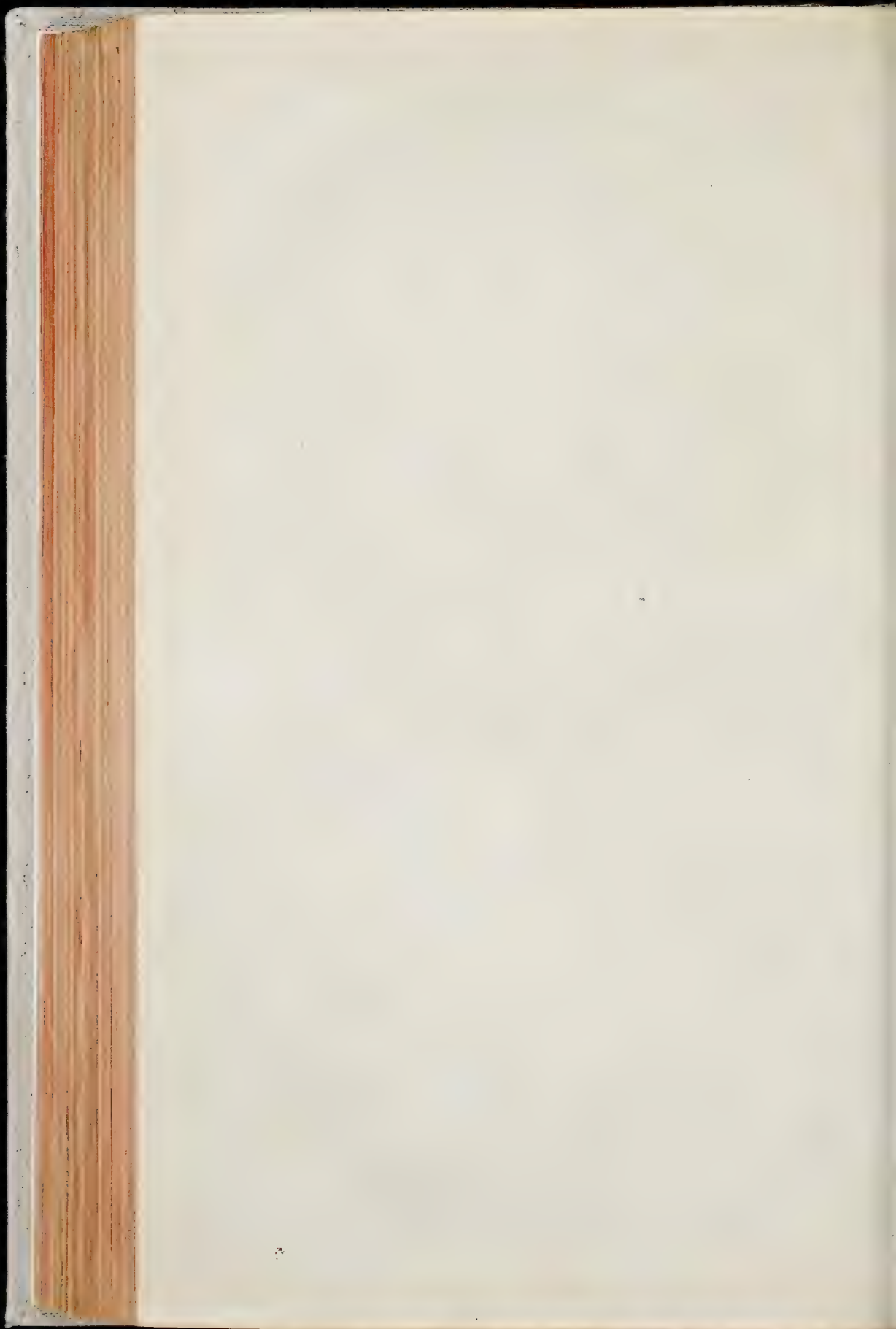
1672.

(1) His original is traced up to Roger de Courcill, a younger branch of the illustrious house of Leon in France, who attending William the Conqueror into England, received as a reward for his services a considerable estate in land; was grand-father to Sir Bartholomew de Courcill, by corruption called Curricell, and so Churchill, who held the castle of Bristol for King Stephen; and whose descendant, Otho de Churchill, was the founder of a spreading family in Devonshire, Somersetshire, and Wiltshire. Of this last county, and of the town of Wotton Bassett, was Winston Churchill, Esq; who, having had a liberal education at St. John's College, Oxon, asserted, and suffered for the cause of King Charles I. but upon the Restoration was chosen Member of Parliament for Weymouth, admitted fellow of the Royal Society, soon after knighted, and appointed Commissioner of the claims in Ireland, where he began to retrieve his broken fortune; and afterwards, by

the favour of the Duke of York, made one of the Clerks Comptrollers of the Green-cloth to the King. By his wife Elizabeth Sir Winston had seven sons and four daughters. I. Winston, who died young. II. John, late Duke of Marlborough. III. George, born at Althe February 20, 1653. He was bred to the sea-service, and was above twenty years Gentleman of the bed-chamber to Prince George of Denmark. He was Member for St. Albans in every Parliament from 1685 to his death in 1710, except the last when he served for Plymouth. He commanded a squadron in 1689, and behaved with great bravery in the battle of La Hogue in 1692, being then Commander of the St. Andrew, a second rate. He was made one of the Lords Commissioners of the Admiralty in 1699, where he continued till 1702, when the Earl of Pembroke was made High-Admiral. Queen Anne made him Admiral of the Blue, and one of the Council to Prince George, as Lord



John Duke of Marlborough



1701-2. himself in *Alsatia* under the Marshals de *Turenne* and de *Lorge*, and particularly at the siege of *Maebricht* the next year in the fight of the *French* Monarch, who did him the honour to thank him for his services, at the head of his army, with an assurance of his recommendation to the King of *Great-Britain*. Upon his return to *England*, the fame of his bravery, and his sister's favour, raised him to be a Lieutenant-Colonel, Gentleman of the Bed-chamber, and Master of the Robes to the Duke of *York*, whom he attended in his banishment to the *Netherlands*, and in his retreats to *Scotland*. In 1681, he married Mrs. *Sarah Jennings*, then in great favour with the Princess *Anne*, the Duke of *York's* second daughter, of whom an account has been given. Upon the Duke's return from *Scotland*, Colonel *Churchill* was created Baron *Churchill* of *Aymouth* in *Scotland*, the 21st of *December*, 1682, and Captain of the third troop of *Guards*. When the Duke of *York* came to the Crown, the Lord *Churchill* was made Lieutenant-General, and one of the Gentlemen of the Bed-chamber, and sent Ambassador to *France*, to notify that Prince's Accession to the Throne. On the 14th of *May* 1685, he was created a Peer of *England*, by the title of Baron *Churchill*, of *Sandridge* in *Hertfordshire*. Upon the insurrection in the *West*, in favour of the Duke of *Monmouth*, he commanded the first forces that were sent against him, and, by his conduct, greatly contributed to the victory at *Sedgemoor*. But, afterwards finding King *James* intirely bent upon introducing Popery and arbitrary Power, he thought himself freed from any ties of former obligations, and joined with the other Lords to invite the Prince of *Orange* to come over to their assistance. Upon his leaving King *James*, he was declared Lieutenant-General by the Prince of *Orange*, who, as soon as he ascended the Throne, made him Gentleman of his Bed-chamber, and, on the 9th of *April*, 1689, created him Earl of *Marlborough*. The new Earl commanded the *English* forces that served the same year in *Flanders* under Prince *Waldeck*, and, in 1690, he reduced the towns of *Cork* and *Kingsale* with incredible expedition. The next year he made the campaign under

King *William* in *Flanders*; but (as hath been largely related) he was soon after suddenly removed from all his employments, nor was he restored to favour till the year 1698, when he was appointed Governor to the Duke of *Gloucester*, and served as one of the Lords Justices three several times during the absence of the King, by whom he was at last declared Commander in chief of the *English* forces in *Holland*, and Ambassador Extraordinary and Plenipotentiary for the negotiations at the *Hague*, in which employments he was continued by Queen *Anne*.

He was a man of a noble and graceful appearance, bred up in the Court with no literature; but he had a solid and clear understanding, with a constant presence of mind. He knew the arts of living in a Court beyond any man in it. He caressed all people with a soft and obliging deportment, and was always ready to do good offices. He had no fortune to set out with, which put him upon all the methods of acquiring one. And that went so far into him, that he did not shake it off, when he was in a much higher elevation: Nor were his expences suited enough to his posts. But, when allowances are made for that, it must be acknowledged, that he was one of the greatest men the age has produced. He was in high favour with King *James*, and therefore he has been severely censured, as guilty both of ingratitude and treachery to a very kind and liberal Master (1.) But it may be remembered in his behalf, that he never discovered any of that King's secrets, nor did he ever push him on to any violent proceedings; so that he was in no contrivance to ruin or betray him. On the contrary, whenever he spoke to him about his affairs, which was but seldom, because he could not fall in with his notions, he always suggested moderate counsels. The Earl of *Galway* told Bishop *Burnet*, that, when he came over to *Holland* with the first compliments upon King *James's* Accession to the Crown, he said then to him, that, if King *James* was ever prevailed with to alter our Religion, he would serve him no longer, but withdraw from him. So early was this resolution fixed in him. And therefore, when he afterwards saw how King *James* was determined,

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Lord High-Admiral. He was afterwards Admiral of the *White*, and Commander in chief during the indisposition of Sir *George Rooke*. Upon the death of Prince *George*, his Commission ending, he retired from business by reason of an ill state of health. He died unmarried, *May* 8, 1710, and lies buried in the South-isle of *Westminster-Abbey*. IV. *Charles*, born at *Albe*, 1656; at the age of thirteen he was made Page of honour to *Christian* King of *Denmark*, and at sixteen, Gentleman of the Bed-chamber to Prince *George*. He was made Major-General of foot, and Governor of *Kingsale* in *Ireland*, and was esteemed one of the best Commanders of foot in *Europe*, of which he was made General in chief, and Governor of the *Tower* by Queen *Anne*. He had a great share in the battle of *Blenheim*; after which he was Governor of *Brussels*, Colonel of the *Coldstream* regiment of *Guards*, and Governor of *Guernsey*. He married in 1702, the daughter and heiress of *James Goulds*, Esq; of *Dorchester*, and died *Decemb.* 29, 1714, in the 58th year of his age. V. *Montjoy* died young; as did, VI. *Jasper*. VII. *Theobald*, bred at Queen's-College *Oxford*. He took *Orders*, and died unmarried, *Dec.* 3, 1685. The daughters were, I. *Arabella*, born at *Albe*, 1648. She was Maid of honour to the Duchess

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of *York*, and afterwards favourite Mistress to King *James* II, by whom she had two sons, *James Fitz-James* Duke of *Berwick*, and *Henry Fitz-James*, commonly called the *Grand-Prior*; and two daughters, *Henrietta*, born 1670, and, in 1683, married to Sir *Henry Waldegrave*, created 1686 Lord *Waldegrave* of *Chelton*, whose son *James* Lord *Waldegrave*, born 1684, was created an Earl 1729. The other daughter was a Nun. *Arabella's* three sisters, *Dorothy*, *Mary*, and *Barbara*, died in their infancy. *Arabella* was married afterwards to Colonel *Charles Godfrey*, and by him had two daughters; *Charlotte*, wife of *Hugh Boscawen*, Lord Viscount *Falmouth*; and *Elizabeth*, wife of *Edward Dunch*, Esq.

(1) It is said, that, when afterwards a scheme was forming by King *James's* friends in *England* for his Restoration, and a list was offered to him of those that were to be pardoned, the King, upon seeing Lord *Churchill's* name in the list, declared he would never forgive him, and, in being pressed upon that head, insisted that he would not pardon him, unless he merited it by some signal service. Such was King *James's* resentment for his being deserted by a person, whom he thought so much obliged to him for the many favours he had heaped upon him.

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1701-2. he could not be contented to see all ruined by him. He was also very doubtful as to the pretended Birth. For these reasons he resolved, when the Prince of Orange came over, to leave King James, but to betray no post, nor do any thing more than the withdrawing himself with such officers, as he could trust with such a secret. This he did with great regret, at a time when it was evidently with hazard to himself, it not being then possible to foresee that King James would so shamefully desert the Kingdom; and when he might have been all that an ambitious man could have hoped for, by assisting that King to settle Popery in England (1).

Queen Anne pre-judiced against the Whigs, and in favour of the Tories. Con. of the Duch. of Marl.

The Princess of Denmark was in this situation above described, when King William's death put an end to it, and placed her on the Throne. She was entered on the thirty-eighth year of her age, and from her infancy had imbibed strong prejudices against the Whigs. She had been taught to look upon them all, not only as Republicans, but as enemies to the Church of England. This aversion to the whole party had been confirmed by the usage she had met with from her sister and King William, which was now to be all charged to the account of the Whigs. And Prince George, who had also been ill treated (as he thought) in the late reign, threw into the scale his resentment. On the other hand, the Tories had the advantage, not only of the Queen's early prepossession in their favour, but of their having assisted her in the affair of her revenue. It was indeed evident, that they had done this, more in opposition to the King, than from any real respect to her. But still they had served her; and, the winter before the King died, they had, in prospect of his death, paid her more than usual attendance. Hence it is, that, as soon as she was seated in the Throne, the Tories (whom she usually called by

the agreeable name of the Church-party) became the distinguished objects of her favour, as will presently be seen.

Upon the King's death, the Privy-Council came in a body to wait on the new Queen. She received them with a well-considered speech, expressed in these terms:

My Lords,

I Am extremely sensible of the general misfortune to these Kingdoms, in the unspeakable loss of the King, and the great weight and burden it brings in particular on myself; which nothing could encourage me to undergo, but the great concern I have for the preservation of our Religion, and laws and liberties of my country. All these being as dear to me, as they can be to any person whatsoever, you may depend upon it, that no pains nor diligence shall ever be wanting on my part, to preserve and support them; to maintain the Succession in the Protestant line, and the Government in Church and State as it is by law established. I think it proper, upon this occasion of my first speaking to you, to declare my own opinion of the importance of carrying on all the preparations we are making to oppose the great power of France; and I shall lose no time in giving our Allies all assurances, that nothing shall be wanting on my part, to pursue the true interest of England, together with theirs, for the support of the common cause. In order to these ends, I shall always be ready to ask the advice of my Council, and of both Houses of Parliament, and desirous to countenance and employ all those, who shall heartily concur and join with me, in supporting and maintaining the present Establishment and

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(1) A late Historian, in his History of Queen Anne, gives him the following character: The Earl of Marlborough was, by nature, designed for a Favourite; by fortune and personal merit raised to be a GENERAL; and, by his own observation, and long experience of Court-Intrigues, made a Statesman: His person was lofty and well made; his features manly, yet beautiful; his look gracious and open; his mien great; his parts quick; his memory faithful and exact; his penetration deep; his judgment solid; his courage undaunted: He was consummate in all the acts of a Courtier, supple, affable, sedate; reserved, both with friends and enemies; sober, averse to luxury; and though, in a voluptuous Court, he indulged himself in some liberties of life, yet he still preserved a good reputation with all men. He was ambitious, but free from haughtiness and ostentation. His ascent was so gradual, and so long foreseen, that it appeared rather a growth than a flight; and therefore was the less envied, as it seemed the more merited. As a Soldier, he ever was a man of nice honour, punctual, vigilant, indefatigable: Before he was advanced to the degree of a General, he had a courage of the most keen temper, not without some appetite of danger; and in the most perilous encounters he had about him an extraordinary cheerfulness. When raised to the command of an army, he exposed his person, as far as necessity required, with the same unconcernment as he did before: And, in a day of battle, gave his orders with all the clearness and composedness imaginable; leading on his troops without the least hurry or perturbation, and rallying those that were disordered without sharp or fowre reproofs, which rather damp than animate the soldier's courage. He was an excellent discernor and pursuer of

advantage upon his enemy; but preserved humanity even amidst the horrors of the field, endeavouring to restrain the slaughter which usually attends victory, in which he took no greater delight, than to spare the lives of the conquered. He was a strict observer of his word and promise; and he gained the affections of the soldiers by his good-nature, and of the officers by his affability. As a Statesman, he managed variety of business, either single, or in concert with the Prime Minister, with great dexterity, ease, and sufficiency. In Council he never was supercilious or assuming, but could bear contradiction without passion, and by cool argumentation bring others over to his own opinion. No man had ever fewer idle words; and, though he was not master of oratory, yet in debates of importance he always expressed himself very pertinently; and, by his temper and reservedness in discourse, he still maintained his reputation of a wise man. He had a particular talent of insinuating himself, and gaining upon the minds of those he dealt with; so that no General ever commanded troops of different nations with more ease, nor was any politician more successful in the most weighty and arduous negotiations; which will appear the more surprizing, because Liberality was not the brightest virtue that entered the composition of this excellent character. To sum it up, King William said of this Great Man, that he had the COOLEST HEAD and the WARMEST HEART he ever knew; which, from so good a judge, might seem the greatest eulogy: Were it not, that, in another respect, what was most true of the Earl of Marlborough, could not be said of any other General, either ancient or modern, That he never fate before a town, which he did not take; nor ever fought a battle, which he did not win.

Queen's speech to the Privy-Council. Pr. H. C. 111. 197.

1701-2. " Constitution against all enemies and opposers
" whatsoever."

The Queen pronounced this, as she did all her other speeches, with great weight and authority, and with a softness of voice, and sweetness in the pronunciation, that added much life to all she spoke; and these, her first expressions, were heard with great and just acknowledgements. After this declaration, she caused all the Lords, and others of the late King's Privy-Council, to take the oaths to her in the same quality, and ordered a Proclamation to be published immediately, signifying her pleasure, that all persons being in office of Authority or Government, at the decease of the late King, should so continue till further directions.

As, by the act made five years before, the Parliament, notwithstanding the King's death, was now continued to sit; both Houses met the same day, and unanimously voted to address the Queen to condole with her on this sad occasion, and to congratulate her happy Accession to the Throne. Then the Lords in a conference acquainted the Commons, that orders were given for proclaiming her Majesty that afternoon; which was accordingly done with the usual solemnity, and the loud acclamations of the People: Though it is remarkable, that this day afforded a visible mixture of sorrow and joy; many being apprehensive, that the death of King William, at so critical a juncture, might be attended with consequences fatal to Europe in general, and to the Protestant Succession of these Kingdoms in particular.

The next day, pursuant to their vote, the Lords in a body attended the Queen with an address, " most heartily congratulating her Majesty's Accession to the Throne, assuring her of their zealous and firm resolution to support her undoubted right and title, and the Succession of the Protestant line, against all her enemies whatsoever; being sensible their great loss was no otherwise to be repaired to themselves and their confederates, but by a most sincere and vigorous adherence to her Majesty and her Allies, in the prosecution of those measures, already entered into, to reduce the exorbitant power of France: And humbly desiring, that, for the encouragement of her Majesty's Allies, no time might be lost in communicating to them her Majesty's resolutions of adhering firmly to the alliances already made, which they should never be wanting, to the utmost of their power, to enable her Majesty to maintain." The Queen told them, " she received these assurances with great satisfaction, and that her endeavours should always be sincere to promote the true interest of England, and to support their common cause."

The same day in the evening the Commons, with their Speaker, attended her Majesty with an address to the same purpose: " They unanimously assured her, that they would to the utmost assist and support her Majesty on that Throne, where God had placed her, against the pretended Prince of Wales and all her enemies. And since nothing could conduce more to the honour and safety of her Majesty and her Kingdoms, than maintaining inviolably such alliances as had been, or should be made, for preserving the liberties of Europe,

and reducing the exorbitant power of France; they assured her, that they were firmly resolved to enable her to prosecute that glorious design. And, that all her subjects might rest in a full assurance of happiness under her Majesty's reign, they would maintain the Succession of the Crown in the Protestant line, according to the limitations in the several acts of settlement, and effectually provide for and make good the public credit of the Nation." The Queen returned them " her hearty thanks for the kind assurances they gave her, which could not be more agreeably confirmed to her, than by their giving dispatch in all their preparations for the public service, and the support of the Allies." And this good harmony between the Queen and her Parliament, together with the resolution of the Commons about public credit, immediately raised the National funds above their former value, which upon King William's death had fallen above fifteen per Cent. The Queen not only answered the addresses of both Houses in this favourable manner, but moreover she received all that came to her so graciously, that they went from her highly satisfied with her goodness and her obliging deportment; for she hearkened with attention to every thing that was said to her.

Two days after the Queen went to the House of Peers with the usual solemnity, and addressed herself to both Houses in the following speech:

My Lords and Gentlemen,

" I cannot too much lament my own unhappiness in succeeding so immediately after the loss of a King, who was the great support, not only of these Kingdoms, but of all Europe. And I am extremely sensible of the weight and difficulty it brings upon me.
" But the true concern I have for our Religion, for the laws and liberties of England, for the maintaining the Succession to the Crown in the Protestant line, and the Government in Church and State, as by law established, encourages me in this great undertaking, which I promise myself will be successful, by the blessing of God, and the continuance of that fidelity and affection, of which you have given me so full assurance.
" The present conjuncture of affairs requires the greatest application and dispatch; and I am very glad to find in your several addresses so unanimous a concurrence in the same opinion with me, that too much cannot be done for the encouragement of our Allies, to reduce the exorbitant power of France.
" I cannot but think it very necessary upon this occasion to desire you to consider of proper methods towards obtaining of an Union between England and Scotland, which has been so lately recommended to you, as a matter, that very nearly concerns the peace and security of both Kingdoms.

Gentlemen of the House of Commons,

" I need not put you in mind, that the revenue for defraying the expences of the Civil Government is expired.
" I rely intirely upon your affections for the supplying it in such a manner, as shall be most suitable for the honour and dignity of the Crown.

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Burmet.

Boyer.

Queen Anne proclaimed.
Mar. 8.

The Lords address to the Queen.
March 9.

The Commons address.

The Queen's first speech to both Houses.
March 11.
Pr. H. C.
III. 198.

1701-2.

My Lords and Gentlemen,

"It shall be my constant endeavour to make you the best return for that duty and affection you have expressed to me, by a careful and diligent Administration for the good of all my subjects. And, as I know *my own heart to be intirely English*, I can very sincerely assure you, there is not any thing you can expect or desire from me, which I shall not be ready to do, for the happiness and prosperity of England; and you shall always find me a *strict and religious observer of my word*."

Remarks
on the
speech.
Burnet.

There were two passages in this speech, which were thought not so well considered; particularly that expression, that *her heart was intirely English*, which was looked on as a reflection on the late King, and occasioned much discourse, and not a little discontent. The other passage was, that they *should always find her a strict and religious observer of her word*, there having been an expression of the same kind in her Father's first speech, how little soever it was afterwards remembered by him.

The Lord's
address of
thanks
M. Burnet.

The Commons, the next day, returned their thanks for the Queen's speech, by such Members of their House, as were of the Privy-Council; and, the day following, the Lords attended her with an address, importing, "That they could not sufficiently express the great satisfaction they received from her most gracious speech, trusting in God it would have the same effect at home as abroad, equally reviving the hearts of her Allies and Subjects; uniting all people, and encouraging their utmost endeavours in the common cause. That the sincere concern her Majesty had shewed for our Religion, the Government in Church and State, and the Succession to the Crown in the Protestant line; the hazards she had exposed herself to, in concert with his late glorious Majesty, for maintaining our laws and liberties, as well as her most gracious assurances at this time, gave her subjects such a confidence in her promises, such a dutiful affection to her person, such a zeal for her service, as would oblige them to make the utmost efforts to support her Majesty under the weight and difficulties of the present conjuncture. The concern, *added their Lordships*, your Majesty expresses for your Allies, is a farther obligation laid upon us, who are sensible their preservation is necessary to our own, and who are as desirous as ever to support the character of the Crown of England, in enabling your Majesty to maintain the balance of Europe. We cannot make suitable returns to your Majesty for your most gracious promises of a careful and diligent Administration for the public good, which we think ourselves sufficiently secured of by so solemn an engagement under your sacred word. Your Majesty hath been pleased to assure us of all we could wish, and recommend to us what we ought to desire. And we doubt not your pious intentions will procure a blessing from Heaven. And your Majesty may be assured, that resolutions, so becoming a Queen of England, cannot but make the deepest impression upon all hearts, that are true to the interest of their country." To this the

Queen was pleased to answer, "That it was a great satisfaction to her to find, that what she had said had their Lordships concurrence and approbation; and she was willing to repeat to them, that she should always hold very exactly to the assurances she had given them."

The address of condolence and congratulation of the Bishops and Clergy of London having the same day been presented to the Queen by the Archbishop of Canterbury, the Bishop of London being indisposed, her Majesty made answer, Burnet. Boyer.

"That she was very well pleased with the marks of their good-will, and they might be sure she should always have a particular care of the Church." The Dissenters in and about London presented also an address, which was the more remarkable, because all the Non-conformists (except the *Quakers*) joined in it. The Queen, in her answer, "assured them of her protection, and that she should do nothing to forfeit her interest in their affections." Which words were afterwards remembered, when the Royal assent was given to the *Schism* and *Occasional* bills. The city of London, and all the counties, cities, and even the subaltern bodies of cities, came up with addresses. In these, a very great diversity of stile was observed; some mentioned the late King in terms full of respect and gratitude; others named him very coldly; some took no notice of him, nor of his death, and simply congratulated her Accession to the Crown; and some insinuated reflections on his memory, as if the Queen had been ill used by him. Her Majesty received all civilly; to most she said nothing, to others she expressed herself in general words, and some things were given out in her name, which she disowned.

The confection at the Hague for King William's death was exceeding great. Upon the first news of it, the *States-General* and those of *Holland* assembled immediately: They looked upon one another as men amazed: They embraced each other, and promised to hold together, and adhere to the interests of their Country: They sat up most part of the night, and sent out all orders that were necessary, upon so extraordinary an emergency, and dispatched letters to the Provinces and to the Cities of *Holland*, to acquaint them with the news, and to exhort to union, and a perseverance in the alliances and concerted designs. The *Imperial*, *Prussian*, and *Danish* Ministers sent also expresses to their respective Courts on this occasion, and went all to the *English* Envoy's. Count *Goez* encouraged them, by assuring them, this accident would not cause the least alteration in the resolutions of the Emperor, and that he had just received the important news from *Vienna*, that the King of the *Romans* would in person make the campaign on the *Rhine*. As the express from England had brought the Queen's speech to her Privy-Council, it was agreed by these Ministers, that it should be translated into *French* and *Dutch*, in order to revive the drooping spirits of the people, which had a very good effect. The next day, the *States-General* met early in the morning, and again in the evening. The *States of Holland* being likewise assembled, Pensionary *Fagel* made them a moving, but without an encouraging speech. He imparted to them a letter he had received from the Earl of *Marlborough* in the Queen's name, with very express assurances of union, assistance, and vigour. Upon this,

Confection
at the
Hague
at the
King's
death.
Burnet.
Lambert.

1701-2. this, the *States of Holland* went in a body to the Assembly of the *States-General*, where, having condoled their irreparable loss, they represented, "That, in this dangerous conjuncture, nothing could prove more effectual for their preservation, than a perfect unity, mutual confidence, and a vigorous resolution for the defence of their Country, and by adhering firmly to those measures already entered into, and such as should be judged farther expedient for the good of the common cause; declaring withal, that they were ready to perform their part, and rather to sacrifice all their blood and treasure, than to see their State, their Liberty, and their Religion destroyed." This representation was highly applauded by the *States-General*, who returned thanks to the *States of Holland* for their zealous resolutions in that perilous conjuncture; and assured them of their hearty concurrence for the safety and welfare of the State, and strenuously carrying on the common cause; and they ordered letters to be sent to the other Provinces, to invite them to give the same assurances. The city of *Amsterdam*, to signalize themselves more particularly on that occasion, signified to the *States-General*, that they would not only consent to such resolutions, as should be thought necessary at that time, but would advance money to those Provinces, which could not so readily furnish out their quota's that should be granted. The *States-General*, soon after, published their resolutions at large in print, to the same effect, and concluded, "That they were resolved religiously to maintain their Treaties and Alliances, entered into with their Confederates; steadfastly to pursue the contents thereof; vigorously and cordially to put them in execution; to persevere in the measures already taken, and agree to such other measures as

"should be thought convenient; and that notice should be given of this their true meaning and intention to all their Allies and Confederates."

For a farther encouragement to the *States*, The Queen sends a letter to the *States*.
The next post brought a letter in French from Queen Anne, which she had writ pursuant to her declaration in Council, and the Lords desire in their first address. The letter was sent to Mr. Stanhope with new credentials as Envoy extraordinary from England, both which, as he was then ill of the gout, he immediately delivered by the hands of his Secretary to the President of the week (1).

These assurances from the Queen, and the good disposition of both Houses of Parliament expressed in their addresses (which were also come over) were a great comfort to the *States* in the loss of their Stadtholder; but what revived them most, was the arrival of the Earl of Marlborough, with the character of Ambassador Extraordinary and Plenipotentiary. The Queen, five days after her accession, had made him and the Duke of Bedford Knights of the Garter; and the next day, having declared the Earl Captain-General of her forces both at home and abroad, she sent him into Holland, to give the *States* full assurances of her maintaining the Alliances, that had been concluded by the late King, and of doing every thing that the common concerns of Europe required. This the Ambassador delivered, in a speech to the *States*, which was printed and dispersed for the satisfaction of the people (2). Dyckvelt, the President of the week, answered this speech in the name of the *States*, "Expressing their great affliction for the death of the late King; their congratulation of her Majesty's Succession to the Throne; their hearty thanks for the assurance of her friendship, and their own resolution

March 31.
N. S.

(1) The Queen's letter was as follows:

High and Mighty Lords, our dear Friends, Allies, and Confederates,

"It is not without a sensible grief, that we find ourselves obliged to acquaint you with the afflicting news of the death of the most high and most mighty Prince, William III. King of England, Scotland, France, and Ireland, our most dear Brother of glorious memory. He was seized on Wednesday last with a fever, which so much increased the following days, that, notwithstanding all the remedies that were made use of, he expired at eight of the clock on Sunday morning. This is certainly a very great loss to all Europe, and in particular to your State, whose interest he always maintained with so much valour, prudence, zeal, and conduct. And as it has pleased God, that we should succeed him in the Throne of these Kingdoms, we shall also succeed him in the same inclination to preserve a constant union and amity with you, and maintain all the Alliances, that have been made with your State, by our said dear Brother, and other our Predecessors; and likewise to concur with you in all the measures, that shall be necessary for the preservation of the common liberty of Europe, and for reducing the power of France within due bounds. This we desire you to be fully assured of, and that we shall always look upon the interests of England, and those of your State, to be inseparable, and united by such ties as cannot be broke, without the greatest prejudice to both Nations. We pray God

N^o. 35. Vol. III.

"to keep you, High and Mighty Lords, in his holy protection."

Given at our Court at St. James's, March 10, 1702, in the first year of our Reign.

(2) The speech translated from the French was as follows:

High and Mighty Lords,

"It having pleased the Divine Providence to take to himself his Majesty King William of glorious memory, to the great loss of his Kingdoms, the State of your High and Mighty Lordships, and of all Europe; the Queen, my Mistress, who by the same Divine Providence succeeds to the Throne of her Ancestors, as your Lordships have been informed by her Majesty's letter, hath commanded me to declare to your Lordships, that it is her sincere desire and inclination to preserve with you the same union, friendship, and strict correspondence, as hath subsisted during the course of the preceding reign, as being persuaded, that nothing in this world can be more conducive to the safety and welfare of both Nations, whose interests are the same. Her Majesty hath also ordered me to acquaint your High and Mighty Lordships, that she is firmly resolved to contribute all that lies in her power towards the promoting and increasing this union, friendship, and correspondence, and to make that a constant maxim of her Government.

"Her Majesty has further commanded me to assure your High and Mighty Lordships, that she will not only exactly and faithfully observe and execute

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1701-2.

"lution readily to concur with her Majesty in a vigorous prosecution of the common interest." To which he added "That his Excellency's person would be highly acceptable to them, not only for the Queen's choice of him, and for the sake of King William, who first invested him with that character, but for his own merit." It was observed, that, when the President mentioned the late King, the tears ran down his cheeks.

Proceeding
of France
upon King
William's
death.
Lamberti.
Broderick.

The news of King William's death was received in France with such joy, that the Court and People could hardly contain themselves, without breaking out into the most furious transports; as was done at Rome to such a degree of extravagance, that Cardinal Grimani, the Imperial Minister, complained of it to the Pope as an affront to his Master the Emperor, who was the deceased King's Friend, Ally, and Confederate. But little notice was taken of it. They were so afraid in France that the news would not prove true, that the person who brought it first to Calais, was seized by the Governor's order, and kept in prison till it was confirmed. However, the French King finding that the death of King William would not have that effect, either in England or Holland, as he had promised himself, immediately sent instructions to the Sieur de Barré (who was left at the Hague by Count d'Avaux as Secretary to the embassy) to renew negotiations with the States, in hopes of separating them from their Allies. To give the more weight to what he should propose, credentials were sent to Barré to take upon him the character of Resident. These credentials were produced by Barré, the day before the Earl of Marlborough had his public audience; and it was soon perceived, that this new character was given him for the sake of a memorial, which was presented at the same time. This memorial highly reflected, as well on the late King, as on the past conduct of the Dutch, insinuating, that, as now they would recover their liberty, and be no longer under restraint, they would consult their own interest, and look upon a good intelligence with France as the firmest support of their Republic. The Resident himself printed his memorial, in a belief, that the States, under their consternation for the death of their Stadtholder, would recede from the resolutions they had before taken, and that the people would be influenced by it. He also vainly hoped it would have retarded the Earl of Marlborough's audience. The first thing the States did, was to communicate the

memorial to Count de Goetz the Emperor's Envoy. The Earl of Marlborough and the Pensionary (with whom the Earl had daily conferred ever since his arrival) persuaded him to present a memorial to the States upon that of Resident Barré, and to publish the same, which was accordingly done. Among other remarks on Barré, Goetz takes notice of "that reproachful flattery, that their Lordships were now more Masters of themselves, than they were fourteen days ago; which is contrary to the opinion, that all men have of their great wisdom, and is no way consistent with the universal grief over all the Provinces, for the fatal alterations which the French memorial points at." The States likewise, after examining Barré's memorial, published an answer to it, wherein they expressed their resentment at his insinuations, and their veneration for the memory of their late Friend and Supporter, in these terms: "That they are very much surprized to see, that this whole memorial seems founded upon this: That they are now more at liberty to take such resolutions as they think expedient than formerly. Doubtless, this has reference to the death of his Majesty the late King of Great-Britain, of immortal memory. But herein the said Sieur Resident has extremely deceived himself, for want of understanding the constitution of their Government. That he ought to know, that their High and Mighty Lordships have heretofore had as much liberty, as at present, to debate and to take all such resolutions as they judged necessary and useful for the good and preservation of their State. It is true, they cannot enough deplore their misfortune, to see themselves deprived of the direction and conduct of a Prince, whose wisdom, moderation, and valour will be famed as long as the world endures. A Prince, whose heroic actions, and whole merits from this Republic, will never be forgot: And, in a word, whose death is lamented in this Country by all persons whatsoever, from the meanest to the highest. That the Councils of his said Majesty having never had any other aim both in deed and in word, than the preservation of their Liberty and Religion, and their High and Mighty Lordships being intirely convinced of this truth, as having found the benefit thereof; they are resolved to follow the same principles, and not to depart from the alliances contracted during the life of his said Majesty; but to persist in the measures taken pursuant

1701-2.

"the treaties and alliances made between the Kings her Predecessors and your High and Mighty Lordships, but that she is likewise ready to renew and confirm them; as also to concur with you in all measures, which have been taken by the late King of glorious memory, in pursuance of these alliances.

"Her Majesty is likewise disposed to enter into such other stricter alliances and engagements, which shall most conduce to the interests of both Nations, to the preservation of the liberty of Europe, and to the reducing within just bounds the exorbitant power of France.

"In the mean time, her Majesty is ready from this moment, and without any delay, to concur with your High and Mighty Lordships, and the other

Allies, to this end, with all her forces, as well by sea as land.

"And her Majesty, to shew her zeal the more, has been pleased to authorize me to concert with your High and Mighty Lordships the necessary operations.

"These motives obliged her Majesty to order me to depart with all speed, to come and give your High and Mighty Lordships all possible assurances, without having any regard to the usual formalities.

"And I deem it a very great happiness, that her Majesty has done me the honour to employ me in this commission, since it gives me the opportunity of expressing to your High and Mighty Lordship the zeal I have for your service." Lamberti, Vol. I. 88.

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1701-2. "pursuant to those alliances; and, in short, to make use at all times of the means God hath put into their hands for maintaining the liberty of Europe."

1702. *The Earl of Marlborough's stay in Holland,* though it was but a few days, was to very good purpose. He had confirmed the *Dutch* in their former resolutions, and settled several important affairs with the *States*, particularly for the opening the campaign, for the siege of *Keyserwerdt*, (which by his advice was first to be undertaken) and the attack of *Cadiz*. He had agreed with the *States* and the Imperial Minister, that war should be proclaimed against *France* the same day * at *Vienna*, *London*, and the *Hague*. During his stay, the *States* had entered into such a confidence with the Earl of *Marlborough*, that he departed as well satisfied with them, as they were with him. He embarked on the 3d of *April*, and on the 5th arrived in *England*.

* May 15. N.S.†
The civil list settled.

Mean while, the House of Commons were pursuing the affairs recommended to their consideration from the Throne. The Queen, in her first speech, had put them in mind of the expiration of the civil list revenue. Accordingly, a bill passed both Houses, to continue to her for life the same revenue that was payable to the late King, though many seemed to apprehend, that so great a revenue might be applied to uses, not so profitable to the public, in a reign that was to be frugal, and probably would not be subject to great accidents. When the Queen, on the 30th of *March*, came to the House of Peers, to give the Royal assent to this bill, she made a speech to both Houses, "Returning thanks to the Commons, in particular, for continuing to her the same revenue they had granted to the late King; and assuring them, That, while her subjects remained under the burden of such great taxes, she would freighten herself in her own expences, rather than not contribute all she could to their ease and relief, with a just regard to the support of the honour and dignity of the Crown: And that, though the revenue might fall very short of what it had formerly pro-

duced, she would give directions, that one hundred thousand pounds be applied to the public service in this year, out of the revenue they had so unanimously given her."

This politic generosity was received with great applause, and particular notice was taken of it in all the addresses that came up afterwards.

At the same time, the Queen passed a bill for receiving and examining the public accounts; and, in her speech, she expressed a particular approbation of that bill: A commission to the same effect had been kept up, for six or seven years, during the former Reign, but it had been let fall for some years; since the Commissioners had never been able to make any discovery whatsoever, and so had put the public to a considerable charge, without reaping any sort of fruit from it. Whether this flowed from the weakness or corruption of the Commissioners, or from the integrity or cunning of those, who dealt in the public money, cannot be determined. The party, that had opposed the late King, had made this the chief subject of their complaints all the Nation over, that the public was robbed, and that private men lived high, and yet raised large estates out of the public treasure: This had a great effect over *England*; for all people naturally hearken to complaints of this kind, and very easily believe them: It was also said, to excuse the fruitlessness of the former commissions, that no discoveries could be made, under a Ministry, that would surely favour their under-workmen, though they were known to be guilty. One visible cause of men's raising great estates, who were concerned in the Administration, was this, that for some years the Parliament laid the taxes upon very remote funds; so that, besides the distance of the term of payment, for which interest was allowed, the danger the Government itself seemed to be often in (upon the continuance of which; the continuance and assignment of these funds was grounded) made that some tallies were sold at a great discount, even of the one half, to those who would employ their money that way, by which great advantages were made. The gain, that

1702.
A bill for the public accounts.
Burnet.

† It must be observed, that, from the year 1700, the difference between *old* and *new* stile is eleven days; so *May 15th* N.S. was *May 4th* O.S. which was the day the war was to be proclaimed in the three places here mentioned. Of all the instances of an obstinate attachment to antient errors, our adherence to *Old Stile* is one of the most remarkable. For, though this computation is known not only to be erroneous, but to become more so constantly every day, yet we still persist in the error, and call the *eleventh* day of the month the *first*. This every one knows was occasioned by making the solar year to consist of three hundred and sixty-five days and six hours, which is about eleven minutes too much. These eleven minutes in every hundred and thirty-two years grow to be a day, and consequently, from the time of the Council of *Nice*, in the year 325, are now become eleven days and a half. The Fathers of that Council, finding the vernal Equinox to be then on the 21st of *March*, imagined it would always be so; though, for the reason above, it now falls on the 10th of that month. So likewise they supposed, that, after a revolution of nineteen years, the new and full moons would return exactly to the same point of time; but this they do not by about an hour and half, which has also occasioned an error of about four days and a half between the *natural* and *ecclesiastical* moons. For the *Nicene* Council settled the

moveable Feasts, by fixing *Easter-day* (on which the rest depend) to the *Sunday* after the first full moon that shall happen next after the 21st of *March*; and, for finding that full moon, framed a rule, which, depending on the truth of the nineteen years cycle, makes the ecclesiastical moons now to over-run, about four days and a half, the natural ones, as set down in the Almanacks. Thus, in civil affairs, the State suffers the error of eleven days in reckoning the day of the month, whilst the Church persists in fixing her *moveable Feasts*, by an imaginary, instead of a real full moon, contrary to the intention of the *Nicene* Council, who framed the rule on supposition that the *natural* and *ecclesiastical* moons would always happen together, as they did in their time, and would always have done, had it not been for the error of an hour and half every nineteen years, which the Fathers did not foresee. Hence all Assemblies, civil or ecclesiastical, should learn not to establish, for future generations, any Rule of practice, or Article of belief, without this or the like proviso; namely, "Provided, that, if the said Rule or said Article shall hereafter prove erroneous or repugnant to the truth and reason of things, then the said rule or article shall be, *ipso facto*, void, any statute, decree, or canon, to the contrary, notwithstanding."

(1) The

1702. that was made, by robbing the coin, in which many goldsmiths were believed to be deeply concerned, contributed not a little to the raising those vast estates, to which some had grown, as suddenly as unaccountably. All these complaints were easily raised, and long kept up, on design to cast the heavier load on the former Ministry: This made that ministry, who were sensible of the mischief the clamour did them, and of their own innocence, promote the bill with much zeal, and put the strongest clauses in it, that could be contrived to make it effectual. The Commissioners named in the bill were the hottest men in the House, who had raised as well as kept up the clamour with the greatest earnestness. One clause put in the act was not very acceptable to the Commissioners; for they were rendered incapable of all employments, during the commission: The act carried a retrospect quite back to the Revolution: It was given out, that great discoveries would be made by them, and the art and industry, with which this was spread over England, had a great effect in the elections to the succeeding Parliament.

The abjuration is refused by few.
Burnet.

On the 24th of March, the Speaker and Members present took the abjuration-oath, directed in the act made this Session, for the further security of her Majesty's person, and the Succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, according to the alterations lately agreed to by the House. Before the King's death, it had been generally thought, that some in both Houses, and many more over the Nation, would refuse that oath, since they had opposed it so vehemently; and some indeed went out of town when the day came, in which the Houses resolved to try all their Members. But they soon came to other resolutions, and with them almost the whole party came and took the oath, and professed great zeal for the Queen, and an intire satisfaction in her title. Some suspected this was treachery, on design to get the Government into their hands, that so they might deliver it up, or at least that they might carry a Parliament so to their mind, that the act might be repealed; and they might think, that then the oath would fall with it. Distinctions were set about among them, which heightened these suspicions; for, though in the oath they declared, that the pretended Prince of Wales had not any right whatsoever to the Crown, yet in a paper, which Bishop Burnet saw, and which was handed about among them, it was said that *Right* was a term of law, which had only relation to *legal Rights*, but not to a *divine Right*, or to *Birthright*; so, since that right was condemned by law, they, by abjuring it, did not renounce the *divine Right*, that he had by his birth. They also supposed, that this abjuration could only bind, during the present state of things, but not in case of another Revolution, or of a Conquest. But this was too dark an affair to be inquired after, or seen into, in the situation, in which matters then were.

A Ministry formed.
Burnet.
Cond. of the Duch. of Marl.

The Queen being settled in the Throne, began to think of forming her Ministry, wherein

she plainly discovered her partiality to the Tories, 1702. in favour of whom she had been all along prepossessed, as thinking them better affected to the Church than the Whigs. In vain did the Countess of Marlborough, who was appointed Groom of the Stole, and Keeper of the Privy Purse (1), use her endeavours to moderate her zeal for the Tories, and engage her to a better opinion of the opposite party. Her influence over the Queen, how great soever in other respects, was in this case but of little effect; and the Lords Marlborough and Godolphin themselves would not have had so great a share of her favour and confidence, if they had not been reckoned in the number of the Tories. The truth is, both these Lords had been educated in the persuasion, that the Tory party were the best friends to the Constitution both of Church and State; nor were they perfectly undeceived, but by experience.

Dr. John Sharp, Archbishop of York, was pitched upon by the Queen herself to preach the sermon at her Coronation (which was performed on St. George's day, April 23, which was to be her chief Counsellor in Church-matters. The late King had sent a message to the Earl of Rochester, some weeks before his death, to let him know, that he had put an end to his Commission of Lord Lieutenant of Ireland; but that was not executed in form; so the Commission still subsisted in his person, and he was now declared Lord Lieutenant of Ireland. The Lord Godolphin was, on the 6th of May, declared Lord High-Treasurer. This was very uneasy to himself, for he resisted the motion long; but the Earl of Marlborough, whose eldest daughter was married to that Lord's eldest son, pressed it in so positive a manner, that he said he could not go beyond sea to command the armies, unless the Treasury was put into his hands, for then he was sure, that remittances would be punctually made to him. The Earl was declared Captain-General; and the Prince of Denmark, on the 17th of April, had the title of Generalissimo of all the Queen's forces by sea and land; and it was for some time given out, that he intended to go beyond sea, to command the armies of the alliance; but this report soon fell, it being said, that the Dutch were not willing to trust their armies to the command of a Prince, who might think it below him to be limited by their instructions, or to be bound to obey their orders. The late King had dissolved the Commission for executing the office of Lord High-Admiral, and had committed that great Trust to the Earl of Pembroke. The secrets of that Board had been so ill kept, and there was such a faction in it, that the King resolved to vest it in a single person. The Earl of Pembroke was not easily brought to submit to it; he saw it would draw a heavy load upon him, and, was sensible, that, by his ignorance of sea affairs, he might fall into errors. To avoid which, he made use of good officers to assist him, and, resolving to command the fleet in person, took great pains to put things in such order, that it might be soon ready.

(1) The Ladies of the bed-chamber were, the Duchesses of Ormond and Queensbury; the Countesses of Scarborough, Burlington and Abington; the Marchioness of Huntingdon; the Ladies Hyde, Spencer, Fretcheville, Charlotte Beverwert, and Harriet Godolphin; and the Duchess of Hamilton.

1702. ready. A land-army was designed to go with the fleet, to the command of which the Duke of Ormond had been named. But, upon new measures, the Earl of Pembroke was first ordered not to go to sea in person, and soon after dismissed from his post, with the offer of a great pension, which he generously refused, though the state of his affairs and family seemed to require it. Prince George, on the 21st of May, was made Lord High-Admiral, and appointed Sir George Rooke, Sir David Mitchell, George Churchill, Admiral of the blue Squadron, and Richard Hill, Esq; to be his Council; though the legality of such a Council was much questioned, as it was a new Court, which could not be authorized to act but by an act of Parliament; yet, out of respect to the Queen, no public question was made of it, and the objection to it never went beyond a secret murmur. On the 14th of April, the Duke of Devonshire was appointed Lord Steward, the Earl of Jersey Lord Chamberlain, the Earl of Bradford Treasurer, and Peregrine Bertie Vice-Chamberlain, and Sir Edward Seymour Comptroller of the Household, who, three days after, was likewise sworn of the Privy-Council; and the Earl of Abingdon, Viscount Weymouth, Lord Dartmouth, Mulgrave, Grenville, How, Gower, Harcourt, with several others who had, during the last reign, expressed the most violent and unrelenting aversion to the whole Administration, were now brought to the Council-board, whilst the names of the Lords Sommers and Halifax, and of several others firmly attached to the Revolution-principles, were left out of the list. The Privy Seal, to the admiration of all men, was given to the Marquis of Normanby (1), and to Sir John Levison Gower the Chancellorship of the Duchy of Lancaster. On the 2d of May, the Earl of Nottingham and Sir Charles Hedges were appointed Secretaries of State, in the room of the Earl of Manchester and Mr. Vernon, the latter of whom was however made one of the Tellers of the Exchequer. The Tories would trust none but the Earl of Nottingham, and he would serve with none but Sir Charles Hedges; and the maxim laid down at Court was, to put the direction of affairs in the hands of that party, who promised to carry on the war, and to maintain the Alliances. If they failed in this, it was said, the Queen would put her affairs into other hands, which at that time few could believe (2).

The Queen continued all the Judges in their posts, except Mr. Justice Turtton and Mr. Baron Hatfield; and most of the Lord-Lieutenants of Counties; nor did she make any change in the foreign Ministers. It was generally believed, that the Earl of Rochester and his party were for severe methods, and for a more intire change quite through all subaltern employments; but the Lords Godolphin and the Earl of Marlborough were for more moderate proceedings; so that, though no Whigs were put into any posts, yet many were kept in those, which they had enjoyed during the former Reign.

But, though the principal preferments were thus given to persons of the same party, there soon appeared a division among them, occasioned by a rivalry between the Earls of Rochester and Marlborough, in which, notwithstanding the near relation of the former to her Majesty, the latter soon gained the ascendant. It having been moved in Council, on the 2d of May, to declare war against France and Spain, the Earl of Rochester and some other Members represented the inconveniencies, that might attend such a step, urging, that it was safer for the English to act only as Auxiliaries. But the Earl of Marlborough maintained, on the contrary, that it not only became the honour of the Crown and Nation to make good the late King's engagements, but that France could never be reduced within due bounds, unless the English entered as Principals in the quarrel. This opinion being supported by the Dukes of Somerset and Devonshire, the Earl of Pembroke, and some others, the majority of the Council declared for it, and the Queen ordered a declaration of war to be drawn up. However, the Queen being willing to have the advice of her Commons upon this important affair, Sir Edward Seymour, by her command, laid before them, the same day, a Convention between her Majesty, the Emperor, and the States-General, about declaring war against France and Spain; after the reading of which, the Commons unanimously resolved to address the Queen, "To return her thanks for her communicating to them her intentions of declaring war, in conjunction with her Allies, against the French King and his Grandson; and to assure her, that they would, to the utmost, assist and support her in carrying it on."

Upon this occasion a motion was made for an *Debate* address, "That no person be an Officer in *En. about Foreigners* gland or Ireland in her Majesty's new raised forces, but such as were born in England, Scotland, or Ireland, or the Dominions thereto belonging, or of English parents, unless they were before in half-pay." This motion tending to exclude the French Protestant Officers (though naturalized) who had served in the late war, Colonel Mordaunt strenuously opposed it, urging, "That he had some French Officers in his regiment, upon whose fidelity and courage he entirely depended, and who kept their companies in as good order, and as compliant as any native." The Marquis of Huntington spoke likewise in behalf of the French Refugees, urging, "What a reflection it would be on the English Nation, to abandon people, who, upon so many occasions, had ventured their lives for its safety and defence." Another Member desired those, who had made the motion, to explain themselves; for, said he, if thereby we mean to exclude all Foreigners, what will become, not only of Duke Schonberg, on whose Father this House has thought fit to bestow a gratuity of one hundred thousand pounds, for his eminent services in the Revolution, but also of his Royal Highness's Prince George

(1) It is said, that the Marquis (when Earl of Mulgrave) made his addresses to the Queen (then Princess Anne) some years before her marriage with the Prince of Denmark; and, though his addresses

were checked as soon as discovered, yet she always retained a great regard for him.

(2) The Earl of Marlborough himself acquainted Bishop Burnet with this circumstance.

1702. George of Denmark, whom the Queen hath lately declared *Generalissimo*? So that, the question being put upon the motion, it was carried in the negative.

War proclaimed
against
France
and Spain.
Broderick.
Barnet.

Two days after, May the 4th, the declaration of war against France and Spain was solemnly

proclaimed (1) before the gate of St. James's Palace, and other usual places, as it was the same day by the Emperor and the *States-General* (2). The French Court was not a little surprized at these three declarations of war; and, immediately upon the receiving of them, the Marquiss

(1) The Declaration was in these terms :

Anne R.

"Whereas it hath pleased Almighty God to call us to the Government of these Realms, at a time, when our late dear Brother William III, of glorious memory, had, in pursuance of the repeated advices of the Parliament of this Kingdom, entered into solemn treaties of alliance with the Emperor of Germany, the *States-General* of the United Provinces, and other Princes and Potentates, for preserving the liberty and balance of Europe; and for reducing the exorbitant power of France; which treaties are grounded upon the unjust usurpations and incroachments of the French King, who had taken, and still keeps possession of a great part of the Spanish Dominions, exercising an absolute authority over all that Monarchy, having seized Milan and the Spanish Low-Countries by his armies, and made himself Master of Cadiz, of the entrance into the Mediterranean, and of the ports in the Spanish West-Indies by his fleets; every where designing to invade the liberties of Europe, and obstruct the freedom of navigation and commerce. And it being provided by the third and fourth articles of the forementioned alliance, that if, in the space of two months (which are some time since expired) the injuries complained of were not remedied, the parties concerned should mutually assist each other with their whole strength: And whereas, instead of giving the satisfaction that ought justly to be expected, the French King has not only proceeded to farther violence, but has added thereunto a great affront and indignity to Us and our Kingdoms, in taking upon him to declare the pretended Prince of Wales King of England, Scotland, and Ireland, and has also influenced Spain to concur in the same affront and indignity, as well as in his other oppressions: We find ourselves obliged, for maintaining the public faith, for vindicating the honour of our Crown, and for preventing the mischiefs which all Europe is threatened with, to declare, and we do hereby accordingly declare war against France and Spain; and placing our intire confidence in the help of Almighty God, and so just and necessary an undertaking, we will (in conjunction with our Allies) vigorously prosecute the same by sea and land, being assured of the ready concurrence and assistance of our subjects, in a cause they have so openly and heartily espoused. And we do hereby will and require our Lord High-Admiral of England, our General of our forces, our Lieutenants of our several counties, Governors of our forts and garrisons, and all other officers and soldiers under them by sea and land, to do and execute all acts of hostility in the prosecution of this war against France and Spain, their vassals, and subjects, and to oppose their attempts; willing and requiring all our subjects to take notice of the same, whom we henceforth strictly forbid to hold any correspondence or communication with France or Spain, or their subjects. But, because there are remaining in our Kingdoms many of the subjects of France and Spain, we do declare our Royal intention to be, that all the subjects of France and Spain, who shall demean themselves dutifully towards us, shall be safe in their persons and estates."

Given at our Court at St. James's, the fourth day of May, 1702, in the first year of our Reign.

(2) The Emperor's Declaration was as follows:

"We Leopold, by the Grace of God, elected Emperor of the Romans in Germany, ever august King

"of Hungary, Bohemia, Dalmatia, Croatia, Slavonia, Archduke of Austria, Duke of Burgundy, Styria, Carinthia, Carniola, and Wirtemberg, Earl of Tyrol, &c. do make known, that although since the conclusion of a general peace, not many years ago at Ryswick in Holland, the Crown of France hath, as well by refusing for a long time to restore the fortresses of Brissac, as by the injuries and damages done to the House of Monbelaard, together with other violations, made it abundantly evident, that they did not intend to observe this solemn treaty better than any of the former: However, being in hopes, that we might pass the remainder of our troublesome Reign in peace, and after having suffered so many vexations to maintain the Holy Roman Empire, and our Kingdoms, and Hereditary Dominions in the enjoyment of the present peace, and for the future prevent the effusion of so much innocent Christian blood; we have chosen rather patiently to endure their insults, and to endeavour to find out means of amicably composing the differences, than to enter into a fresh quarrel upon that account, and thereupon begin a destructive war. But whereas, immediately after the death of Charles the Second, King of Spain and Duke of Austria, under the colour of a will, supposed to have been made by that Prince (which however is really null and of no validity) and notwithstanding all the marriage-contracts, renunciations, cessions, treaties of peace, and former oaths, the King of France has made himself master of all the Kingdoms and Countries of his said Majesty, among which there are some, that did belong to our Archducal House, before they came under the power of the Crown of Spain, besides those, that are feudatory and dependent on the Empire, and has by intrusion put his grandson, the Duke of Anjou, into the same; and moreover taken by force the Dukedom of Mantua, and other fiefs of the Empire, although they never belonged to the Monarchy of Spain, and has also caused a great number of troops to enter into the Diocese of Cologne and Liege, hath seized and put garrisons into all their towns and strong places, hath added new fortifications to them, and every where erected magazines, and, contrary to our lawful ordinances, and the execution thereof, according to the laws of the Empire, committed to the Princes of the Circles, hath supported by force of arms, and strengthened the Elector of Cologne in his disobedience; and on the other side hath caused the faithful subjects of the Empire to be imprisoned, and particularly the Baron de Moon, Dion of Liege, and hath seized and carried away several others from off the lands of the Empire, and hath attacked, in an hostile manner, and ill-treated the Princes of the Circles, who, according to their duty, endeavoured to put in execution our lawful Imperial mandates. And furthermore his grandson, the Duke of Anjou, hath taken to himself the titles, that belong to none but our Archducal House, and hath caused himself to be called the Duke of Austria, Count of Habsburgh, and of Tyrol. We look upon it as a thing inexcusable any longer to pass by in silence such hostilities, infractions, and violences, committed both against our Archducal House and our high Imperial dignity: On the contrary we find ourselves obliged, in consequence and by virtue of the laws of Nature and of Nations, and of the Holy Roman Empire, and particularly in consequence of the capitulation we swore to at the time we were elected Emperor, and of our Imperial, Archducal, and Patrimonial dignity, to hinder them with all our force and power (since

1702. quils *de Torcy* went into a great hall, where the King was walking, and read them over to him. He did not exprefs so much uneasiness at the complaint of the Emperor, but made a great

many reflections upon that of the Queen, which so particularly respected the indignity done to the *English* Nation, by acknowledging the pretended Prince of *Wales* King of *Great Britain*. But

"the endeavours of other Potentates have had as little success with the said Crown of *France*, as the offers we have made of coming to an amicable agreement) and that so much the more, inasmuch as it is a matter unquestionable, that the said will, which at present serves for a colour of the said hostilities of *France*, was contrived by some bribed *Spanish* Counsellors, according to the directions of the *French* King; and that it was offered to his late Catholic Majesty, when he was sunk to such a weakness of body and mind, as not to be able to read or understand, much less to weigh and examine, as was necessary, the large contents of the said will. And moreover, as it is altogether contrary to the intention of the said late King, which he had so often signified to us; and as the said will is full of fallacies, and of incomprehensible and contradictory matters; and lastly, as it gives as little satisfaction to our just demand, as the King of *France* could receive from it, not to mention, that as yet it hath not been duly executed by them, but hath already been broken in many points, and more particularly, so far as it is evident, that the said arbitrary enterprizes, as well by Himself, as in the name of his Grandson, as the pretended Lord of the Circle of *Burgundy*, and consequently a declared enemy to Us and the Empire, do tend to the overthrow and destruction of the Imperial dignity, the authority, and rights, which were intrusted to us by a lawful election.

"Supported therefore by the justice of our cause, and trusting in the assistance of Almighty God, we declare and publish by these presents, that we hold for our enemies the *French* King and the Duke of *Angjou*, with their subjects and adherents; and that, to prevent the public violence and injury, which are done by them unto Us, the Empire, and the loyal States of the Empire, and to defend our Imperial and other rights, we are obliged to take up arms, and to cause our troops to march against our said enemies. We command by these presents the faithful subjects of Us and the Empire, by the duty wherein they stand engaged to us and the Empire, and under pain of deprivation of life and goods, and we seriously injoin them by these presents, that none of them do engage in the service of the said Crown of *France*, of the Duke of *Angjou*, or of his adherents; and that none of them do undertake in the least to do any service, or give them any assistance, or to maintain with them, directly or indirectly, any commerce, partnership, or correspondence, but that from this moment they do wholly break off and abstain from the same, and do assist us with all their power, to pursue and attack our said enemies, and those which belong to them. We have also this intire confidence in the Electors, Princes, and States of the Empire, that they will all in general, and every one in his own particular, from this time forward, at such time as we shall consult with them, according to the exigence of affairs, concerning what may be fit to be done in a matter that does not respect us alone, but likewise relates to the welfare and security of the other principal members of the Empire in particular, and consequently that of the whole *Roman* Empire, will aid and assist us in our lawful and just undertaking, with their faithful and wise advice, and with the sincere, and unanimous, and firm conjunction of all the force, which God and the Empire has given them, to free themselves and other injured States from oppression: That they will contribute towards removing all those calamities, and that they will not suffer themselves to be drawn away in any

"wife; let every one therefore regulate himself, and take care accordingly."

In witness whereof we have caused these presents to be sealed with our Imperial seal. *Lamberti*, Vol. II.

The *Manifesto* of the *States-General*, containing the reasons of their proclaiming war against *France* and *Spain*, was in these terms.

"The *States-General* of the *United-Netherlands*, to all, to whom these presents shall come, greeting. Know ye, that the King of *France* having, for a long time since, cast his eyes upon these Provinces, to seize upon the same, if possible, or intirely to destroy or ruin them, has, in order to compass his design, twice attacked this Republic; viz. in the years 1672 and 1688, by a most unjust and violent war, though we had done our utmost to avoid the same, and preserve the continuation of peace and tranquility. That nothing is more evidently known, than that, if that King had succeeded in his design, and possessed himself of these Provinces, he would have thereby made his way to the Universal Monarchy. And, if he had but only weakened them, and forced them to fit still, and separate themselves from their Allies, it is no less notorious, that he might have attained his aim, by subduing other Princes and Powers; whereby this Republic had been in a manifest danger of being reduced, as well as other States, and losing her Liberty and Religion, which are the two precious advantages, for which the subjects of this State have formerly suffered so many cruel persecutions, and which they could never fully and intirely enjoy, till they had bravely and heartily sacrificed their fortunes and blood, with every thing else that was dear to them, and maintained a war of eighty years standing against the then powerful Kings of *Spain*.

"That, notwithstanding, it hath pleased God to punish these Provinces by the two last wars, because of their sins, yet he has not permitted, that the *French* King should put in execution his ambitious designs; but, on the contrary, has so favoured the arms of the Republic and their Allies, that they obtained in the years 1678 and 1697, a general peace; whereby *France* was obliged to restore large Provinces, Lordships, and important places to the Emperor, the Empire, and the King of *Spain*, which she had possessed, partly by a violent force, and partly by craft and artifice, under the specious name of re union, and other pretences, against the treaty of *Nimeguen*.

"That, the treaty of peace of *Ryswick*, and that of Commerce, being so solemnly concluded in the year 1697, we had all the reason in the world to flatter ourselves, that the same would be *bona fide* executed in all its points. But we have found, on the contrary, by experience, that they did not design on the part of *France*, to observe them, but only to induce Us and our Allies to lay down our arms, disband our forces, and separate us one from another, in order to weaken us; and, in particular, to enervate and ruin our subjects in ruining their commerce, that they might the more easily obtain the aim here abovementioned. This is so notorious, that the treaties aforesaid of Peace and Commerce were hardly ratified, but they began manifestly to inereach upon the trade of these Provinces (which is the sinew of this State) by their openly refusing to grant us the *Tariff* promised unto us by the treaty aforesaid, putting thereby the Subjects and Merchants of this Republic to innumerable troubles upon that account: Which obliges us,

"after

1702. But what most exasperated him, was the Declaration of the *States-General*. For, as soon as the Marquis de Torcy had done reading it, the King took it, and in a transport of anger threw it upon

“ after a long, tedious, and expensive negotiation, to accept a *Tariff* (though disadvantageous to us) contrary to the tenor of the said treaty, in order to prevent a greater mischief.

“ That, notwithstanding it was stipulated by the fifth article of the said treaty of Commerce, that such of our subjects, who shall settle in *France* for carrying on their trades, shall be free and exempted from the duties and tax laid upon foreigners; yet excessive duties have been laid upon them, and we have been forced to see and bear the same.

“ That, in the mean while, the King of *France* omitted nothing to persuade us, by all imaginable protestations, that he had no other design than the preservation of the peace, and the removing of all obstacles, that might interrupt the same. And, whereas the weak constitution of the King of *Spain* could not promise a long life, and that his death was like to cause great wars and differences, this occasioned a treaty, whereby on one side, it was provided, that the *French* King should not have that exorbitant power, which otherwise he would have had by the accession or union of the *Spanish* Monarchy to his crown, and by these means prevented the ill consequences all *Europe* was afraid of; and, on the other hand, satisfaction was given to others, who claimed the said Succession, in order to preserve the general peace.

“ That, upon this foundation, the King of *France* having concluded, on the third and twenty-fifth day of *March*, 1700, a solemn treaty with the King of *England* and this State, we were in hopes to preserve the general peace. But that treaty was no sooner concluded and ratified, but it most evidently appeared, that it was not the intention of the *French* King to stand by it and observe it, but on the contrary, that they used all manner of artifices in the Court of *Spain*, not only to render the Emperor odious to the *Spaniards*, but also to oblige the King to dispose of his Succession by a testament in favour of *France*.

“ That, the King of *Spain* having some time after departed this life, they produced a testament, whereby the Duke of *Anjou*, grandson to the King of *France*, was declared heir of all the Kingdoms and Dominions of the deceased King.

“ That, the said will being made public, the *French* King did immediately give proofs of his secret intentions of making use of all imaginable means to gratify his vast ambition: And in order thereunto, (without any respect or regard to a treaty so solemnly and newly concluded, and the repeated protestations he had made never to depart from it) he accepted the said will, breaking and violating the treaty aforesaid, without giving any previous communication of his intentions to those, with whom he made it; notifying the same without any disguise to the Republic, and alledging for the principal motive thereof, that the spirit and sense of the said treaty, and not the letter, were only to be regarded; and explaining that spirit and sense in his own way, as he thought fit, not omitting at the same time to threaten us, and representing the dangers and misfortunes, which we might expect, if we did not conform ourselves to that spirit. Which proceeding is a breach of faith as uncommon and unheard of, as ever was, and a dangerous instance, which tends for the future to undermine and ruin the faith of all public treaties.

“ That, by virtue of the testament aforesaid, that King did not content himself to cause the Duke of *Anjou* to be proclaimed King of *Spain*, but he possessed himself in his name of all the Kingdoms and Dominions of the *Spanish* Monarchy, without any regard to the pretensions of the Emperor, which were so fully owned in the treaty aforesaid, that they were not only laid as the foundation of the

“ said treaty, but also so far acknowledged for just and lawful on all sides, that the greatest part of the *Spanish* Monarchy was yielded to the Archduke of *Austria*.

“ That the said King being unwilling to stop there, caused his own troops to take possession of the *Spanish Netherlands*, notwithstanding our own were in garrison therein, by the permission and consent of the late King of *Spain*, for the defence and security of the said Country, and with a great deal of difficulty was at last persuaded to let our said troops return home, after they were very much weakened. That by these means the Republic was at once deprived of her rampart and barrier, for which we had already maintained two bloody wars, and which the King of *France* himself had assigned in the conditions of the peace concluded in the year 1678, and contrary to what was particularly stipulated in the treaty of Partition, and insisted upon on the part of the Republic, viz. That the said *Spanish Netherlands* should belong to the Archduke of *Austria*.

“ That the said King of *France* immediately began to govern arbitrarily the Kingdoms and Dominions of *Spain*, under the name of his grandson, as well in civil as in military affairs, and has so united those States to his own, as if the same were but one and the same Kingdom and Government; which can never more evidently appear, than in the case of the *Spanish Netherlands*, the barrier of this State, where it appears (as indeed they write it from *Spain*) that the said Provinces have been absolutely yielded and made over to the King of *France*; and that he exercises an absolute authority over them, both in civil and military affairs, as likewise in matters of finances.

“ That the *French* King having carried his exorbitant power to the degree, which the Christian world had so long apprehended, and laid suitable foundations for obtaining the universal Monarchy, he did not delay it long to put these projects in execution, sending a formidable army into *Italy*, to make himself intirely master thereof, having already sent a great number of troops into the *Spanish Netherlands* to fight us, and oblige us, if possible, to a separate treaty without our Allies.

“ That these artifices, (though never so well concerted) falling short of the desired effect, the *French* King made use of all other imaginable ways to compel us thereunto by force, and to that end seized the city and citadel of *Lige*, without the consent and knowledge of the Emperor and the Empire, and caused the Dean of the said Chapter to be by violence seized and carried away into the *Spanish* Dominions, that he might not oppose his design, and in order to strike a terror into the said Chapter.

“ That, being not satisfied with having thus seized upon *Lige*, and in order to frighten us more and more, he possessed himself, contrary to the will of the Chapter of *Cologne*, of the most considerable places of that Archbishoprick, and particularly of the fortresses of *Bonn*, *Keserswaart*, and *Rhimberguen* (his design upon the city of *Cologne* having happily miscarried by their good conduct) to put himself in a condition to invade this Republic, as he had done in the year 1672. And, that nothing might be wanting to make himself sure of it, and in order to block us up on all sides, he caused a considerable number of troops to be raised at his own charges in the country of *Wesembattle*, that they might invade on that side, sending, at the same time, all sorts of ammunition and artillery to the *Rhine*, through foreign countries, the better to invade these Provinces.

“ That the said King, being not satisfied with having frightened us in that manner by land, proceeded further; and by possessing himself (in the name of the King of *Spain*) of all the harbours in *Spain*, *Naples*,

1702. upon the table, saying, " That Messieurs the
" *Dutch Merchants* (meaning the *States-General*)

" should one day repent of their boldness in
" declaring war against so great a Monarch."
But

" *Naples, Sicily,* and other islands in the *Mediterranean*, as also the *Spanish Netherlands* and the *Indies*, he made himself intire Master of the commerce of *Europe*, and obtained the power to exclude us and all other nations from it. And lastly, that we might have no room or place left to us for trade, he endeavoured to persuade the King of *Portugal* to forbid us his harbours, and sent, at the same time, a squadron into the *West-Indies*, on purpose to seize the silver fleet, in which our subjects, and those of other Princes and Potentates, are so considerably concerned.

" That, affairs being in that intricate and dangerous condition, we, as the nearest and most exposed to the fire, having, in the first place, invoked God Almighty to our assistance, thought it necessary to put ourselves in a posture of defence, and so arm ourselves, as well as we could, by sea and land, against that exorbitant power, and the dangers we were threatened with; and, at the same time, to defend our Neighbours and Allies the succours they had promised us by treaties, in case we were molested and disturbed: Which they having granted us with the same readiness as we desired, we put ourselves in that condition, that, refusing to hearken to any private treaty with *France*, we had time to confederate ourselves with his Imperial Majesty, the King of *England*, the King of *Prussia*, and other Princes and Potentates, for the common defence of our and their respective Dominions, the preservation of the liberty of *Europe*, and for recovering the general peace and tranquillity.

" That, every one beginning to open their eyes, and to think of their natural defence, the Emperor sent a considerable army into *Italy*, to oppose the *French King*.

" That his Imperial Majesty, having thought fit to dislodge the *French* out of the Electorate of *Cologne*, and used all imaginable ways for it, did, together with the Directors of the Circles concerned therein, desire our assistance, which we (conformable to our engagements, our own defence, and the strict alliance we were entered into) could not refuse; but, on the contrary, thought it necessary, that our forces there and elsewhere should act as Auxiliaries by way of diversion.

" That these proceedings of the *French* have, to our great sorrow, kindled a war in several parts of the world, which is actually begun, and carried on with a great deal of violence.

" That, as we had not given the least pretence thereunto, but, on the contrary, made our utmost efforts for the preservation of the general peace, we were very glad to see a Minister, that the *French King* had sent into these parts, and neglected nothing to engage him to make some proposals for maintaining the peace. But, seeing we could not succeed therein, we made ourselves some demands, which we thought necessary for recovering a general tranquillity and our private security; but there has been no manner of answer, nor the least offer made thereupon.

" That indeed some outward protestations of peace have been made on that side, but as, at the same time, they continued their warlike preparations, to seize the lands of their neighbours, and to confederate themselves with several Princes and Potentates; they have clearly manifested, that their protestations would come to nothing, unless we were resolved to treat separately from our Allies; and this they have still more evidently discovered, by recalling successively two Ministers.

" Finally, the King has upon that foot caused his Resolent to declare unto us in a memorial, that his armies were in a condition to act against us, if we

" came to no resolution about the things contained therein.

" And, as there is nothing more evidently known, than that the designs of the present King of *Spain* against the liberty of our State and Commerce are the same as those of the King of *France*; nay, as all the world must be convinced by the whole directions and management of affairs, that the King of *France* and the present King of *Spain* are one and the same in effect; and that the King of *Spain* can do, nor will do nothing, but what the King of *France* pleases, and will have him to do; even that the Kingdoms of *France* and *Spain* are united into one: It follows from thence, that whatever the King of *France* has done against Us and our Allies, in the name of the King of *Spain*, must be taken and understood to be made by the King of *Spain* himself, or at least by both of them. That by these means the King of *France* (above what has been already said) has made use of the *Spanish* troops in the name of the King of *Spain* to carry on his design against us. That in that name he has erected a fort within the reach of the cannon of a fortress belonging to the States, contrary to the treaty concluded with the King of *Spain* in the year 1648, and contrary to the laws of Nations and those of war.

" That the King of *Spain* has not only suffered those proceedings of the King his grandfather, but absolutely approved the same, and the actual seizing the whole Monarchy of *Spain*, and in particular of the *Spanish Netherlands*, that necessary barrier for our State.

" That all divine and human laws dictating to us, that, being thus straitened, blocked up on all sides, and actually attacked by the Kings of *France* and *Spain*, and threatened by them with so many dangers, we may, and are bound to make use against them of all the means God and Nature have put into our hands for our defence, protecting our subjects, and for preserving their Religion and Liberty; and to that end to take up arms against the said King of *France* and *Spain*, who have together conspired our ruin and destruction, and declare war against them, as we do by these presents, trusting, that God Almighty will bless the justice of our cause, and the means we shall make use of; desiring, that all Kings, Princes, and Republics, and States, who love their own preservation and liberty, together with that of *Europe*, that they will regard this our Declaration, as an effect of an urgent and pressing necessity for defending ourselves, and protecting our subjects, and consequently all *Europe*: And that they will (in conjunction with us) oppose the ill designs of the Kings of *France* and *Spain*, and their exorbitant power, whereby they intend to make themselves masters of all *Christendom*, and to that end to give us aid and assistance.

" Lastly, we command and require all our subjects and inhabitants of these Provinces, Commanders, Officers, Soldiers, and others, of what quality soever they be, to own and regard the said Kings of *France* and *Spain* as enemies of this State; to invade their country, and fall upon their subjects and vassals both by sea and land; to repel their violence, and do every thing else they are obliged to do for the defence of our country, and the damage of our enemies.

" And, that no body may pretend to be ignorant thereof, we require and command the Lords States, Counsellors, Deputy-States of these respective Provinces, and all other Officers and Magistrates of this country, to cause these presents to be proclaimed, published, and posted up, on the 15th day of this instant, in all the places, where publications of

1702. But he did not publish his declaration of war till the 3d of July (1)

On the 5th of May, the Commons resolved to present an address to her Majesty, "returning the thanks of their House for her great zeal for the Succession of the Crown in the Protestant line, expressed in her late order in Council, directing the Princess Sophia to be prayed for." As the night, that recommended that Princess, was in her own blood, she was designated by her Christian name, and not by her title. It came to be known, that this had been opposed in Council by the Marquis of Normandy, but was promoted by the Lord Godolphin. The Lords returned their thanks to the Queen upon the same account, as also "for laying before them the Convention made with the Emperor and the States-General, in order to a concurrent declaration of war."

A bill about the union of the two Kingdoms.
Burnet.

As the Queen, in her first speech to the Parliament, had renewed the motion made by the late King, for the union of England and Scotland, a bill was brought in for that purpose. Many of those, who seemed now to have the greatest share of her favour and confidence, opposed this bill with much heat, and not without indecent reflections on the Scotch Nation; yet it was carried by a great majority, that the Queen should be empowered to name Commissioners for treating of an union. It was so visibly the interest of England, and of the present Government, to

shut that back-door against the practices of France, and the attempts of the pretended Prince of Wales, that the opposition to this first step towards an union, and the indecent scorn with which Seymour and others treated the Scots; were clear indications, that the pofts, they were brought into, had not changed their tempers: But that, instead of healing matters, they intended to irritate them farther by reproachful speeches; the bill went through both Houses, notwithstanding the rough treatment it met with at first, and on the 6th of May received the Royal assent (2).

The intire harmony, between the Queen and both Houses of Parliament, greatly disappointed the disaffected, who expected nothing but confusion upon the late King's death, and who, to shew their joy at an accident, that had caused a general concern in most parts of Europe, vilified the deceased King with libels, verses, and healths, so very indecent and scandalous, that, instead of wit, they served only to demonstrate their implacable malice (3). Not content with these insults, they endeavoured to blast the King's memory, and to render his friends obnoxious, by charging upon him a design of excluding the Princess Anne from the Succession. For he had no sooner expired, than a report was spread, That some papers were found in his strong box, whereby it appeared, that he had laid a scheme to get the Elector of Hanover declared his immediate Successor:

A false report of designs against the Queen.
Burnet.

"this nature are usually made; commanding likewise, that the same be published and affixed in the usual places of the district of the generality."

Done and concluded in the Assembly of the Lords States-General at the Hague, May the 8th, 1702. Signed *W. de Nassau*, and underneath *F. Fagel*; and sealed with the seal of the States-General in red wax. *Lamberti*, Vol. II.

(1) It was in the following terms:

By the King,

"Although the treaty concluded at Ryswick at a time, when the King, by the superiority of his forces, was in a condition to have given laws to the neighbouring Princes, that were jealous of his power, was a certain proof of the sincere desire, that his Majesty had always to give peace to his subjects, and to restore peace to Europe: His Majesty nevertheless finds, that the Emperor, without any lawful right to the Spanish Monarchy, hath put himself in a condition by the augmentation of his troops, by treaties and alliances with several Princes, and particularly with England and the States-General of the United-Provinces, to trouble the repose of Europe by a new war, as unjust as it is ill grounded. They have begun hostilities on all sides, against and contrary to the treaties so solemnly sworn to. All Europe is witness of his Majesty's moderation. He hath seen places attacked, advantageous posts seized, convoys stopped, and prisoners taken, before any declaration of war, and at a time when his Majesty was endeavouring by his Ambassadors and Envoys to preserve the peace. All these steps being so contrary to sincere dealing and their own interests; and the manifestoes and declarations of war of the Emperor, England, and the States-General having been published, his Majesty finds himself under an indispensable necessity (in order to preserve his own, and the King his Grandson's Dominions) to arm on his side, and to make his levies sufficient to oppose the undertakings of the common enemies. And, for that end, his Majesty is resolved to

"employ all his forces by sea and land, and (by the help of the divine protection, which he implores on the justice of his cause) to declare war against the Emperor, England, the States-General of the United-Provinces, and the Princes their Allies. His Majesty orders and commands all his subjects, vassals, and servants, to cruise upon the subjects of the Emperor, England, and Holland, and on the subjects of their Allies; and strictly forbids his subjects to have henceforth any communication, commerce, or intelligence with them on pain of death. And therefore his Majesty hath revoked, and by these presents revokes all permissions, pass-ports, safe-guards, and safe-conducts, which may have been granted by him, his Lieutenant-Generals, and other his Officers, contrary to these presents; and hath declared, and does declare them to be void, and of none effect and force, forbidding all persons whatsoever to have any regard unto them. His Majesty orders and commands the Admiral, Marshals of France, Governors and Lieutenant-Generals for his Majesty in his Provinces and Armies, Marshals de Camp, Colonels, Camp-masters, Captains, Chiefs, and Leaders of his Majesty's soldiers, both horse and foot, French and Strangers, and all his other Officers, to whom it may pertain, what is herein contained, to cause and execute, each in his office, within their towns and jurisdictions. For such is his Majesty's will and pleasure, that these presents be published in all the maritime and other towns, and in all the ports, havens, and other places of the Kingdom and Lands under his obedience, where need shall be, to the end that none may pretend ignorance."

Given at Marli, June 3, 1702.

LOUIS.

(2) At the same time the Queen gave her assent to an act for laying a duty upon land. To another for encouragement of the Greenland trade; and to a third, for making good the deficiencies, and the public credit.

(3) They not only drank a health to Serrel, mean-

1702. Successor: That, in order to effect this, the troops of *Hanover* and *Zell* were to file off towards the sea-coast of *Holland*: That, soon after the King's return from thence, a pretended insurrection was to be raised either in *Scotland* or *Ireland*, to give the King a colourable pretence for inviting over the *Hanoverian* troops, with their Prince to command them; and that several Peers, privy to this design, were to be made Lord-Lieutenants of Counties, in order to influence the elections for Members of a new Parliament. This, many of those, who were now in posts, had talked of in so public a manner, that it appeared they intended to possess the whole Nation with a belief of it; hoping thereby, to alienate the People from those who had been in the late King's confidence, and disgrace all the Whigs, in order to the carrying all elections of Parliament for men of their own party. And indeed, the report had gained so far upon the belief of some people, that the city of *Norwich*, in their address to the Queen, printed in the *Gazette* on the 30th of *April*, "congratulated her Majesty's most happy and peaceable Accession to the Throne, notwithstanding all the malicious designs and contrivances used to defeat her Majesty of her undoubted right."

The Dukes of *Somerset* and *Devonshire*, and the Earls of *Marlborough*, *Jersey*, and *Abemarle*, had been ordered by the Queen to visit the late King's papers, and bring her such of them, as related to the Alliances, or other affairs of the Crown. Several Peers, who retained a great veneration for the late King, perceiving the design which was driven at by those false reports, made a motion in the House of Lords (1), that an enquiry should be made into the truth of that report, and of all other stories of that kind, that so, if there was any truth in them, such, as had been concerned in those wicked designs, might be punished; and if they were found to be false, that those, who spread them about, might be chastised. Upon this, the House desired that those Lords, who had visited the late King's papers, would let them know, if they

had met with any among them, relating to the Queen's Succession, or to the Succession of the House of *Hanover*. Four of them were then in the House, only the Earl of *Marlborough* was ill that day; so the four who were present said, they had found nothing, that did in any sort relate to that matter; and this was confirmed by the Earl of *Marlborough* to some Peers, who were sent by the House, to ask him the same question. Upon which the House came to a resolution, "That the Lords, who were appointed by her Majesty to inspect the late King's papers, having severally declared, that they did not see or find amongst them any paper, in the least tending to the prejudice of her Majesty, or her Succession to the Crown, or which might give any ground or colour for such a report; the said report was groundless, false, villainous, and scandalous, to the dishonour of the late King's memory, and highly tending to the disservice of her present Majesty." And they ordered, "That the matter of fact aforesaid, and the resolution of the House thereupon, be laid before her Majesty by the Duke of *Bolton*, the Earl Marshal, the Earls of *Radnor*, *Stamford*, and *Scarborough*, and the Lord *Ferrers*; and that they do humbly desire her Majesty to order Mr. Attorney-General to prosecute, with the utmost severity of the law, the authors or publishers of such scandalous reports." The Lords named in this order having waited on the Queen on the 5th of *May*, her Majesty told them, "That she was very ready to do any thing of that kind, and would give directions to Mr. Attorney-General effectually to prosecute the authors and publishers of such false reports."

Some books had been published, particularly *Libellous pamphlets* by Dr. *Drake* and Dr. *Davenant*, charging the late Ministry and the whole Whig party with the like designs of excluding the Queen. These books were censured, and the authors of them were ordered to be prosecuted; though both the Marquiss of *Normanby*, and the Earl of *Nottingham*, did all they could to excuse those writers (2).

When

ing the horse that fell with the King, but also to the little Gentleman in velvet, meaning the mole which it seems had heaved up, where the horse's foot slipped in, and occasioned the fall. As the horse had belonged to Sir *John Fenwick*, it was insinuated as a Judgment upon the King in the following epigram, which they made on the occasion:

*Illustris Senipes, certe dignissimo Cælo,
Cui Leo, cui Taurus, cui daret Urfa Locum;
Quæ te felicem felicia Præta tulerunt?
Ubera quæ felix præbuit alma Parus?
Hiberni Patriam venisti ulturus ab oris;
Aut Glencæ, aut Stirps te* Feniciæ dedit.
Sis felix quicumque precor, memorande, nec unquam
Jam sèlle Dorsum, frenæ nec ora premant.
Humani Generis Vindex, moriente Tyranno,
Hanc Libertatem, quam dabis, ipse tene.*

* Of Sir John Fenwick's.

(1) The motion was made by the Earl of *Carlisle*, and seconded by the Lords *Wharton*, *Hallifax*, and others.

(2) The particulars of this affair were as follow:

On the 4th of *May*, a complaint was made to the House of Peers of a passage in the Preface to a book, intitled, *The History of the last Parliament begun at Westminster, the tenth day of February, 1700*; which though it did not directly reflect on the late King's

memory, yet manifestly tended to cast an indelible odium upon his friends, being couched in these words: "And perhaps there was a thing in prospect of deeper reach than all these, which was, that, should it have pleased God to have snatched from us the King on a sudden, by chance of war, or other fatal accident, during the tumult of arms abroad, and the civil disorders they had raised among us at home, and a numerous, corrupt, licentious party throughout the Nation, from which the House of Commons was sometimes not free, they might entertain hopes from the advantage of being at the helm, and the assistance of their rabble, to have put in practice their own schemes, and have given us a new model of Government of their own projection, and so to have procured to themselves a lasting impunity, and to have mounted their own beast, the rabble, and driven the sober part of the Nation, like cattle, before them. That this is no groundless conjecture will readily appear to any considering person, from the treatment her Royal Highness the Princess of *Denmark*, the Heir apparent to the Crown, met all along from them and all their party. They were not contented to shew her a constant neglect and slight themselves, but their whole party were instructed to treat her, not only with disrespect, but with spite. They were busy to traduce her with false and scandalous aspersions; and so far they carried

"the

1702. When the falshood of those calumnies was apparent, then it was given out, with an unusual confidence, that no such report had ever been spread; though the contrary was evident, and the thing was boldly asserted in those books. And therefore a peculiar measure of assurance was necessary to face down a thing, which they had taken such pains to infuse into the minds of the credulous vulgar all *England* over.

The Earl of *Nottingham*, to divert this enquiry, moved, that another might be made into those books, in which the murder of King *Charles the First* was justified; though the provocation, given to some of these, was, by a sermon preached by Dr. *Banks* before the Convocation, on the 30th of *January*, in which he drew a parallel between King *Charles's* sufferings and those of our Saviour: And, in some very indecent expressions, gave the preference to the former (1).

The war being now declared, both Houses joined in an address to the Queen, wherein they represented, "That nothing would more contribute to the effectual carrying it on, and reducing her enemies to the greatest streights, than an intire prohibition of all correspondence with *France* and *Spain* on the part of

"the Allies; and therefore they humbly advised her Majesty to engage the Emperor, the *States-General*, and her other Allies, to join with her Majesty in prohibiting all intercourse between the subjects of her Majesty and her Allies, and the subjects of *France* and *Spain*; and also to concert such methods with the *States-General*, as might most effectually secure the trade of her subjects and her Allies." This address her Majesty readily promised to comply with, adding, "That she was too much concerned for the public welfare, to omit any necessary precautions for the protection of the trade."

On the other hand, the Lords having made some amendments to a bill from the Commons, for the Encouragement of Privateers, to which the Commons refused their concurrence; their Lordships, in an address, represented to the Queen, "That the sea preparations of her Majesty's enemies being such as seemed not to be intended for encountering and fighting her Royal navy, but rather for making a pyrratical war, to the interruption of commerce, it was, in their opinion, highly requisite for the public service, that her Majesty would give all possible encouragement to her subjects to arm and

The Lords address about privateers May 23.

"the affront, as to make her at one time almost the common subject of the title tattle of almost every Coffee-house and Drawing-room, which they promoted with as much zeal, application, and venom, as if a bill of exclusion had then been on the anvil, and these were the introductory ceremonies." After reading this passage, the Lords ordered the Book-seller for whom the book was printed, to attend the House on the next *Saturday*; but, before that day came, Dr. *James Drake*, the Physician, having owned himself to be Author of the book in question, he was on the 9th of *May*, examined by the Lord Keeper, who asked him what he had to say concerning the said book? The Doctor answered, "That he thought he had just reason to write what he had writ, he having heard her Highness talked of disrespectfully in every Coffee-house." And then he withdrew. After some debate, he was called in again, and the Lord Keeper told him, that the House was not satisfied with what he had said, but thought he trifled, and required him to acquaint the House with the grounds of his writing the paragraph abovementioned. He answered, "That he found it mentioned in divers anonymous pamphlets published at that time, and hoped it was no hurt to answer those pamphlets; and desired time to recollect what these pamphlets were;" and then withdrew. After some time he was called in again, and asked whether he could charge any person in the Kingdom with the matters asserted by him in that paragraph? And whether he had heard any persons say, that they could charge any persons whatsoever with the matters contained in that paragraph? To these questions he answered, *He did not know of any such person*; and being further asked, if he had any grounds besides the pamphlets, and what the pamphlets were? He said, "He had no other grounds besides the several pamphlets following, viz. *The two Legion Letters*, the *black Lists*, *Jura Populi Anglicani*, and *Toland's Reasons for writing over the Princess of Hannover*." Lastly, he was asked, Whether in any one of these pamphlets there was any thing said about setting aside the present Queen? To which the Doctor having answered, *He did not remember there was*; and, being withdrawn, the Lords took the said paragraph into consideration, and resolved, "That there were in it several expressions, which were groundless, false, and scandalous, tending to create jealousies in her Majesty of her People, and to cause great misunderstandings, fears, and disputes among the Queen's

"subjects, and to disturb the peace and quiet of the Kingdom." Ordering at the same time, "That her Majesty's Attorney-General should forthwith effectually prosecute Dr. *Drake* for having writ the said paragraph."

Three days after, *May 12*, the Lords took into consideration two paragraphs of a book, intitled, *Tom Double returned out of the country: Or, The true picture of a modern Whig, set forth in a second Dialogue between Mr. Whiglove and Mr. Double*, supposed to be written by Dr. *Davenant*; which in the 89th and 90th pages contained the following expressions:

"*Whiglove*. "I find we have miscarried in one great design: The train would not take; we were very hot upon it just before the Parliament met: All the Whig Coffee-houses rung, how necessary it was to break into the *Acts of Settlement*, and to exclude—*Double*. "Mum, *Whiglove*, talk no more upon that subject, I beseech you. Fresh orders are issued out, and, since we are not strong enough to make it go, and that, on the contrary, it has alarmed and provoked all sorts of men, we are now directed to say, that never any such thing was intended by our party, though, God knows, it was the discourse of all our clubs. Under the rose this was one of those embryo's, that proved abortive upon the 30th of *December* last; but, though it be not seasonable to stir in it now, never fear our abandoning a wicked design: We never quite lay aside any mischief. However, since it has really opened the eyes of a great many, and weakened our interest among several of our own side, whom we cannot work up to be guilty of so much injustice, let us take all Occasions of declaring, that we will not violate any of the acts upon any account whatsoever; which we may the more safely do, because you know it is our principle, not to think that we are bound by any protestations we make, either in private or in public; and it is one of the great advantages we have over the rest of our fellow-subjects, that we can fetter the consciences of others, while our own are at perfect liberty." The Lords, after some debate, passed the same censure upon this book, as they had upon part of the Preface of Dr. *Drake's* History. *Pr. H. L. II. 37, &c.*

(1) On the 16th of *May*, a pamphlet intitled, *Animadversions upon the two last 30th of January sermons, one preached to the Honourable House of Commons, the other to the House of Convocation: In a letter, after reading*

Drake's is a prosecution of conversation since with France May 23

1702.

"set out private men of war. And whereas, by the sixth article of the treaty concluded at the Hague between his late Majesty, the Emperor, and the States-General, her Majesty was at liberty to take and seize lands and cities belonging to the Spanish Dominions in the Indies, and retain the same as her own; their Lordships advised her Majesty to grant Commissions or Charters to all persons, bodies politic or corporate, who should make such acquisitions in the Indies, subject to such terms and conditions, as her Majesty should judge most expedient for the good of her Kingdoms." To which the Queen answered,

"That she would take all the care in it she could." But, in the course of the war, this advice was greatly neglected.

The business of the Session being all done, the Queen went in state to the House of Peers, and, having given the Royal assent to several public and private bills (1), dismissed both Houses with the following speech:

My Lords and Gentlemen,

I cannot conclude this Session, without repeating my hearty thanks to you all, for your great care of the public, and the many marks

reading and examining several paragraphs and passages of which, it was resolved by their Lordships, That the said pamphlet was "a malicious, villainous libel, containing very many reflections on King Charles I. of ever blessed memory, and tending to the subversion of Monarchy," and thereupon ordered it to be burnt by the hands of the common hangman. Then their Lordships took into consideration a printed sermon preached on the 30th of January, 1701, in King Henry VII's Chapel, before the Reverend Clergy of the Lower House of Convocation, by William Binckes, D. D. Proctor for the Diocese of Lichfield and Coventry, wherein the Preacher seemed to make the sin of the Jews, in crucifying our Saviour, much less than that of the English rebels, in putting to death King Charles I. As, says he, to the near resemblance between the parties concerned, as well the actors as the sufferers, comparing those in the text with those of the day. And here one would imagine, the latter were resolved to take St. Paul's expression in the most literal sense the words will bear, and crucify to themselves the Lord afresh, and in the nearest likeness, that could be, put him to an open shame. If, with respect to the dignity of the person, to have been King of the Jews, was what ought to have secured our Saviour from violence; here is also one, not only born to a Crown, but actually possessed of it. He was not only called King by some, and at the same time derided by others for being so called, but he was acknowledged by all to be a King: He was not just dressed up for an hour or two in purple robes, and saluted with a Hail King, but the usual ornaments of Majesty were his customary apparel; his subjects owned him to be their King; and yet they brought him before a tribunal, they judged him, they condemned him; and, that they might not be wanting in any thing to set him at naught, they spit upon him, and treated him with the utmost contempt. Our Saviour's declaring, that his Kingdom was not of this world, might look like a sort of renunciation of his temporal sovereignty, for the present desiring only to reign in the hearts of men. But here was nothing in this case before us: Here was indisputable right of Sovereignty, both by the laws of God and Man: He was the reigning Prince, and the Lord's Anointed; and yet, in despite of all law, both human and divine, he was by direct force of arms, and the most daring methods of a flagrant rebellion and violence, deprived at once of his Imperial Crown and Life. The fact of this day was such a vying with the first Arch-rebel, the apostate Angel, Lucifer; it was such a going beyond the old Serpent in his own way of insolence and pride, that it was no wonder, if he began to raise his head, and set up his dominion in this world, when, thus warned and invilened by a fiery zeal in some, and rage in others, to the degree of drunkenness, thirsting after, and satiating themselves in Royal blood; and, in which respect only, heated to the degree of phrenzy and madness, the plea in my text may seem to have some hold of them, Father, forgive them, for they know not what they do." After some debate the Lords resolved, "That in the said sermon there are several expressions, that N° 36. Vol. III.

"give just scandal and offence to all Christian people." Then, it being moved to order that sermon to be burnt, it was carried in the negative, but at the same time it was ordered, that the abovementioned resolution should be communicated to the Bishop of Lichfield and Coventry, Dr. Binckes's Ordinary, whom they left to censure him, according to the rules of ecclesiastical Courts.

Complaint was likewise made to the Lords, of two passages in a pamphlet, intitled, *Reasons for addressing his Majesty to invite into England their Highnesses the Electress Dowager and the Electoral Prince of Hanover; and for attaining and abjuring the pretended Prince of Wales, and all others pretending any claim, right, or title from the late King James and Queen Mary*, wherein it was asserted, "That it appears from History, that all free people have set aside the children of Tyrants for reasons of eternal and universal force, as inheriting the principles and designs of their parents, bearing an affection to their friends, and owing a revenge to their enemies; as more likely to grasp at a greater power than even their parents, the better to secure themselves from their disgrace, and being under extraordinary obligations to these foreign Potentates, who protected or restored them: And that, whether the Abjuration be penal or voluntary, it should be tendered to all manner of persons, not excepting the King's Majesty, or the Princesses of Denmark: For all the securities we give to them, said the Author, they owe their security to us; not that I doubt either of them, but they both of them very well know, what stories and surmises our enemies have been actually spreading to amuse and intimidate the people: They have whispered horrible things of blind and clancular bargains. But Caesar's wife ought to be unsuspected as well as innocent." After examination of this pamphlet, the Lords resolved, "That there were in it assertions and insinuations scandalous and dangerous, tending to alienate the affections of the subjects of this Kingdom from her Majesty, and to disturb the peace and quiet of the Kingdom."

(1) Among these bills were,

1. An Act to oblige the Jews to maintain and provide for their Protestant children. By which if any Jewish parent, in order to the compelling his Protestant child to change his Religion, shall refuse to allow such child a fitting maintenance suitable to the ability of the parent, and the age and education of the child, upon complaint it shall be lawful for the Lord Chancellor to make such order for the maintenance of such Protestant child as he shall think fit.

2. An Act for continuing the imprisonment of Counter and other Conspirators against King William.

3. An Act for the relief of Protestant Purchasers of the forfeited estates in Ireland.

4. An Act for enlarging the time for taking the oath of abjuration, in which was this clause:

"That if any person or persons, at any time after the first day of March, 1702, shall endeavour to deprive or hinder any person, who shall be the next in Succession to the Crown for the time being, according to the limitations in the Act, intitled, *An Act*

1702.

"marks you have given of your duty and affection to me.

"And I must thank you, Gentlemen of the Houle of Commons in particular, both for the supplies you have given to support me in this necessary war, and the provisions you have made for the debts contracted in the former. Your great justice, in making good those deficiencies, will be a lasting honour and credit to the Nation. I wish the difficulties, they have brought upon us, may be a warning to prevent such inconveniences for the future.

"I must recommend to you all, in your several counties, the preservation of the public peace, and a due execution of the laws. I shall always wish, that no differences of opinion among those, that are equally affected to my service, may be the occasion of heats and animosities among themselves. I shall be very careful to preserve and maintain the act of Toleration, and to set the minds of all my people at quiet. My own principles must always keep me intirely firm to the Interest and Religion of the Church of England, and will incline me to countenance those, who have the truest zeal to support it."

Then the Lord-Keeper, by her Majesty's command, prorogued the Parliament to the 7th of July following.

Naval preparations in England and Holland. Hist. of Europe, Vol. xiii.

The naval preparations in England and Holland were now carried on with all possible speed; and, as they raised the spirits of the Confederates, so they gave no small alarms to France, Spain, and even Portugal; the design of the expedition having been kept so secret, that it was uncertain, which of those three Kingdoms was most threatened. France, having sent a strong squadron of men of war into the West-Indies, both to attack the English plantations, and to bring home the Spanish galleons, had no sufficient number of ships left to defend her own coasts, much less to protect those of Spain, whose King, in the beginning of the spring, was gone into Italy, both to appease the tumults in the Kingdom of Naples, and to share with the Duke of Vendosme the expected honour of forcing Prince Eugene to repass the mountains of Tirol.

And though the King of Portugal gave fair words to the Imperial Ministers, and to Mr. Metuen, the English Envoy, yet he began to be apprehensive, that the Allies, having a formidable power at sea, would use more prevailing means than a negotiation to make him break his

late engagements with France. On the 30th of May, Sir George Rooke, Admiral of the English fleet, having hoisted the Union flag on board the Royal Sovereign, came to Spithead, with Sir Cloudesly Shovel, on board the Queen, and the great ships, that lay at the Nore: And, at the same time, Rear-Admiral Fairborne arrived there from Ireland with a squadron of men of war, having on board four regiments of foot, that were to be part of the land-forces, to be commanded by the Duke of Ormond, who, on the first of June, arrived at Portsmouth, accompanied by Sir Henry Bellasis, who was to serve under him, and by Admiral Churchill; and, the next day, Prince George likewise set out for that sea-port.

The same day, the Queen went from St. James's to Windsor, having appointed Simon Harcourt, Esq; to be her Solicitor-General, and conferred the honour of Knighthood both upon him and on Edward Northey, Esq; the Attorney-General. The day before, out of a just regard to the law of Nations, the Queen, by proclamation, ordered all ships, stopped before the declaration of war, to be discharged, and caused another proclamation to be published for the encouragement of her ships of war and privateers. And at the same time her Majesty renewed the Commission for the management of the Customs; and upon her return from Windsor, appointed the Lord-Lieutenants, the Commissioners of trade, for prizes, stamp and salt-duties, and Generals of her land-forces; gave audience to several foreign Ministers, and disposed of many places and employments; and, among the rest, the Earl of Marlborough was made Master of the Ordnance, the Honourable John Granville, Lieutenant-General, William Bridges Master Surveyor, Christopher Musgrave Clerk of the same, and Edward Southwell was appointed Secretary of State in Ireland, on the resignation of his father Sir Robert Southwell.

The affairs of Scotland began now to be a little embroiled. By an act made soon after the Revolution, it was provided, that all Princes, succeeding to the Crown, should take the Coronation-oath before they entered upon their Regal dignity; but no direction was given concerning those, who should tender it, or the manner in which it should be taken; so that, this being left undetermined, the Queen had called together all the late King's Ministers for that Kingdom, and, in the presence of about twelve of them, she took the Coronation-oath (1). But those, who were disposed to censure every thing, said, that

"for declaring the rights and liberties of the subjects, and settling the Succession of the Crown; and according to one other Act, intitled, An Act for the further limitation of the Crown, and better securing the rights and liberties of the subjects, from succeeding after the decease of her Majesty to the Imperial Crown of this Realm, and the Dominions and Territories thereunto belonging, according to the limitations in the beforementioned Acts; that is to say, such issue of her Majesty's body, as shall from time to time be next in Succession to the Crown, if it shall please God Almighty to bless her Majesty with issue; and, during the time her Majesty shall have no issue, the Princess Sophia, Electress and Duchess Dowager of Hanover, and, after the decease of the said Princess Sophia, the next in Succession to the Crown for the time being, according to the limita-

tion of the said Acts; and the same, maliciously, advisedly, and directly, shall attempt by any overt-act or deed; every such offence shall be adjudged High-treason, and the offender or offenders therein, their assessors, procurers, and comforters, knowing the said offence to be done, being thereof convicted or attainted, according to the laws and statutes of this Realm, shall be deemed and adjudged Traytors, and shall suffer pains of death, and all losses and forfeitures as in cases of High-treason."

(1) Of this the Queen sent an account in a letter to the Privy-Council of Scotland, as soon as she was proclaimed, acquainting them, "That it having pleased Almighty God to call out of this life her Royal and most Dearly-beloved Brother King William, whereby the undoubted right to the Imperial Crown of the Kingdom of Scotland, conform to the Act of Settlement,

Affairs of Scotland. Burnet. Lockhart's Memoirs.

"men,

1702. that this ought not to be done, except in the presence of some deputed for that purpose, either by the Parliament, or at least by the Privy-Council of that Kingdom.

At the time of King *William's* decease, the Government there was lodged in the hands of persons intirely of *Revolution* principles; for the Earl of *Marbmont* was Lord Chancellor; the Earl of *Melvil* Lord President of the Council; the Duke of *Queensberry* Lord Privy-Seal; the Earls of *Seafeld* and *Hyndford* Secretaries of State; the Earl of *Selkirk* Lord Register; *Adam Cockburn* of *Ormiston* Treasurer-Depute; Sir *John Maxwell* of *Pollock* Justice-Clerk; Sir *James Stuart* Advocate; and all the Lords of the Treasury, except the Lord *Montgomery*, were of the same principles. But though the *Anti-Revolutioners* were, in effect, as much enemies to the Queen's right to the Crown, as to that of King *William*; yet they were greatly elated at her Accession, and flattered themselves with a better title to her favour, on account of their zeal for *Episcopacy*, than the *Revolutioners* could pretend to, because most part of the latter were for *Presbytery*, and the rest so indifferent for *Episcopacy*, that they did not think it ought to come in competition with the peace of the Nation. The first struggle between these two parties was about the Parliament, the sitting of which, in the summer, was absolutely necessary, by reason that the funds allotted to support the army were near expired on King *William's* demise. Upon the discovery of the assassination-plot, an act had passed in *Scotland* for continuing the Parliament, that should be then in being six months after the death of the King, with two special clauses in it. The first was, that it should meet twenty days after the death of the King. But the Queen did, by several adjournments, continue the Parliament almost three months after the King's death, before it was opened. Some said, that the Parliament was by this dissolved, since it did not meet upon the day limited by the act to continue it. But there was another proviso in the act, that secured to the Crown the full prerogative of adjourning or dissolving it within that time. Yet, in opposition to this, it was acknowledged, that, as to all subsequent days of meeting, the prerogative was intire; but the day that was limited, that is, the twenty-first after the King's death, seemed to be fixed for the first opening of the Session. The second clause was a limitation of the power of the Parliament, during their sitting, that it should not extend to the repealing of laws: They were empowered only to maintain the Protestant Religion, and the public peace of the country. It was therefore said, that the Queen was peaceably obeyed, and the country now in full quiet; so that there was no need of assembling the Parliament. The end of the law being attained, it

was said, the law fell of itself, and therefore it was necessary to call a new Parliament; for the old one, if assembled, could have no authority, but to see to the preservation of Religion, and the peace of the Country; their power being limited to these two heads by the act, that authorized their sitting. In opposition to this, it was urged, that the act, which gave them authority to sit as a Parliament for six months, gave them the full authority of a Parliament: That the directing them, to take care of some more important matters, did not hinder their meddling with other matters, since no Parliament can limit a subsequent one. It was likewise said, that, since the Queen was now engaged in a war, the publick peace could not be secured without such a force, and such taxes to maintain it, as the present state of affairs required. The Duke of *Queensberry*, and his party were for continuing the Parliament. But the Duke of *Hamilton*, and the others, who had opposed that Duke in the last Parliament, complained highly of this way of proceeding. They said, that they could not acknowledge this to be a legal Parliament, nor submit to it, but must protest against it.

This was ominous; a Reign was to be begun with a Parliament liable to a dispute; and from such a breach it was easy to foresee a train of mischief likely to follow. The Duke of *Hamilton*, the Marquis of *Tweeddale*, the Earl of *Marefibal*, the Earl of *Rothes*, and a great many of the Nobility and Gentry went up to *London*, and represented to the Queen, and those in favour with her, their exceptions to all that was intended to be done. Every thing, which they said, was heard calmly; but the Queen was a stranger to their laws, and could not take it upon her to judge of them; and therefore it was determined by the advice of the Privy-Council of that Kingdom. The Lords, who came up to oppose the Duke of *Queensberry*, continued to press for a new Parliament, in which they promised to give the Queen all that she could ask of them, and to consent to an Act of Indemnity for all that was passed in the former Reign. But it was thought, that the Nation was in too great a ferment to venture upon that; and some more time was necessary to prepare matters, as well as men's minds, before a new Parliament should be summoned. Both parties returned to *Scotland*, and, both being sensible, that the Presbyterian interest would with its weight turn that scale, into which it should fall, great pains were taken by both sides to gain that party. On the one hand, they were made to apprehend what a madness it would be for them to provoke the Queen in the beginning of her Reign, who might be enough disposed to entertain prejudices against them; which would be much heightened, if in a point, in which Conscience could not be pretended, they

"ment, was devolved upon her: And having (according to the petition of right and grievances) taken and signed the Coronation-oath, in presence of several of her Privy-Council; she thought fit to authorize them to continue to meet, and act as her Privy-Council of that her ancient Kingdom, until she should send them a new Commission for that effect. Moreover, her Majesty authorized and required them to publish an inclosed proclamation, ordaining all Officers of State, Counsellors, Magi-

"strates, and all other Officers, civil and military, to act in all things, conform to the Commissions and Instructions they had from his late Majesty, until new Commissions could be prepared and sent down. And her Majesty on this occasion, at her first Accession to the Crown, gave them, and all her good people, full assurance of her firm resolution, during the whole course of her Reign, to protect them in their Religion, Laws, and Liberties, and in the established Government of the Church."

(1) In

1702.

they should engage in a faction against her, especially when they could not say, that any cause of jealousy was given; but, on the contrary, the Queen had, in all her public letters, promised to maintain Presbytery; and, though that had given great offence in the late King's time, when those public letters were printed, yet now this passed without censure. The other party was as busy to inflame them. They told them the Queen was certainly in her heart against them: All those, who were now in her confidence, and particularly the Earls of Rochester and Nottingham, were enemies to the Presbyterian Government. Good words were now given them, in order to separate them from a national interest, knowing well, that, if they went off from that, and so lost the hearts of the Nation, they would lose that in which their chief strength lay: The party, that now governed, as soon as they should have carried the present point by their help, and rendered them odious by their concurrence in it, would strengthen themselves at Court by entering into the Episcopal interest, and trying to introduce Episcopacy into Scotland; which would soon be brought about, if the Presbyterians should once lose their popularity. Those were the methods and reasonings that were used on both sides.

A session of
Parliament in
Scotland.
Lockhart's
Hist. of
Europe,
Vol. vii.
Burnet.

The Parliament met at *Edinburgh*, according to the Queen's last adjournment, on the 9th of June, the Duke of *Queenberry* being appointed High-Commissioner. At the opening of it, Duke *Hamilton* demanded to be heard; and, though desired by the Lord Chancellor to sit still, till the Queen's Commission was read, and the House constituted, yet he persisted, and said, both in his own name, and in behalf of the other Members, who adhered to him, "That they were all heartily glad at her Majesty's happy Accession to the Throne of that Kingdom, not merely on the account that it was her undoubted right by descent, but likewise because of the many personal virtues and Royal qualities her Majesty was endowed with, which gave them grounds to hope, that they should enjoy, under her auspicious Reign, all the blessings, that could attend a Nation, which had a gracious and loving Sovereign united with a dutiful and obedient People. That they were resolved to sacrifice their lives and fortunes in defence of her Majesty's right against all her enemies whatever, and had all the deference and respect for her Majesty's Government and Authority, that was due from loyal Subjects to their rightful and lawful Sovereigns. But, that at the same time, that they acknowledged their submission to her Majesty's authority, they thought themselves bound in duty, by virtue of the obedience they owe to the standing laws of the Nation, and because of the regard they ought to have for the rights and liberties of their fellow-subjects, to declare their opinion as to the legality of this meeting. That they did not think themselves warranted by law to sit and act any

longer as a Parliament; and that, by so doing, they should incur the hazard of losing their lives and fortunes, if their proceedings should come to be questioned by subsequent Parliaments." He then read a paper, which contained the reasons of their dissenting from the proceedings of the other Members, who thought themselves impowered to sit and act as a Parliament, and was as follows: "Forasmuch as, by the fundamental laws and constitution of this Kingdom, all Parliaments do dissolve by the death of the King or Queen, except in so far as innovated by the 17th act of the 6th session of King *William's* Parliament last in being, at his decease to meet and act what should be needful for the defence of the true Protestant Religion, as now by law established, and maintaining the Succession to the Crown, as settled by the claim of right, and for preserving and securing the peace and safety of the Kingdom; and, seeing that the said ends are fully satisfied by her Majesty's Succession to the Throne, whereby the Religion and Peace of the Kingdom are secured, we conceive ourselves not now warranted by the law to meet, sit, or act, and therefore do dissent from any thing, that shall be done or acted." Then the Duke and seventy-nine of the Members, having taken instruments, withdrew out of the House, and left the others, who were an hundred and twelve, to sit and act by themselves; and, as they all passed from the Parliament-House to the *Cross-Keys-Tavern* near the *Cross*, they were applauded by the loud acclamations of an infinite number of people of all ranks and degrees.

Notwithstanding the secession of so many Members, the Duke of *Queenberry's* Commission to be High-Commissioner was read, as was also the Queen's letter to the Parliament, dated May the 15th, declaring, in the first place, the reason of this meeting, and her Majesty's firm resolution to maintain and protect her subjects in the full possession of their Religion, Laws, and Liberties, and of the Presbyterian Government of the Church. Then acquainting them with "the just causes of declaring war against the French King, and earnestly recommending to them, both the providing competent supplies for maintaining such a number of forces, as might be necessary for disappointing the enemy's designs, and preserving the present happy settlement: And the consideration of an Union between the two Kingdoms of England and Scotland, which was recommended by them to the late King." The several points of this letter were enforced by the speeches of the Duke of *Queenberry*, and of the Earl of *Marchmont*; and, the Parliament being met again on the 11th of June, they proceeded to appoint Committees for security of the Kingdom, for controverted elections, for drawing up an answer to her Majesty's letter, and for revising the minutes. Then overtures were read for the following acts, viz. An act recognizing her Majesty's Royal authority (1): An act for adjourning the Court

(1) In this act, besides the oath of Allegiance, was this of Assurance:

I A. B. do, in the sincerity of my heart, assert, ac-

knowledge, and declare, that her Majesty Queen ANNE is the only lawful, undoubted Sovereign of this Realm, as well de Jure, that is, of Right, as de Facto, that is, in the possession and exercise of the Government. And there-

1702. *Court of Judicature, called the Session: An act, declaring this present meeting of Parliament to be a lawful and free meeting of Parliament, and discharging any person to disown, quarrel, or impugn the dignity and authority thereof, under the penalty of High-Treason: And an act for securing the true Protestant Religion and Presbyterian Church Government: Which were read the first time, and the next day passed, and touched with the scepter. Six days after the Parliament's answer to the Queen's letter was read and approved, being conformable to all her Majesty's desires, and assuring her, that groundless secession of some of their members should increase and strengthen their care and zeal for her Majesty's service.*

On the other hand, the dissenting Members, of whom Duke Hamilton was the chief, having prepared an address to the Queen, to justify their proceedings, and sent up the same by the Lord Blantyre, the Queen positively refused to receive it, though she was pleased to allow his Lordship's access to her. Having well weighed this affair, she resolved to adhere to the Parliament convened by her authority, and in a letter to them, dated at St. James's, June 17, and read to the House on the 23d, resolved to own and maintain this present Session of Parliament, and the dignity and authority of the same, and of her High-Commissioner, against all opposers. In the mean time, the Parliament proceeded, and, on the 19th of June, an act for a supply of ten months cess upon all land-rents received the Royal assent; but, when this tax came afterwards to be levied, near one half of the Scots Nation refused to pay the same; so that, in many places, the Government was obliged to use forcible methods to raise it. It is also remarkable, that some days before Sir Alexander Bruce was expelled the House, on account of a speech made on the 11th of June, wherein, among other things, he affirmed, that "Presbytery was inconsistent with Monarchy; that it maintained a constant opposition to the rightful Sovereign; and, like vice and hypocrisy, and the other pests of mankind, it spread and flourished most in turbulent times of anarchy and rebellion; and that he did not wonder, that their predecessors, in cold blood, and taught by woful experience, preferred order and decency, in the House of God, to the pride and infallibility of a Pope in every parish." And, the Dean

and Faculty of Advocates having passed a vote among themselves in favour of the protestation and address of the dissenting Members, declaring, that they were founded upon, and in the terms of the laws of this Kingdom, they were upon that account, charged and prosecuted by the Lord Advocate before the Parliament, where, after long debates upon the matter, they were severely reprimanded; but the Nation was enraged to see that society attacked, for declaring their opinion in a point of law, relating to the foundation and constitution of Parliament, and consequently the liberty and right of the Subject.

On the 25th of June, the Royal assent was given to an act, for enabling her Majesty to appoint Commissioners for an Union between the two Kingdoms; though some Members dissented from it, because they could not get a clause inserted in it about the Presbyterian Church-Government.

The Succession to the Crown having been settled in England by two acts of Parliament on the House of Hanover, after her Majesty and her issue, in the Protestant line, and nothing of this nature having been done in Scotland, the Earl of Marchmont thought it proper to propose it at this time, and, contrary to the advice of his friends, and even the commands of the High-Commissioner, presented an act for abjuring the pretended Prince of Wales. But, tho' such as continued in the House were unanimous enough in other points, yet they could not agree in this (1); and, the party, who opposed the settling of the Succession at this time (which they alledged would be an obstacle rather than an encouragement to the designed Union) attempting to admit the dissenting Members into the House to their assistance, the High-Commissioner, fearing the ill consequences of this procedure, thought fit, on the 30th of June, to adjourn the Parliament to the 18th of August, having returned them thanks for their cheerfulness and unanimity in their proceedings. And, as soon as the Parliament was adjourned, the leading men of the different parties hastened to London, to make their several Representations of things to the Queen and her Ministers.

The Queen, pursuant to the power given her by acts of Parliament of both Kingdoms, appointed Commissioners for treating about an Union between England and Scotland (2). The

Commissioners to treat of an Union. Hist. of Europe, Vol. vii.

fore I do sincerely and faithfully promise and engage, that I will with heart and hand, maintain and defend her Majesty's Title and Government, against the pretended Prince of Wales, and his adherents, and all other enemies, who, either by open or secret attempts, shall disturb or disquiet her Majesty in the possession and exercise thereof.

(1) Mr. Lockhart, in his *Memoirs*, page 16, tells us, "That it may be thought strange, that this act did not pass currently in such a strangely made up meeting, and when such eminently famous and zealous Revolutioners were at the helm of affairs, and acted without any to controul them. And I presume the reasons were: First, The Commissioners had no instructions concerning it. Secondly, The Uncertainty how affairs would go in England. The Queen was but newly come to the Crown, and not well fixed in the Throne; and they foresaw they might expect little thanks, if the afterwards should favour the interest of the distressed Royal Family. And I have reason to believe, that the Queen and

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"her English Ministry were then inclined to keep the Succession in Scotland open, as a check and awaband upon the Whigs and Family of Hanover. And, lastly (as they pretended afterwards in England) that Parliament's title to act was controverted, and had so little authority in the Nation, as it was not fit to venture upon it, there being reason to believe few would have complied with it, and every body almost been highly disgusted. For these and the like reasons, it is possible, I say, the Commissioners and other Courtiers resolved to wave entering upon the matter."

(2) The Commissioners for England were,

The Archbishop of Canterbury,
Lord-Keeper Wright,
The Earl of Pembroke,
The Marquis of Northampton,

The Duke of Devonshire,

The Duke of Somerset,
The Earl of Jersey,
The Earl of Burlington,
The Earl of Nottingham,
The Earl of Rochester,
The Earl of Marborough.

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1702. Commissioners met, for the first time, on the 22d of October, at the Cock-pit, where, after reading both Commissions, Lord-Keeper Wright made a short speech on the occasion of their meeting, and was answered by the Duke of Queensberry.

As there was not a Quorum of the Scots Commissioners arrived in town, their meeting was adjourned by a letter from the Queen to the 10th of November; but, about the 20th of the same month, they met again; and, notwithstanding some previous objections made by the Lord-Keeper to the validity of the Scots Commission, they fully adjusted the preliminaries, of which this was one of the most considerable, "That nothing agreed on amongst themselves should be binding, except it be ratified by her Majesty, and the respective Parliaments of both Nations; and that, except all the heads proposed for the treaty were agreed to, no particular thing agreed on should be binding." The Lord-Keeper then proposed on the part of the English, "That the two Kingdoms should be inseparably united into one Monarchy under her Majesty and her heirs and successors, and under the same limitations, according to the acts of Settlement." And the Duke of Queensberry proposed on the part of the Scots, "That both Nations should be united in one Monarchy, and one Parliament, with a mutual communication of trade and privileges." The proposal of the English was readily agreed to; and the Queen, to quicken matters, came, on the 14th of December, and made a speech to them. The Scots Commissioners had given in six proposals, on which some considerations, as a subject-matter of debate, were delivered by the English Commissioners (1). But, when the Scots Commissioners gave in their proposals for preserving the rights and privileges of their Company trading to Africa and the Indies, such difficulties arose, as put a stop to all farther progress, and nothing more was done upon this Commission, which was annulled by the new Scottish Parliament called by the Queen, as will hereafter be seen.

Affairs of
Ireland.

Ireland was now put under Lords Justices,

named by the Earl of Rochester. The Earl of Mount-Alexander, Major-General Erle, and Thomas Knibbly, were appointed Lords Justices, in the room of the Archbishop of Dublin and the Earl of Drogheda, whom the Lord Rochester had left in the Government of that Kingdom. Mean time, the Trustees for the forfeited estates continued still in their former authority.

While affairs were in this situation at home, the first step that was made beyond sea, was by the House of Hanover. It had been concerted with the late King before his sickness, and was set on foot the week he died. The design was well laid, and the execution managed with great secrecy. The old Duke of Zell, and his nephew the Elector of Brunswick, marched in person with an army, that was rather inferior in strength to that of the Duke of Wolfenbuttle. They entered their country, while their troops were dispersed in their quarters. They surprized some regiments of horse, and invested both Wolfenbuttle and Brunswick at once, and cut off all communication between them. Having them at this disadvantage, they required them to concur in the common Councils of the Empire; to furnish their quota for its defence, and to keep up no more troops than were consistent with the safety of their neighbours. For it was well known, that the greatest part of their men were subsisted with French pay, and that they had engaged themselves to declare for France, as soon as it should be required. Duke Rudolph, the elder Brother, was a learned and pious Prince; but, as he was never married, so he had transferred the Government to the care of his Brother Duke Anthony, who was of a temper very different from his Brother's. He could not bear the advancement of the House of Hanover, and therefore, in opposition to them, entered into the interests of France. But, being thus surprized, he went away in discontent, and his Brother broke through all those measures, in which he had involved himself. In conjunction with Duke Anthony, the Duke of Saxe-Gotha had entered into the same engagements with France, but was now forced to fall into the common interests of the Empire.

1702.

Affairs in
Germany.
Burnet.

Thus

The Earl of Scarborough,
The Bishop of London,
Sir Charles Hedges,
The Chief Justice Holt,
The Chief Justice Trevor,
Sir John Lewison Gower,

Sir Christopher Musgrave,
Sir John Cook, L. L. D.
Robert Harley,
Charles Godolphin,
Samuel Clarke,
Stephen Waller, L. L. D.

The Commissioners of Scotland, were,

The Duke of Queensberry,
The Duke of Argyll,
The Marquis of Anandale,
The Marquis of Lothian,
The Earl of Seafeld,
The Earl of Hyndford,
The Earl of Leven,
The Viscount Tarbat,
The Viscount Stair,

The Lord Galway,
The Lord Boyle,
Sir James Stuart,
Sir George Maxwell,
Sir James Smallet,
Sir Alexander Douglass,
Sir David Dalrymple,
Sir Patrick Johnston,
Mr. Montgomery,
Mr. Scrimger,
The Provost of Aberdeen.

Dr. Davenant was appointed Secretary to the English Commissioners, and Robert Pringle to the Scots. Hist. of Europe, VII. 457.

(1) The substance of the six proposals given in by the Scots Commissioners was as follows: 1. That there should be a free trade betwixt the two Kingdoms without distinction. 2. That both should be liable to an equal imposition for export and import; and that a book of rates should be adjusted for both. 3. That the Subjects and shipping of both Kingdoms have an equal freedom as to the Plantation-trade, and be under the same regulation. 4. That the act of navigation, and all others in both Kingdoms, inconsistent with the said proposals, be repealed. 5. That neither of the Kingdoms be burthened with the debts contracted by the other before the Union; and that the equality of imposition in the second proposal be understood with an exception of the impositions laid on and appropriated by the Parliament of England for payment of their debts; or, if an equality of imposition on trade be thought necessary, that there be allowed to Scotland an equivalent. 6. That the former proposals were made without prejudice to the companies or manufactures of either Kingdom, which are referred to the further consideration and progress of this treaty. The considerations on these proposals delivered by English Commissioners were these: As to the first article, the Lord Commissioners for England agreed, That there should be "a free trade for the native commodities"

dit do

1702.
The war
in Poland.
Ibid.

Thus all the North of Germany was united, and ready to declare against France: Only the war of Poland was so near them, that they were obliged to continue armed, and see the issue of that war. The King of Sweden was engaged in it, with such a determined opposition to King Augustus, that there was no hope of treating a peace, though it was endeavoured both by England and the States-General. His Swedish Majesty seemed to have accustom'd himself to fatigue and danger; so that he grew to love both; and though the Muscovites had fallen upon the frontiers of Sweden, where they had gained some advantages; yet even that could not divert him from carrying on the war in Poland. A dyet was summoned in that Kingdom, but it broke up in confusion, without coming to any conclusion; only they sent Ambassadors to the King of Sweden to treat of a peace. The King of Prussia was very apprehensive of the consequences of this war, which was now in the neighbourhood of Prussia; and the King of Sweden threatened to invade Saxony with the troops, that he had in Pomerania, which could not be done but through his territories. The King of Sweden delayed giving audience to the Ambassadors of Poland, and marched on to Warsaw; upon which the King of Poland retired to Cracow, and summoned those Palatines, who adhered to him, to attend him. When the King of Sweden came to Warsaw, he sent to the Cardinal Primate to summon a dyet for choosing a new King; which was going further than the resentments of the Poles yet carried them. But the progress of this affair will appear in its proper place.

A treaty
with the
House of
Bavaria.
Burnet.

All Germany was now united, except the two Brothers of Bavaria. The Court of Vienna entered into several negotiations with the Elector of Bavaria, but without any effect; for that Elector seemed only to hearken to their propositions, that he might make the better terms with France. The Elector of Cologne put Liege, and all the places he had on the Rhine, into the hands of the French, except Bonne; which, it was said, he kept with the view of being able to make peace with the Emperor, by putting that in his possession, though he was prevailed on afterwards to deliver that likewise to the French. In this conduct the Elector acted against the advice of all his Council; and, as the Dean of Liege was making some opposition to

him, he was seized on, and carried away prisoner in a barbarous manner. The Elector, to excuse his admitting the French into his country, pretended, that he only desired the assistance of some of the troops of the Circle of Burgundy, to secure his dominions; for, as France was not ashamed of the slightest pretences, so she taught her Allies to make excuses unbecoming the dignity of Princes.

Thus the Confederates seemed to begin the war against France under many and great disadvantages: Besides, that the Electors of Bavaria and Cologne had declared for France, and the Elector of Saxony King of Poland, on account of his war with Sweden, was hindered from sending his full proportion of troops, a Prince of the House of Bourbon was now on the Throne of Spain (which had formerly acted in concert with England and Holland) a French army had over-run the State of Milan; and, to this army, the Duke of Savoy (engaged to France by the double marriage of his two daughters) had joined his forces. The Emperor had sent his veteran troops under the command of Prince Eugene, to keep the French at a bay in Italy; and all the Spanish towns on the frontiers of Holland were garrisoned by French soldiers. But notwithstanding all these visible disadvantages, by the wife and steady counsels of England, the prudent management of the public Treasury, the just measures concerted by the Earl of Marlborough with foreign powers, the bravery and resolution of the Confederate troops, and the experience and good conduct of their Commanders, it was soon concluded by all, who were judges of such matters, that the Allies would, in the end, prove an over match for France.

Negotiations were still carried on in several Courts. Mr. Melbuen was sent to try the Court of Portugal; and he quickly returned with full assurances of a neutrality and a freedom of trade in the ports of that Kingdom; and, as insinuations were given of a disposition to go further upon a better prospect and better terms, he was immediately sent back to urge that matter as far as it would go. The Pope pretended he would keep the neutrality of a common Father, but his partiality to the French appeared on many occasions; yet the Court of Vienna had that veneration for the Holy See, that they contented themselves with expostulating, without carrying their resentments farther. The Venetians and the

1702.

Posture of
affairs in
the begin-
ning of the
war.

"dities of the growth, product, and manufacture of both, with an exception as to wool and sheep-fells, and with equal duties on home-consumptions respectively; and that the masters, mariners, and goods of Scotland be under the same penalties as those of England." To the second they desired there might be added, "That the same imposition and prohibition should be the same in both as to the import and export." To the third their Lordships said, "That the Plantation-trade was the property of England, and of such consequence as not to be communicated, till the other particulars, which should be thought necessary to the Union, were adjusted; and that in this article there should be provision made, that Scots-men be liable to be pressed in time of war for her Majesty's service." To the fourth they agreed, "That the act of navigation be accommodated to the Union." To the fifth, they thought it contradicted what was agreed in the second; and said, "There was no duty on trade, except

"some of the funds of the civil Government, but what was appropriated to pay private debts; and though those debts were contracted by a long war, entered into more particularly for the preservation of England and the dominions thereto belonging; yet Scotland had tasted the benefit of the preservation of the opposition made to the growth and power of France; and that Scotland would be abundantly compensated for that burden by a complete Union, which could not be established with equality, unless there were the same duty in both Kingdoms on Foreign and Home-consumption: But how the money arising from thence in Scotland should be applied, or what equivalent should be allowed the Scots for it, might be settled, when their Lordships came to propose what proportion Scotland should bear of the public burden for the support of the Government in peace and war. For the sixth proposal, they desired it might be further explained." *Hist. of Europe*, vii. 461.

(1) *Kaiserfuwart*,

1702. the Great Duke followed the example set them by the Pope, though the *Venetians* did not escape so well, for their country suffered on both hands.

The siege of
Keyser-
waert.
Hist. of
Europe,
Vol. vii.
Burnet
Broderick.

The first step of the war was to be made in the name of the Elector *Palatine* in the siege of *Keyserwaert* (1), which had been put into the hands of the *French* by the Elector of *Cologne*, and which, whilst in their hands, exposed both the Circle of *Westphalia* and the Dominions of the States; for their places on the *Wall*, being in no good condition, lay open to the excursions of that garrison. The trenches had been opened before this town on the 18th of *April*; and the care of the siege committed to the Prince of *Nassau Saarlbrugh* (declared the Emperor's *Marshall de Camp*) under whom the *Dutch* served as Auxiliaries to the Emperor, the States not having declared war against *France*. Another army of the *Dutch* was formed under the Earl of *Aiblone*, and lay in the Duchy of *Cleve* to cover the siege; and a third commanded by General *Coborn* broke into *Flanders*, forced and demolished the lines between the two forts of *St. Donat* and *Isabella*, which the enemy had been many months raising with great labour and expence, and laid the greatest part of the *Châtelanie* of *Bruges* under contribution. However, after these successes, upon the approach of the Marquis de *Bedmar* and the Count de la *Motte* with the *French* troops under their command, which were superior in number to him, *Coborn* was forced to retire under the walls of *Sluys*; but, to prevent the enemy's taking fort *Donat*, he first laid the country under water, and forced the *Spaniards* to retire towards *Ghent*.

Motions of
the French
army.

Marshall de Boufflers, having drawn his troops together, and laid up great magazines in *Ruremond* and *Venlo*, passed the *Maeſe* with his whole army, and, the Duke of *Burgundy* coming post from *Paris* to command it, the States were apprehensive, that so great a Prince would, at his first appearance, undertake something worthy of himself, and, believing the design might be upon *Maestricht*, threw twelve thousand men into that place.

The sending away so large a detachment, the auxiliary troops from *Germany* not coming so soon as expected, and contrary winds having stopped a great part of our army, were the occasions, that the Earl of *Aiblone* was not strong enough to enter into action with the *Marshall de Boufflers*. He encamped therefore at *Clarenbeck*, between *Nimeguen* and *Cleve*, to watch his motions; and, while *Boufflers* lay at *Zanſen* near *Cleve*, the Earl, having detached Major-General *Dampre* with a thousand horse towards the enemy, he happened to meet a party of about six hundred *French* horse, whom he attacked and totally defeated, killing two hundred on the spot, and taking as many pri-

soners, with the loss only of about thirty troops and dragoons.

The siege of *Keyserwaert* went on but slowly. The trenches had been opened on the 18th of *April* with little loss; and on the 20th, the besiegers did great execution by the bombs, which they threw into the town. But the enemy made a vigorous sally, with design to ruin the works of the besiegers. The *Dutch* repulsed them twice with great bravery; but, not being succoured in time, and being inferior to the enemy, they were forced to quit their post, and make a retreating fight, till at length, the cavalry, designed for their relief, coming up, the enemy were, in their turn, constrained to retire with great precipitation. On the 21st and 22d the enemy made two sallies more, but with much the same success, and in the latter were pursued to the counterſcarp, leaving a great number of dead and wounded men upon the spot; and at the same time the Brigadier, who commanded them, was taken prisoner. On the 23d, in the morning, twelve hundred *Prussians* attacked an Island in the *Rhine* about six hundred paces broad, a little below the town, in which two hundred *French* were posted, who had built several works and fortifications, and had two several batteries there. Upon the approach of our men, they fired very briskly; but the Prince of *Anbault Desſaus*, who commanded, managed the affair with that prudence and valour, that the *French*, after a whole day's resistance, being summoned to yield, or run the hazard of being put to the sword, mutinied against their Officers, and, throwing down their arms, surrendered at discretion. The Commander in chief was so enraged at this, that he laid violent hands upon himself; and the rest of the Officers, attempting to make their escape in a little boat, were all killed, except a Captain and a Lieutenant. The next day, *April* 24, the besiegers carried their trenches within two hundred paces of the town, and had four batteries continually firing, with which they had made considerable breaches in the rampart, so that they intended to make an attack upon the counterſcarp; for which purpose a good number of fascines and wool-packs were prepared, it being thought, that by those proceedings the town would soon surrender. However, the Confederates were very much mistaken in their calculation; for, though they proposed at first to be masters of that place in three weeks, they found it held out near two months, and had like to have proved a bad beginning of a new war. For Count *Tallard*, having posted himself with his flying camp, on the other side of the *Rhine*, fired from thence with so much success, that the besiegers, notwithstanding their intrenchments, were very much incommoded, and had, besides, the mortification to see the besieged succoured from that camp with troops, ammunition, and all necessary

(1) *Keyserwaert* is a town below *Dusseldorp*, on the *Rhine*, mean, but well fortified; and did belong to the Elector of *Cologne*. It had a broad ditch, very regular fortifications, and high walls faced with brick: As also the counterſcarp, which was in a very good condition. It is seated on the North of the *Rhine*, six German miles between *Cologne* to the North-West, and the same distance from *Gulick* (or *Juliers*) to the

North. The *French* possessed themselves of it for Cardinal *Furstemburg* in 1688, but the late Elector of *Brandenburg* retook it in the year 1689, and delivered it to the Elector of *Cologne*, who in 1701 received a *French* garrison into it, which continued there till it was taken by the army of the Allies. It is now subject to the Duke of *Neuburg*.

(1) Father

1702. cessary refreshment, which, with the excessive rains that swelled the *Rhine*, to the great prejudice of the Assailants, occasioned the length of the siege. However, all this while, the Besiegers cannonaded the town, and battered the outward fortifications with forty-eight great guns, and thirty mortars; so that it was almost reduced to ashes, when they resolved to make a general attack on the counterscarp and ravelin. This they executed with unparalleled bravery. The conflict was obstinate and bloody, for nothing was to be seen for two hours, but flame and smoke: But at length the Besieged were constrained to give ground, and leave the Besiegers masters both of the ravelin and the counterscarp, upon which they immediately lodged themselves. The Prince of *Nassau Saarburch* performed prodigies of valour, giving his orders with great contempt of the danger and admirable presence of mind; and all the other Officers and Soldiers behaved themselves in this action beyond expectation. This advantage, however, cost the Confederates very dear (1); for they had six hundred and eighty men killed, and one thousand nine hundred and two wounded in the action; but it likewise so much weakened the garrison, that they were forced to capitulate, and obtained honourable terms. The fortifications were razed according to agreement.

The town
surrenders
Jan. 15.

Upon the taking of the counterscarp, Count *Tallard*, finding that he could be of no farther service to the besieged, joined the grand army under the command of the Duke of *Burgundy*, which, by the calling in of all their other detachments, and particularly of the *French King's* household-troops, became greatly superior to that of the Confederates under the Earl of *Athlone*; and they were so sensible of it, that they resolved to put in execution, without delay, the following design, of which they had for some time before boasted.

An attempt
upon
Nime-
guen.
Broderick.
Burnet.

On the 10th of *June*, N. S. the Marshal *de Boufflers* decamped from *Zanten*, and directed his march, without sound of trumpet or beat of drum, through the plains of *Goch* towards *Mooken-Hyde* close by *Nimeguen*, with a view to get between the Confederate army and that city, and so to cut them off from their provisions, ammunition, and forage. Upon this the Earl of *Athlone*, having early information of the enemy's motion, and discovering their design, called a Council of General Officers, wherein it was unanimously resolved, that the Confederates should begin their march that evening. The baggage was accordingly sent to *Nimeguen*, and, after several marches and regulations, the Earl about break of day received particular intelligence of the strength of the enemy, and caused the cavalry to be drawn up in order of battle to cover the march of the infantry. About eleven in the morning, the *French* horse advanced in great numbers, with the household-troops at the head, and pressed upon the Earl, who behaved himself with great

resolution. However, as the Confederate squadrons were wheeling, the *French* troops pushed them upon the foot, and put two or three battalions into confusion; but, by the conduct of the General Officers, the enemy was soon repulsed. On the other side there happened an encounter between some of the squadrons of the *French King's* household, some *Danish* squadrons, and some of the Earl of *Athlone's* carabineers, who so remarkably distinguished themselves upon this occasion, that the *French* were repulsed, though with considerable loss on both sides. By this time, the Confederates were got under the cannon of *Nimeguen*, which, soon after, began to play upon the enemy, and the Burghers signalized themselves on this occasion in an extraordinary manner; for, though they had not a Gunner in the town, they managed their artillery with great success. The *English*, who had the honour to close the retreat, maintained their post in excellent order, being assisted by the Prince of *Wurtemberg*, who put a stop to the household-troops, which were advanced very near them, and preparing to charge them towards the end of their march. Twenty battalions of foot were posted in the outworks of *Nimeguen*, and the whole army was under arms all that night, as was the enemy likewise. The next morning, a great body of *French* horse and foot advanced towards the Allies, as if they intended to attack them; but this they did only to cover the march of their own army, which filed off towards *Cleve*, venting their rage at their disappointment upon the defenceless Country, which they rifled and laid waste, destroying the park of *Cleve*, and all the delicious walks and avenues of that charming place. Thus was Marshal *Boufflers* disappointed in his design upon *Nimeguen*, which, if taken, must have been followed with very fatal consequences, for the *French* would have penetrated into the very heart of the *United-Provinces*: It was but indifferently provided for an attack, and the scheme was well laid against it, and wanted but little of being punctually executed, the enemy missing but half an hour of arriving in the outworks before the Confederates. The Earl of *Athlone's* conduct on this occasion raised his credit, as much as it sunk Marshal *Boufflers*, who, though he had a superior army, animated by the presence of so great a Prince as the Duke of *Burgundy*, was able to do nothing, but was unsuccessful in every thing that he designed; and his parties, that at any time were engaged with those of the Earl, were defeated in almost every action.

The unsuccessful attempt upon *Nimeguen*, and the reduction of *Keyserwaert*, were not the only mortifications, which the *French* suffered; for, their army in *Germany* being but weak, and drawing together but slowly under the command of Marshal *de Catinat*, the *Germans* had an opportunity of laying siege to *Landau* (2). This strong and important place was invested

1702

(1) Father *Daniel*, in his *Historical Journal of the Reign of Lewis XIV.* asserts that this place cost the Allies more men than they would have lost in a pitched battle, to the number of seven or eight thousand.

(2) *Landau* is a little but strong City of *Germany* in the *Lower Alsatia*, upon the confines of the *Palatinate* N^o 36. Vol. III.

of the *Rhine*; once Imperial, but yielded to the *French* by the treaty of *Munster*. This Town was the great Magazine, where the *French*, after they had plundered most of the Towns of the *Palatinate* in 1688, laid up the booty, all which was burnt by an accidental fire in *May* 1689. It was now taken from the *French* by

1702. on the 16th of June, N. S. by Prince Lewis of Baden, who spent the rest of the month in raising batteries, and making his approaches; and, on the 27th of July, the King of the Romans arrived in the Confederate camp, in order to have the honour of taking the city: His train was so large, and his equipage so splendid, that the expense of it put all the Emperor's affairs in great disorder; the most necessary things being neglected, while a needless piece of pomp consumed so great a part of their treasure. The siege was stopped for some weeks for want of ammunition; but at last the citadel was taken by storm on the 9th of September, and, on the 12th, the City surrendered.

The Earl of Marlborough sets out to command the army. Burnett. Frederick.

This was the state of the campaign, before the Earl of Marlborough left England, from whence he set out on the 12th of May, and, upon his arrival at the Hague, having the character of Ambassador as well as Captain-General, he had several Conferences with the States, in which he gave them all possible assurances of the Queen's affection and resolution to support them in all emergencies. The Earl of Aiblone was set on by the other Dutch Generals, to insist on his quality of Velt-Marshall, and to have the command with the Earl of Marlborough by turns. But, though he was now in high reputation by his late conduct, the States obliged him to yield this point to the Earl of Marlborough, whom they declared Generalissimo of all their forces, and sent orders to all their Generals and other Officers to obey him. The Earl, on his part, made so modest and becoming a use of the power put into his hands, as soon gained him the hearts of all the General Officers under him; and, to the Earl of Aiblone in particular, he behaved in so obliging a manner, that the command seemed to be equal between them.

The army drawn together.

All things being now regulated with the Deputies of the States, the Earl left the Hague on the 30th of June, N. S. and went to Breda, from whence he sent what detachments could be spared from that place and other garrisons, to the camp at Nimeguen. He followed thither himself on the 2d of July, where, the next day, the Earl of Aiblone, Lieutenant-General Dopff, and the other General Officers, made him a visit; and, at an interview with them, he gave the necessary orders for drawing the army together. Nineteen battalions of the troops, which had been employed at the siege of Keyserwaert; the troops of Hesse and Lunenburg; the English forces from Breda under Major-General Lumley, and other troops, having joined the army, a camp was formed at Duckenberg and Budweick, consisting of seventy-six battalions of foot, and one hundred and twenty squadrons of horse and dragoons, amounting together to about sixty thousand men, with sixty-two cannon, eight mortars and hawbitz, and four and twenty pontoons. Thither the Earl went likewise, and, on the 8th, called a Council of war of all the General Officers, to concert the further operations of the campaign.

The Earl of Aiblone was always inclined to cautious and sure, but withal feeble counsels;

but the Earl of Marlborough, when the army was thus brought together, finding his force superior to the Duke of Burgundy, on the 16th, passed the Maese, and encamped at Over-Affelt near Grave, within two leagues and a half of the enemy, who had intrenched themselves between Geck and Gennep. On the 26th, the Confederate army repassed the Maese below the Grave; and, on the 28th, encamped at Geldorp, upon which motion the French passed the same river about Venlo. Two days after, the Allies removed from Geldorp to Grownbroeck, where finding a French garrison in the castle, seated in a morass, and surrounded by a double ditch and good palliades; a detachment, under the command of the Lord Cutts, briskly attacked it, and, with the assistance of four cannon and two hawbitz, after a short resistance obliged the garrison, consisting of a Captain and an hundred men, to surrender at discretion. The same day, the British artillery arrived in the camp from Holland, under convoy of two English regiments of horse, and two of foot, which had left England in the beginning of June. On the 2d of August, N. S. they advanced to Petit-Brugel, following the French, who retreated as they advanced, so close, that they were obliged to abandon the Spanish Guelderland, which was left to the discretion of the Confederates. The Earl of Marlborough was for venturing upon a decisive action, for which end, the whole army was ordered to their arms the next morning early. But the Dutch were afraid to put things to such an hazard, and would not consent to it. Penfionary Fagel, and those who had the Administration of affairs at the Hague, proceeded with the more caution, because, upon the late King's death, those, who had always opposed him, began to form parties in several of their towns, and were designing a change of Government; so that any public misfortune, in their conduct, would have given great advantages to these, who lay upon the watch for them. The Penfionary was more particularly aimed at; and that made him the more unwilling to run any risque. Those, who pretended to be judges, thought, that, if the Earl of Marlborough's advice had been followed, matters might have been brought to a happy decision; and the rather, as it afterwards appeared, that the French army was not above half got to their camp, greatly fatigued by an almost continual march of two days and two nights, and in the greatest consternation. But, as the Earl was prudent in his conduct of the army, so was he careful not to take too much upon himself.

The Duke of Burgundy finding himself obliged to retreat, as the Confederate army advanced, thought this was not suitable to his dignity; and therefore left Marshal Boufflers to command, ending his first campaign very ingloriously; and it appears, that the French King was dissatisfied with the conduct of the Marshal, for he never after repoted any confidence in him.

The Dutch, who were so lately in the deepest consternation upon the retreat of their army under the cannon of Nimeguen, before the

Earl

the Germans, but they retook it in 1703, as will be seen in the History of the next campaign. In 1704, the Imperialists reduced it again after the battle of

Blenheim. It stands on the Queich, eight miles South of Neustadt, and sixteen South-West of Spire.

(1) The

1702. Earl of Marlborough's arrival, had now the pleasure to see the French fly in their turn; and thus were the United Provinces preserved by the Earl's prudence and vigilance, whilst the Duke of Burgundy, who came to the army to be taught how to fight, learned nothing but how to avoid an engagement.

The Earl of Marlborough went on, taking several places, which made little or no resistance; and finding at length, that the French were not to be brought to an engagement on equal terms, and the Deputies of the States-General, who followed the army, having represented to him, that it was much more for the advantage of Holland to dispossess the enemy of the places they held in the Spanish Guelderland, whereby the free navigation of the Maese was interrupted, and the important town of Maestricht in a manner blocked up, he therefore disposed all things for the siege of Venlo. In the mean time, General Schultz was ordered to reduce the town and castle of Wertz, which capitulated after a short resistance.

On the 7th of September, the trenches were opened on both sides the Maese, and the town of Venlo surrendered on the 25th of the same month, after fort St. Michael had been stormed and taken by the English under the command of the Lord Cutts, who, with several other Officers of the same Nation, particularly the young Earl of Huntington (1), shewed an incredible bravery on that hazardous occasion.

The Earl proceeded with the army under his command to sit down before Ruremond, the second City of Guelders, standing upon the Maese, at the confluence of that river and the Roer; which, after a very vigorous siege, beat a parly on the 6th of October, and the next day surrendered upon articles. The same time Stevenswaert, a fortified place seated on the Maese, about five miles from Ruremond to the South, capitulated likewise. Upon the successes of the Confederates, Marshal Boufflers thought it high time to provide for the security of Liege (2), which he justly apprehended to be in no small danger. Being accompanied therefore with the Duke of Mayne, and taking with him some Engineers, he went to view the fortifications of the citadel, and, after that, the most considerable posts between that City and Maestricht, as if he intended to incamp there; but, finding it impracticable by the approach of the Confederates, who were marching towards Liege, he retreated to Tongeren

with great precipitation, and went towards Brabant, to defend such places, as at that time were not intended to be attacked.

When the Confederate army came before Liege, they found the Suburbs of St. Wandrille set on fire by the French garrison, who were retired, part into the citadel, and part into the Chartruse, after which the City was delivered up to the Besiegers, by a treaty between the Earl of Marlborough, the Deputies of the State-General, and Commissioners from the Chapter and Magistracy. Six days after, the trenches were opened against the great citadel, which was taken by storm, notwithstanding the resistance of the Governor, five days before upon a summons to surrender, that the Earl of Marlborough said, "That it would be time enough to think of that six weeks hence." The Assaults having exerted an amazing courage in this attack, and put most of the garrison to the sword, gained a considerable booty, besides honour; for, in the cash of treasure alone, there were three hundred thousand florins in gold and silver, and more for one million two hundred thousand florins upon substantial Mortgages at Liege, which were all accepted and turned into ready money (3). This victory was not yet completed by the surrender of the City, the garrison of which place, having capitulated, were conducted to Amberg.

Thus ended the campaign with great success, many places having been taken with little resistance, and an inconsiderable loss either of time or of men. The Earl of Marlborough's conduct gained him the hearts of the army, and the States-General were highly furnished with every thing he did; and the Earl of Arbonne did him the justice to own, that he had differed in opinion from him in every thing that was done, and that therefore the honour of their success was entirely owing to him.

Upon the breaking up of the army in November, an accident happened that had like to have lost all the advantages and honour gained in this glorious campaign. The Earl of Marlborough, the day the army separated, went to Maestricht; and he thought the easiest and quickest, as well as safest, way of returning to the Hague, was by some of those great boats that pass on the Maese. He had twenty-five soldiers, commanded by a Lieutenant, in the boat with him to serve as a guard. The next morning he came to Ruremond, where he joined Monsieur Coborn; and, having dined with the Prince

(1) The young Earl shewed, upon this and many other occasions, an extraordinary heat of courage. He called to the soldiers who had got over the palisades to help him over, promising them all the money he had about him; which promise he generously performed, and led them on with much bravery and success. Burnet II. 325.

(2) Liege is a very considerable City, situated in a pleasant valley, environed with hills, the river entering it in two branches, accompanied with lesser streams, which make many delightful islands. On the brow of a hill which hangs over it, stands the citadel (or castle) of great strength, built to command the town; without which, it would be but of small consequence. Here is a famous University, endowed with large Ecclesiastical Revenues: There are also eight Collegiate, and thirty-two Parochial Churches. It was taken this year by the Confederates, and invested in 1705.

by the French; who broke up the siege, and retired behind their lines, upon the news of the Duke of Marlborough's speedy return with his army from the Moselle. It was restored to the Elector of Cologne in 1714.

(3) 'Tis said an English Grenadier got a thousand Louis Dor's in a bag for his share. The extraordinary bravery of the hereditary Prince of Hesse Cassel deserves the highest encomium; who went Volunter to the attack at the head of the Grenadiers, and, mounting the breach the very first, took the colours from a French Officer. Mr. Wentworth (Brother to the Lord Raby) who likewise went Volunter in the said attack, was killed. Monsieur de Violaine (Governor of the citadel) and the Duke of Charost, were taken prisoners upon the breach, and brought to the Earl of Marlborough's quarters.

(1) This

1702. Prince of *Holstein-Beck*, Governor of that place, they continued their voyage together, having sixty men in a larger boat, which was to be before them. There were likewise fifty horse ordered to ride along the banks of the river. About seven that evening they came to *Venlo*, where the party of horse being relieved by a like number out of that garrison, they pursued their way down the river. The great boat, in which General *Coborn* was, out-failed the other, and the troopers on shore mistook their way in the night. The *French* had yet the town of *Guelthers* in their hands, which was indeed the only place they had left in *Spanish Guelderland*. A party of five and thirty men from thence was lurking on the banks of the river near three leagues below *Venlo*, waiting for an adventure; and, the Company being all asleep, they seized by surprize, between eleven and twelve at night, the rope by which the boat was drawn, and hauled it on shore. They immediately made a discharge of their small arms, and threw several grenades into the boat, by which some of the soldiers were wounded.

This done, they entered and seized the boat, with all who were in it, before they could get in any order to make opposition. With the Earl were Monsieur *Opdam*, one of the *Dutch* Generals, and Monsieur *Gueltermalsen*, one of the Deputies of the *States*. They did not know the Earl, but they knew the other two, who both had passes, according to a civility usually practised by the Generals on both sides. The Earl of *Marlborough's* Brother had one, but, his ill state of health having made him leave the campaign, it remained in the hands of his Secretary, and now was made use of by the Earl. The date indeed was out; but the presence of mind, with which he produced it, and their hurry in the night, prevented that from being considered. They therefore only rifled the boat, searched the trunks and baggage, emptied them of what plate and things of value they found, and took presents from those, whom they believed to be protected by their passes; and then, after having stopped them several hours, and taken the Earl's guard of foot prisoners, they let them go. The Governor of *Venlo*, having notice that the Earl was taken, but not being informed of the circumstances which followed, presumed that he was carried prisoner to *Guelthers*, and therefore marched out immediately with his whole garrison to invest that place. The news of it, likewise coming to the *Hague* in the same imperfect manner, put the *States* under no small consternation. They immediately assembled, and resolved to send orders to all their forces to march immediately to *Guelthers*, to threaten the garrison with the utmost extremities, unless they should deliver the prisoners, and never leave the place, till either they had taken it, or the Generals were set free. But, before these orders could be dispatched, the Earl of *Marlborough* came to the *Hague*, where he was received with inexpressible joy, not only by the *States*, but by all the inhabitants, for he

was beloved there to a high degree. He was complimented upon his escape by Pensionary *Heinsius*, in the name of the *States*. 1702.

The necessity of the *French* King's affairs had forced him, before the loss of *Landau*, to grant the Elector of *Bavaria* all his demands; *Ulm*, but he had not agreed to what the Elector asked, till that City was given for lost; and then, seeing that the Prince of *Baden* might overrun all the *Hondruck*, and carry his winter-quarters into the neighbourhood of *France*, it was necessary to gain this Elector on any terms. If this agreement had been made sooner, probably, the siege of *Landau*, how far soever it was advanced, must have been raised. The Elector made his declaration in favour of *France*, when he possessed himself of *Ulm*, a rich free town of the Empire, in the Circle of *Swabia*. It was taken, on the 8th of *September*, by a stratagem, that, however successful it proved to the Elector, was fatal to him, who conducted it; for he was killed by an accident, after he was possessed of the town (1).

The dyet of the Empire was so incensed at the treachery of the Elector of *Bavaria* in seizing *Ulm*, that, after a warm debate, it was resolved by a plurality of voices, to declare war against the *French* King and the Duke of *Arjou*; and a memorial was ordered to be drawn up, requesting his Imperial Majesty to proceed against the Elector, according to the Constitutions of the Empire. The Ministers of the Electors of *Bavaria* and *Cologne* were forbid to appear any more in the general dyet; notwithstanding which, the Elector of *Bavaria* protested against these proceedings, and particularly against the declaration of war, alledging, "That an offensive war, like this, ought to be resolved on by common consent, and not by plurality of voices." To which it was answered, "That the King of *France* had attacked the Empire, by invading, not only in his own name, but in the name of the Duke of *Arjou*, his grandson, several fiefs of the Empire in *Italy*, the Archbishoprick of *Cologne*, and the Diocese of *Liege*; as also by disturbing the trade of the *Rhine*, and committing several other hostilities, which rendered this war defensive, and not offensive, on the side of the Empire." But no regard was had to his protest; and the Empire's declaration of war was published and notified to the Cardinal of *Lamberg*, the Emperor's Commissioner, on the 30th of *September*, N. S. by the Elector of *Mentz*, in the name of the dyet of *Ratisbon*.

The taking of *Ulm* had given so great an alarm to the neighbouring Circles and Princes, that they called away their troops from the Prince of *Baden* to their own defence; by which means his army was much diminished; but, with the troops, that were left him, he studied to cut off the communication between *Straßburg* and *Ulm*. After the taking of *Ulm*, the *French* made themselves masters of the little town of *Newburg*, on the *Rhine*, and in the circle of *Swabia*. This gave great uneasiness to Prince *Lewis* of *Baden*, who

(1) This project was executed by Monsieur *Pekken* Lieutenant Colonel of the Elector's Guards. *Ulm* is a strong and populous City in the Circle of *Swabia*, free and imperial, adorned with many stately edifices;

particularly with a Cathedral extolled beyond any in *Germany*. It stands on the *Danube* and *Iller*, thirty-eight miles West of *Augsburg*.

(1) Father

1702. who made a motion with part of his army, to retake it, and to cover *Brissac*; but he was so much weakened by the detachments, that had been sent to *Swabia*, in order to hinder the conjunction of the *Bavarians* and *French*, that he had not above eight thousand men in his camp near *Fridlinguen*. The enemy, having intelligence of this, thought there could not be a more seasonable opportunity to attack him; for which purpose, the *French*, who were divided in two bodies (one commanded by the Marquis de *Villars*, and the other by Count de *Guiscard*) passed the *Rhine* with the infantry, which, the next day, were followed by the cavalry. The Prince of *Baden*, upon this, decamped from *Fridlinguen*, for fear of being inclosed by the two bodies of the *French*; and, whilst he was upon the march, Count *Merci*, who brought up the rear with four hundred horse, sent him word, that *Villars* was advancing towards him with thirty battalions and forty squadrons, in order of battle. Hereupon the Prince caused his army to face about, which being not above fifteen hundred paces from the enemy, both sides made a halt, and the Prince began the engagement, by cannonading the *French*. The Imperialists, being then attacked, pushed the enemy with great vigour; and, coming down into the plain, charged so briskly the right wing of the *French* army, that there was scarce ever seen a more obstinate and bloody battle, which continued for near two hours. But, the Imperialists being much weaker than the *French*, and the Count de *Guiscard* coming up with succours, the second line of the Imperial cavalry was, on a sudden, put into such disorder, that all the horse quitted the field in great confusion. The Prince now thought it high time to make the best retreat he could with his infantry; but they, contrary to his expectation, fell in with the *French* foot with such undaunted bravery,

that they broke their ranks, and drove them from their ground into a wood adjoining, thence which they pursued them almost to *Hunningen*. The *French* horse all this while stood still, and seemed to be only spectators of the defeat of their infantry; but, observing their foot to be intirely routed, they likewise made their retreat.

The Prince, having thus obtained the victory, continued about five hours in the field of battle, and then directed his march towards *Stauffen*. Notwithstanding these disadvantages of the enemy, the *French* King ordered *Te Deum* to be sung, as if his troops had been victorious (1); and, to support the reputation of it, asserted, they took *Fridlinguen* the next day, and, upon this occasion, raised the Marquis de *Villars* to the dignity of Marshal of *France*. But, Prince *Lewis* of *Baden* being willing to let all the world know the contrary, and that this action had no ways disconcerted his measures, he made three detachments from his army; one towards the *Black Forest*, to block up the passage into *Bavaria*; another, to attack *Newburg*; and a third, to reinforce the Prince of *Saxe Meiningen*, who was observing the motions of Count *Tallard* and the Marquis de *Lomaria*. But, before this, he assembled all his troops, and being reinforced by General *Tungen* with fifteen hundred men, he formed so considerable an army, that he desired nothing more than a second engagement with *Villars*; and for that purpose advanced with his army, intending to attack him. But the Marshal, not thinking fit to wait his approach, repassed the *Rhine*, and so was disappointed by this action of joining the Elector of *Bavaria*.

The latter end of *October*, Count *Tallard* and *Treves* and *Traerbach* taken by the Marquis de *Lomaria*, with a body of eighteen thousand men, made themselves masters of *Treves*; and, there advancing towards *Traerbach*, the *French* they took that place after a very stout resistance. Brodriek.

On

(1) Father *Daniel* affirms, that Marshal *Villars* defeated the Imperial army in this battle; and that the latter left three thousand dead upon the place; and that nine hundred were taken prisoners, besides eleven pieces of cannon, thirty-five standards, four pair of kettle-drums, and five hundred waggons laden with ammunition; whereas the *French* lost only one thousand or eleven hundred men. The Marquis de *Feuquieres*'s account of this battle is as follows: "The action, says he, at *Fridlinguen* has been dignified with the name of a battle, though it was properly no more than a great engagement of foot and horse, since both those bodies fought separately. The particulars are these: Marshal de *Villars*, having been detached with a body of troops from the King's main army in *Alsatia* to defend a work raised for the security of the bridge of *Hunningen*, which the enemy seemed disposed to attack, formed his camp on this side of *Hunningen*, and near enough to protect the outworks, and with a view to improve the enemy's decampment to the best advantage in his power, should that incident happen. The enemy's forces were incamped in a plain, that extended between the *Rhine* and a mountain opposite to the work, that covered the bridge. Their left was near the territory of *Basel*, and their right was stretched out towards the village of *Fridlinguen*, in the front of which was a large redoubt built since the war began, to secure the country against the incursions of the garrison of *Hunningen*. In this disposition of our troops and those of the enemy, M. de *Villars* was attentive to the manner in which the latter would decamp, when they should be preparing for their winter-quarters. The enemy neg-

lected the necessary precautions, when they decamped, through a persuasion, that they might form that motion, without any apprehensions of being pursued in their retreat; and that they should soon be at a secure distance from an army, which must pass the *Rhine* on a single bridge, in order to be vigilant enough to incommode their rear-guard. They likewise proposed to march their foot on the rising ground behind their camp, and the horse were to advance on their right, and pass through the defile of *Fridlinguen*, which was fronted by the redoubt abovementioned. When the enemy began to form their motion in the view of M. de *Villars*, this General gave orders for his army to pass the *Rhine*; which they accordingly did with all possible expedition: After which he divided them in the same manner as he had seen the enemy's forces disposed, when they began their retreat. The foot marched under the command of M. *Desbordes* to the eminence, on which the enemy's foot were in motion; and, as these did not wheel about to oppose our forces, who ascended the rising ground with great difficulty, they soon beheld their rear-guard approached by our foot, who marched with such immoderate vivacity, that they were obliged to halt, till they could recover breath. Had the enemy advanced to our battalions, while they were thus incapable of defending themselves, they, in all probability, would have been victorious. But M. de *Villars*, who had entertained just apprehensions of this inconvenience, marched thither in person, and gave the foot sufficient time to form themselves in order. The two bodies, however, did not charge in a line: Our foot advanced very near those of the enemy in 7 E "their

1702.

On the other side, the hereditary Prince of *Hesse Cassel*, marching from the grand army at *Leige* with nine thousand *Hessians*, and finding that the *French* had possessed themselves of *Zinck*, *Lintz*, *Brisac*, and *Andernach*, retook those places. The garrison of *Zinck* surrendered themselves prisoners of war; those of *Brisac* quitted the place upon the Prince's approach. But *Andernach*, being defended by a garrison of four hundred men, a good wall, rampart, and mole, made a longer resistance. However, the *Hessians* having raised a battery, and possessed themselves in the night of an advantageous post near one of the gates, in order to storm the place the next morning, the enemy beat a parley, and the Prince gave them leave to march out with their arms and baggage, but refused them the honour of any articles. He then marched away with two thousand men to attack *Lintz*, but the *French* immediately quitted the place, and retired to *Bonne*.

The war
in Italy.
Burnet.

In *Italy*, the Duke of *Vendôme* began with the relief of *Mantua*, which was reduced to great extremities by the long blockade, which Prince *Eugene* had kept about it, who had so fortified the *Oglio*, that the Duke, apprehending the difficulty of forcing his posts, marched through the *Venetian* territories, notwithstanding the protestations of the Republic against it, and came to *Gais* with a great convoy for *Mantua*. Prince *Eugene* drew his army all along the *Mantuan Fossa*, down to *Borghesfortes*. He was forced to abandon a great many places; but, apprehending that *Bersello* might be besieged, and considering the importance of that place, he put a strong garrison into it. He complained much, that the Court of *Vienna* seemed to forget him, and did not send him the reinforcements they

had promised. And it was thought, that his enemies at that Court, under colour of supporting the King of the *Romans* in his first campaign, were willing to neglect every thing, that related to him; by which means the best army, that the Emperor ever had, was left to moulder away to nothing.

King *Philip* of *Spain* took a very extraordinary resolution of going over to *Italy*, to possess himself of the Kingdom of *Naples*, and to put an end to the war in *Lombardy*. He arrived at *Naples* in *April*, and was received there with outward splendor, but made little progress in quieting the minds of that turbulent Kingdom. Neither did he obtain the investiture of it from the Pope, though his Holiness had sent to him a Cardinal Legate with a high compliment. This the *Germans* thought was too much, while the *French* considered it as not enough; however, upon it the Emperor's Ambassador left *Rome*. King *Philip* was conducted from *Naples* to *Final* by the *French* fleet, that had carried him from *Barcelona* to *Naples*. As he was going to command the Duke of *Vendôme's* army, he was met by the Duke of *Savoy*, of whom there was some jealousy, that having married his two daughters so greatly, he began now to discern his own distinct interest, which called upon him to hinder the *French* from being masters of the *Milanese*. King *Philip* wrote to the Duke of *Vendôme* not to fight Prince *Eugene*, till he could join him. He seemed jealous, lest that Prince should be driven out of *Italy*, before he could come to share in the honour of it; yet, when he came, he could do nothing, though the Prince was miserably abandoned by the Court of *Vienna*. Count *Manfield*, President of the Council of war, was much suspected of being corrupted by the

1702.

King Phi-
lip goes to
Italy.
Burnet.

“ their retreat, but could not bring them to engage in
“ front; and therefore it cannot be said, that they
“ were defeated. The engagement between the horse
“ was much more decisive, partly through the neglect
“ of the Officer, who commanded the enemy's troops,
“ and partly through the prudence and capacity of M.
“ de *Magnac*, who commanded the King's forces in
“ this action. As the conduct of this General Officer
“ appears to me to have been very judicious and well
“ concerted on this occasion, I shall be as exact as possi-
“ ble in relating the particulars. I have already de-
“ clared, that the plain, where the enemy had in-
“ camped, extended to the village of *Fridlinguen*, the
“ avenue to which formed a considerable defile fronted
“ by a redoubt, where the enemy had planted cannon,
“ and posted a body of foot. The General Officer,
“ who commanded the enemy's horse, imagined,
“ when he began his march, that his troops would
“ have sufficient time to pass the defile, before they
“ could be overtaken by ours, who at that time had
“ not completed their passage over the *Rhine*. But
“ he was deceived in his expectation by the vigour of
“ our march, which was so extraordinary, that the
“ enemy was obliged to recall those of their troops,
“ who had entered the defile, and to form themselves
“ in order of battle, to receive our horse, who were
“ advancing to charge them. This body of the ene-
“ my's horse might have been disposed in such a man-
“ ner, as to have had their right covered by the re-
“ doubt, and their left might have been supported by
“ an inclosed country, that was impracticable for the
“ horse, who were at the bottom of the eminence,
“ on which the enemy's foot pursued their march.
“ The enemy by this disposition might have formed
“ three or four lines of battle, and have sustained the
“ charge of our horse, whose left would have been

“ exposed to the fire of the foot and cannon of the
“ redoubt, before they could be capable of engaging.
“ M. de *Magnac*, by a motion peculiar to the genius
“ of an experienced Officer, effectually disconcerted
“ the disposition, into which the enemy might have
“ formed themselves, and made them lose all the ad-
“ vantages, that would have resulted from it. When
“ the troops were on the point of action, he discovered
“ a seeming fear to engage, and caused the first line
“ to file off behind the second, as if he intended to
“ retreat with the greatest precaution. The enemy,
“ elated at their superior force, were persuaded that
“ this motion of M. de *Magnac* proceeded from his
“ fear to begin an engagement with an army, whom
“ he only intended to incommode in their retreat,
“ when he found their front engaged in the defile;
“ and upon this presumption they lost the advantage
“ of their disposition. Our General then advanced,
“ and at the same time formed an opening, to give his
“ troops an opportunity of doubling the first and se-
“ cond line. This motion could not be accomplished
“ without considerable danger so near an enemy, who
“ discovered such impatience to engage. But M. de
“ *Magnac* very judiciously improved this warmth of
“ theirs to his own advantage. The moment the ene-
“ my had disconcerted their order of battle, and, by
“ extending their right, lost the advantage of being
“ protected by the fire from the redoubt, he charged
“ them so opportunely, that he pushed their first line
“ upon the others, that were not intirely formed,
“ and drove them into the defile in the utmost confu-
“ sion, without any apprehensions of the fire from the
“ redoubt, which could not then be directed against
“ us, because it would have been equally fatal to their
“ own troops, who were intermixed with ours.”

(1) Father

The battle
of Luzzara.
Aug. 15.
Brodrick.
Hist. of
Europe,
Vol. vii.
Burnet.

1702. the Court of *France*: The supplies promised were not sent to *Italy*: The apprehensions they were under of the Elector of *Bavaria's* declaring, some time before he did it, gave a colour to those who were jealous of Prince *Eugene's* glory, to detain the recruits and troops that had been promised him, for the Emperor's own defence. But, though he was thus forsaken, the Prince managed the force he had with great skill and conduct; and when he saw that *Luzzara*, a castle near the *Po*, in the Duchy of *Guastalla*, was in danger, he marched with twenty-five thousand men against the *French* and *Spanish* army, which consisted of about forty thousand, commanded by King *Philip* and the Duke of *Vendosme*. He gave the signal of battle about five in the evening, on the 15th of *August*, and then the artillery began to play upon the enemy. About half an hour after, the right wing of the Imperialists charged the left of the *French*, and attacked them in their post, which extended itself along the banks of the *Po*; but without success; for the Prince of *Commercy*, who was extremely beloved, being killed on the spot, struck the troops commanded by him with such a consternation, that three battalions and as many squadrons were put into disorder by the enemy's small shot, and the furious onset of the cavalry, which charged the flank of the Imperial horse. But this confusion was soon over; for the battalions and squadrons, that gave ground, rallied again; and, several regiments advancing to their relief, they charged the enemy so vigorously, that they were driven from their post. And though the *French* King's *Gens d'Armes* made a very stout resistance, and rallied four times in their retreat; yet they were chased above a thousand paces, from one intrenchment to another. The left wing fought with as great resolution and intrepidity as the right; for Gene-

ral *Guido de Staremberg*, who commanded the infantry, began the attack with the Grenadiers; and, though the enemy endeavoured to penetrate their flank with their carabineers, the Imperialists stood their charge with such extraordinary courage and firmness, and afterwards fell upon them with so much bravery, that they could no longer stand it, but were forced to retreat. Sometimes they rallied by favour of the ground, and the superiority of their numbers; but, being repulsed three or four times, they were quite driven out of their posts; and night put an end to the engagement. All the Imperial Officers and Troops acquitted themselves of their duty to admiration. The *French* pretended to the honour of the action from the consequence of it, having, the next day, made themselves masters of *Luzzara*, and in the remaining part of the campaign dislodged the *Germans* from several small posts (1). But it must be owned by the Impartial, that the Imperialists gained the advantage of the day, having driven the enemy above a thousand paces from the field of battle, and actually incamped upon it. They likewise made themselves masters of their ammunition and provision, a great number of their tents, and of all their pioneering instruments. Besides, the enemy's loss was not computed to be less than eight thousand men; whereas, the number of the Imperialists was not more than two thousand six hundred and seventy-two killed and wounded. The event of this action also put the *French* to such a stop, that all they could do, after this, was only to take a few inconsiderable places; while Prince *Eugene* still kept his posts; and King *Philip*, at the end of so inglorious a campaign, returned into *Spain*, where the *Graudes* were extremely disgusted to see themselves so much despised, and their affairs wholly conducted by *French* counsels.

The

(1) Father *Daniel* tells us, that Prince *Eugene* claimed the victory without any other reason, than that his army was not put to flight; and that he had five or six thousand killed or wounded; whereas, on the *French* side, there were only between two and three thousand killed or wounded. He observes likewise, that scarce any but the foot were engaged, by reason of the disposition of the ground. The *Marquis de Feuquieres* gives the following account of this battle: "After the action at the *Croscola*, the King's army marched to *Luzzara*, and the bridges, which the enemy had on the *Po*, with an intention to cut off all their communication with *Mirandola* and the *Modense*. As they had several rivers and artificial canals to pass, they began their march with all proper precaution, and in as many columns, as they could possibly form. A body of horse was ordered to advance before the army, to give intelligence of what they discovered. We had not received any information, that Prince *Eugene* was in motion; and we believed him to be then in *Seraglio*, as he was when we approached him from *Mantua*. But this Prince had passed the *Po* with the greatest part of his army, and was then posted between this river and the *Zera*, and so well covered by the dike of *Zera*, that we had no suspicion of his being so near us with his army, because, when our march was almost completed, the Officer, who commanded the body of horse, that advanced before the army, had not the curiosity to ascend this dike of *Zera*, behind which the Emperor's whole army was drawn up. This negligence was too great in such a conjuncture, and should serve as a warning for the prevention of the like inconvenience. When

"the King's forces, who continued their march, and consequently were still in columns, were preparing to enter their camp at *Luzzara*, they immediately beheld themselves under the fire of the enemy's foot, who had been regularly drawn up below the reverse of the dike, and only waited to ascend it, in order to fire. We were obliged therefore, upon our arrival at our camp, to form ourselves in order of battle, and engage the enemy. Several hedges rose between the front of the army and the dike, so that it was impossible for the lines to charge in front. The enemy, however, attempted, in several places, to advance up to our battalions, but without any success. The horse to our right had an open country before them, and they had some encounters, though with very little effect, because the enemy saw, that the attack in front would not be so successful as they could wish, and that the horse of our right, who, in their march, had advanced a little too far beyond the columns of foot, had at that time recovered their ground, and formed a line to the right of the foot. This battle therefore was fought without any apparent advantage on either side. Our army, however, incamped within cannon-shot of the enemy, without perceiving them, because they were posted behind the dike, and we intrenched our camp with an intention to make ourselves masters of *Luzzara* and *Guastalla*, which lay in the rear of our left; and we accordingly took those places, and consequently decided the advantage in our favour, since the enemy continued for several days in their post, without making any attempt to preserve *Guastalla*. This project was framed by Prince *Eugene*, and would have

1702.

1702.
The
French
try to en-
gage the
Turks in
a war
with the
Emperor.
Affairs in
Poland.
Ibid.

The French tried this summer by all possible means to engage the Turks in a new war with the Emperor; and it was believed, that the Grand Vizir was intirely gained, though the Musli, and all who had any credit in that Court, were against it. But, the Grand Vizir being strangled, the design was prevented.

The Court of France was engaged likewise in another intrigue in Poland, where they made use of the Cardinal Primate to keep that Kingdom still imbroiled. The King of Sweden marched on to Cracow, which was much censured as a desperate attempt, since a defeat there must have destroyed him and his army intirely, being so far from home. He attacked the King of Poland, and gave him such an overthrow, that, though the army escaped, he made himself master both of their camp and artillery. He possessed himself of Cracow, where he stayed some months, till he had raised all the money they could produce; and, though the Muscovites with the Lithuanians destroyed Livonia, and broke into Sweden, yet that could not draw him back. The Duke of Holstein, who had married his eldest sister, was thought to have been gained by the French to push on this young King to prosecute the war with such an unrelenting fury, in which he might have a design for himself, since the King of Sweden's venturing his own person so freely might make way for his Duche's to succeed to the Crown. But that Duke was killed in the battle of Lissa near Cracow. There was some hopes of peace this winter; but the two Kings of Poland and Sweden were so exasperated against each other, that it seemed impossible to compose that animosity. This was very unacceptable to the Allies, for both Kings were well inclined to support the Confederacy, and to engage in the war against France, if their own disputes could have been adjusted.

The Eng-
lish fleet
sent to
Cadiz.
Hist. of
Europe.
Vol. vii.
Burnet.

Whilst these things were transacting on the continent, the Confederate fleet was not idle. It consisted of fifty ships of the line, thirty

English and twenty Dutch; the English commanded by Sir George Rooke, having under him Vice-Admiral Hapson, and the Rear-Admirals Fairborne and Graydon; the Dutch under the command of Lieutenant-Admiral Allemond, Admiral Callemburgh, the Vice-Admirals Vandergoes and Pieterfon, and Rear-Admiral Wassenauer, with about fourteen thousand land forces on board the transports, nine thousand six hundred and sixty-three English, and three thousand nine hundred and twenty-four Dutch: The English commanded by Sir Henry Bellasis, Lieutenant-General; Sir Charles O'Hara and Lord Portmore, Majors-General; and the Colonels Seymour, Hamilton, and Matthews, Brigadiers: And the Dutch by Major-General Sparre and Brigadier Baron Palandt: The Duke of Ormond had the supreme command of the whole. Sir George Rooke spoke so coldly of the design, which he went upon, before he failed, that those, who conversed with him, were apt to infer, that he intended to do the enemy as little harm as possible. On the 19th of June, the fleet weighed from Spithead, and came to an anchor at St Helen's, in order to fail with the next fair wind. Three days after, the Rear-Admirals, Fairborne and Graydon were detached from thence with sixteen men of war and two fire-ships, English, and a squadron of the Dutch, in all thirty sail, upon a secret expedition; and, on the 23d, the Prince of Hesse d'Armstadt failed in the Adventure frigate for Lisbon. Advice had been sent over from Holland of a fleet, that failed from France under Monsieur du Cassé, and was ordered to call in at the Groyne. Sir John Munden was recommended by Sir George Rooke to be sent against this fleet; and, though he came up with them with a superior force, yet he did not hinder the French from getting into the Groyne, nor fight them there.

Upon his return therefore to St Helen's where he arrived on the 25th of June, a Court-Martial, of which Sir Cloudesly Shovel was President, was appointed to try him. He was acquitted, Burnet.

" have been compleat in all its parts, had the execution proved as fortunate as the plan was judicious. " And indeed the King's army was preserved in this conjuncture by a circumstance, that was purely accidental, and which it was impossible for Prince Eugene to foresee. This circumstance was of such importance to our troops, that it merits a particular relation: The Emperor's troops, as I have already observed, lay concealed behind the dike of Zero, and Prince Eugene, who had not been discovered by the body of horse, that marched before the rest of our forces, because they halted at the front of the camp, without extending their view any farther, was now very near our army, who had not any suspicion of his situation. The Prince therefore concluded, that our troops, upon their arrival at their post, would lay down their arms, and form their camp, and that the horse would afterwards march out to forage, while the foot would be providing for their refreshment; and, that if he improved this favourable opportunity, by advancing to the foot of our camp, he should be able to seize all our arms, and a considerable number of our horses, upon which the intire destruction of our army would have been inevitable. This project was conducted to the very point of execution, and Prince Eugene was only waiting for the happy moment, when he was discovered by a mere effect of chance, time enough for our escape from the danger, and

" before the foot had dispersed themselves to provide for their accommodation. The accident, to which we owed our preservation, was this: The dike of Zero is not extended in a direct line, for, as it forms the canal, that flows from the Po above Seraglio to another part of the same river at Rovera, it was necessary to make it correspond with the level of the land; and it was carried on so near the front of our camp, that one of our Adjutants thought it the most commodious post for a party of soldiers, who were to form the out-guard of the camp. This Officer therefore, as he was advancing with his guard, in order to station them, had the curiosity to ascend the dike, and to take a view of the country beyond it; and then saw all the enemy's foot lying with their faces to the opposite declivity of the dike, with all the horse in the rear ranged in order of battle. This discovery alarmed our camp thro' the line, and they immediately caught up their arms to oppose the enemy, who, as I intimated before, were separated from them by a tract of land covered with hedges, which obliged them to desile. But this discovery did not prevent them from advancing to us, in hopes of disordering our line in so many different parts, that we should be in no condition to render their design ineffectual. But they were defeated in their expectations, as I observed before, and were incapable of making up to any part of the front of our camp."

(1) Fairborne

1702. quitted, some excusing themselves for their lenity to him, by alledging, that, if they had condemned him, the punishment was death; whereas they thought his errors flowed from a want of sense; so that it would have been hard to condemn him for a defect of that, which nature had not given him. But this acquittal raised such a public clamour, that the Queen ordered him to be broke.

Sir George Rooke, to divert the design, which he himself was to go upon, wrote from *St Helen's*, that the *Dutch* fleet was victualled only to the middle of *September*; so that no great design could be undertaken, when so large a part of the fleet was so ill provided. When the *Dutch* Admiral heard of this, he sent to their Ambassador to complain to the Queen of this misinformation, for he was victualled to the middle of *December*. On the 1st of *July*, the Confederate fleet set sail from *St Helen's*, steering their course for *Cadiz*; but they were for some time stopped by contrary winds, accidents, and pretences, many of which were thought to be strained and sought for; however, at last, on the 12th of *August*, they came to anchor in the bay of *Cadiz*, about two leagues from that City. Sir George Rooke had laid no disposition beforehand how to proceed upon his coming thither, and some days were lost on pretence of seeking for intelligence. It is certain, that our Court had false accounts of the state of the place, with regard both to the garrison and the fortifications; the garrison being much stronger, and the fortifications in a much better condition, than had been represented. The *French* men of war, and the gallees, that lay in the bay, retired within the punts. In the first surprize, it had been easy to have followed them, and to have taken or burnt them, which Sir *Stafford Fairborne* offered to execute; but Sir *George Rooke* and the rest of his creatures did not approve of it (1). Some days were lost before a Council of war was called. In the mean while, the Duke of *Ormond* sent some Engineers and Pilots to sound the South-side of *Cadiz* near the island of *St Pedro*; but, while this was doing, the Officers, by the taking of some boats, came to know, that the inhabitants of *Cadiz* had sent over the best of their goods and other effects to *Port St Mary's*, an open village over-against it, on the continent of *Spain*; so that there was good plunder to be had easily, whereas the landing on the isle of *Cadiz* was like to prove dangerous, and, as some made them believe, impracticable. In the Council of war, in which their instructions were read, it was proposed to consider, how they should put them in execution. General *O Hara* made a long speech against landing; shewing, how desperate an attempt it would prove, and how different they found the state of the place from the representations made of it in *England*. The greater number agreed with him, and all that the Duke

of *Ormond* could say to the contrary was of no effect. Sir *George* seemed to be of the same mind with the Duke, but all his dependants were of another opinion; so that this was thought a piece of craft in him. In conclusion, the Council of war came to a resolution not to make a descent on the island of *Cadiz*; but, before they broke up, those, whom the Duke had sent to sound the landing-places on the South-side, came and told them, that, as they might land safely, so the ships might ride securely on that side. Yet they had no regard to this, but adhered to their former resolution, nor were there any orders given for bombarding the town. The sea was for the most part very high, while they lay there; but it was so calm for one day, that the Engineers believed they could have done much mischief, but they had no orders for it; and indeed it appeared very evidently, that they intended to do nothing but plunder *Port St Mary's*; a design, which was directly contrary to the advice of Mr *Melbuen*, the *English* Envoy in *Portugal*, who, in a letter to the Duke of *Ormond* from *Lisbon* of the 1st of *August*, told him, "That the point of the greatest importance was to insinuate to the Spaniards, and shew by his proceedings, that he came not as an enemy to *Spain*, but only to free them from *France*, and give them assistance to establish themselves under the Government of the House of *Austria*." However, the land-forces, being set ashore in the Bay of *Bulls*, made themselves masters of *Rota*, *Port St Katharine*, and *Port St Mary*, which they found deserted, but full of riches, which were immediately plundered; some of the General Officers setting a very ill example to all the rest, especially *O Hara* and *Bellasis*. The Duke of *Ormond* tried to hinder this, but did not exert his authority; for, if he had made some examples at first, he might have prevented the mischief, that was done. But, the whole army running so violently on the spoil, he either was not able, or, through a gentleness of temper, not willing to proceed to extremities. He had published a manifesto, according to his instructions, by which the Spaniards were invited to submit to the Emperor; and he offered his protection to all, that came in to him. But the plundering of *St Mary's* was thought an ill commentary on that text. After some days of unsuccessful attempts on the forts of that side, particularly *Matagorda*, it appeared, that nothing could be done; and, provisions now growing scarce, and the Sea-Officers representing the danger of staying any longer in those seas, the Duke of *Ormond*, though not without great reluctance, consented to the re-embarking of the land-forces. Some of the ships crews were so employed in bringing off and bestowing the plunder, that they took not the necessary care to furnish themselves with fresh water. Sir *George Rooke*, without prosecuting his other instructions,

1702.

Sept. 14.

in

(1) *Fairborne* proposed the ordering a squadron of ships, before the fleet came in sight of *Cadiz*, to push through the entrance of the harbour, without coming to an anchor at all, which he offered to undertake. Had this advice been followed, they might, in the first surprize of the Spaniards, have destroyed at least their shipping, if not taken the place; but, it being not No. 37. Vol. III.

thought advisable to make such an attempt, the Spaniards had not only the leisure, while the fleet lay in view, of sinking vessels in the very entrance of the harbour, whereby the passage was rendered impracticable, but to put themselves into a much better condition of defending the City itself, than they would otherwise have been. *Burichet*, p. 622.

7 F

(1) Thus

1702. in case the design on *Cadiz* failed, gave orders only for a squadron to sail to the *West-Indies*, with some land-forces, and, though he had a fleet of Victuallers, that had provisions to the middle of *December*, he ordered them to sail home; by which means the men of war were so scantily furnished, that they were soon forced to be put on short allowance. Nor did he send advice-boats, either to the ports of *Algarve* or to *Lisbon*, to see what orders or advices might be lying there for him, but failed in a direct course for *England* (1).

The Gallies taken and burnt at *Vigo*.
Boyer.
Burnet.

Some time before this, the news of the arrival of the *French* squadron, under *Monfieur Chateau-Renault*, with the *Spanish* Gallies, in the harbour of *Vigo*, being brought to *England*, orders were immediately dispatched to *Sir George Rooke*, to attempt the taking or destroying of them; and *Sir Cloudesly Shovel* was ordered upon the same design, with another squadron of men of war. But, before these orders could reach the grand fleet, *Sir George Rooke*, in his return towards *England*, having, on the 22d of *September*, sent the *Eagle*, *Sterling-Castle*, and *Pembroke*, to water in *Lagos-Bay*, *Mr Beauvoir*, the Chaplain of the *Pembroke*, went ashore in the town of *Lagos*, and, meeting with a Gentleman in the street, whom, by several circumstances, he judged to be no *Portuguese*, he accosted him in *French*; which the other, who proved to be the *French* Consul, returning in a very obliging manner, invited him to his house. *Mr Beauvoir*, extremely willing to embrace this offer, continued there two nights, during which the Consul, in their several conversations, could not forbear to boast of his Master's strength at sea, and at last gave some hints of the arrival of the Gallies on that coast. On the 24th, *Mr Beauvoir* being ready to embark, and understanding, that a Gentleman was arrived in that town bound for the fleet, with letters to the Prince of *Hesse* and *Mr Melbuen* (who were gone from the fleet to *Lisbon* some time before) he invited him to go aboard the *Pembroke*, without taking the least notice of their departure. The Gentleman having gladly accepted this invitation, and told him, just as they were leaving the shore, that *Monfieur Chateau-Renault* was arrived at *Vigo* with thirty men of war, and twenty-two Gallies, and that he was sent by the Imperial Minister to the grand fleet, they went together on board the *Pembroke*, where *Captain Hardy*, her Commander, being informed, as well by *Mr Beauvoir* of what he had gathered from the *French* Consul, as by the other Gentleman concerning what he knew of the matter, he set sail the next morning in quest of the grand fleet, which at last he met with on the 6th of *October*. Having im-

parted his intelligence to the *English* Admiral, *Sir George* communicated the same to the *Dutch*; and it was resolved to attempt the destroying of the *French* and *Spanish* ships at *Vigo* (2). Accordingly, the fleet came to an anchor, on the 11th, against that place, almost unperceived by the enemy, by reason of the hazy weather; and, finding that the *French* and *Spanish* ships were carried up beyond a narrow strait, defended by a castle, besides a strong boom about it, made with masts, cables, and chains, it was resolved in a Council of war: That, since the whole fleet could not safely go up to the place, where the enemy's ships lay, a detachment of fifteen *English* and ten *Dutch* men of war, with all the fire-ships, frigates, and bomb-vessels, should go upon that service, with all the flag-officers aboard them, whilst part of the land-forces were to make a descent, and to attack the fort on the South-side of *Rodondela*, a small fishing-town (3).

Pursuant to this resolution, the Duke of *Ormond*, having, on the 12th of *October*, landed two thousand five hundred men two leagues from *Vigo* on the South-side of the river, without the least opposition, he ordered the grenadiers to advance to the fort at the entrance of the harbour; which they did with such cheerfulness and resolution, that, having made themselves masters of a platform of thirty-eight pieces of cannon, they pursued the *French* to the very gates of the castle or stone-tower, and attacked them so vigorously, that *Monfieur Sorel*, their Commander, despairing of holding the place, attempted to fight his way through the *English* sword in hand. But no sooner had they opened the gate, than the grenadiers rushing in made themselves masters of the castle, and took three hundred *French* seamen and fifty *Spaniards* prisoners. Whilst these things were transacting ashore, the squadron designed for this expedition advanced briskly towards the boom, and, after a little stop by a calm, Vice-Admiral *Hopson* in the *Torbay* broke, amidst the enemy's fire, through the boom, where he received several broad-sides from the *Bourbon* and *l'Esperance* (4), two *French* men of war placed within the boom. The rest of Vice-Admiral *Hopson's* division, and that of the *Dutch* Vice-Admiral *Vandergoes*, bearing at the same time upon the bottom, were becalmed, and consequently struck, so that they were forced to cut their way through it, except their Admiral, who hit the same passage, by which Vice-Admiral *Hopson* had entered before. *Hopson*, in the mean time, being boarded by a fire-ship, was in great danger of being burnt, had not the fire-ship been blown up too soon; notwithstanding which, he received considerable damage

11

(1) Thus ended (says Bishop Burnet) the expedition against *Cadiz*, which was ill projected, and worse executed. The Duke of *Ormond* told him, he had not half the ammunition that was necessary for the taking *Cadiz*, if the *Spaniards* had defended themselves well: Though, he believed, they would not have made any great resistance, if he had landed on his first arrival, and not given them time to recover from the disorder into which the first surprize had put them. Burnet, Vol. II. 333.

(2) Bishop Burnet observes (Vol. II. 332.) *Sir George Rooke*, upon receiving the intelligence, was said to steer his course towards *Vigo* very unwillingly, but, finding it true, resolved to force his way in.

(3) The *English* ships were the *Mary*, *Grafton*, *Torbay*, *Kent*, *Monmouth*, *Berwick*, *Essex*, *Swiftsure*, *Ranelagh*, *Somerset*, *Bedford*, *Cambridge*, *Northumberland*, *Oxford*, *Pembroke*; the *Association* and *Barfleur* were to batter the forts on each side. The Admirals removed the flags from the great ships into third rates, the first and second rates being too big to go in: *Sir George Rooke* went out of the *Royal Sovereign* into the *Somerset*; Admiral *Hopson* out of the *Prince George* into the *Torbay*; Admiral *Fairborne* out of the *St George* into the *Essex*; and Admiral *Graydon* out of the *Triumph* into the *Northumberland*.

(4) Or the *Hope*, which had been taken from the *English*.

(1) The

1702. in his rigging, and many of his men, during the first consternation, threw themselves overboard, in hopes to save themselves, but were most of them drowned, whilst the rest behaved so well as to preserve the ship. The French Admiral seeing the boom cut in pieces, the platform and cattle in the enemy's hands, the Bourbon taken, and the whole Confederate Squadron ready to fall in among them, ordered his own ship to be set on fire; and his example, being followed by all the rest, afforded a most dreadful spectacle to the Spaniards as well as to the French. Whilst they were thus busied in the destruction of their own fleet, the English were as careful in preserving it, not without some success; several, as well of the men of war as of the Galleons, being taken, four by the English, and five by the Dutch; but the rest were burnt, with nine French men of war (1). What made this victory the more considerable was it's being gained with inconsiderable loss, there being not above forty men killed and ten wounded of the landmen in this action, and very few of the seamen, except those, that were drowned of Vice-Admiral Hopson's ship. As to the cargo aboard this fleet, which was computed at twenty millions of pieces of eight in gold and silver, besides merchandizes, about fourteen millions of it were taken out before by the enemy; the rest was either taken by the English or Dutch, or left in the Galleons, that were sunk or burnt. The goods were valued at twenty millions of pieces of eight more, of which one fourth part only was saved by the enemy, near two fourths destroyed, and the rest taken by the Confederates, besides a great quantity of plate, and other rich commodities, concealed for the use of private persons in the Galleons, and a great deal of other plate belonging to the French Officers found at Rodondela, of which the Duke of Ormond took possession the next morning, and in which much other plunder was found. The French seamen and soldiers escaped, for the English, having no horse, could not pursue them. The Spaniards appeared at some distance in a great body, but they did not offer to enter into any action with the Duke of Ormond: And it appeared, that the repentment of that proud Nation, which was

now governed by French counsels, were so high, that they would not put themselves in any danger, or to any trouble, even to save their own fleet, when it was in such hands.

After this great success, it came under consultation, whether it was not advisable to leave a good Squadron of ships with the land-forces to winter at Vigo, since the neighbourhood of Portugal could supply them with provisions and all other necessaries, and this might encourage that King to declare himself, when there was such a force and fleet lying so near him; and it might likewise encourage such Spaniards, as favoured the Emperor, to declare themselves, when they saw a safe place of retreat, and a force to protect them. Upon these considerations the Duke of Ormond offered to stay, if Sir George Rooke would have consented; but he excused it, alleging, that he had sent home the victuallers with the stores, and therefore could not spare what was necessary for such as should stay there. And indeed he had so ordered the matter, that he could not stay long enough to try, whether they could raise and search the men of war and Galleons, that were sunk; and he was obliged to make all possible haste home, for, if the wind had turned to the East, which was usual in that season, a great part of the ships crews must have perished with hunger.

On the 16th of October, Sir Cloudesley Shovel having joined the Confederate fleet with twenty-nine sail, the land-forces re-embarked the next day; and, on the 19th, Sir George Rooke and Vice-Admiral Hopson, with ten men of war, set sail for England, leaving Sir Cloudesley Shovel with the rest near Vigo, to destroy the enemies ships, that were ran ashore; which being effected, he also steered his course for England, where the fleet arrived (after being separated by a storm at the entrance of the channel) on the 17th of November. Ten days before, Sir George Rooke with his Squadron came into the Downs, and the same day, at four in the afternoon, the Duke of Ormond landed at Deal, and, having given the necessary orders for the landing and quartering the forces, went that night to Canterbury, and arrived at London the next day, being received with great marks of favour by the Queen, and with the loud acclamations of

1702.

(1) The account of the French ships taken, burnt, and run ashore.

Ships burnt.	Number of Guns.
Le Forte,	76
L' Enflame,	64
Le Prudent,	62
Le Solide,	56
Le Dauphin,	46
L' Entreprenant,	22
Le Choquant,	8
Le Favori, a fireship,	
8 Advice-Boats,	Total Guns 334
Ships 11	

Taken by the English and brought home.

Ships.	Guns.
Le Prompt,	76
Le Firme,	72

Ships.	Guns.
L' Esperance,	70
L' Assurée,	66
Ships 4.	Guns 284

Taken by the Dutch.

Ships.	Guns.
Le Bourbon,	68
Le Superbe,	70
Le Sirene,	60
Le Moderne,	56
Le Volontaire,	46
Le Triton,	42

Ships 6.	Guns 342
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Tot. Ships 21.	Guns 960
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Six Galleons were taken by the English, and five by the Dutch, who sunk six.

1702.

of the people; the success at *Vigo* having silenced the clamours about the miscarriages before *Cadiz*. The Queen gave likewise a noble gratuity to the Lord *Shannon* and Captain *Thomas Hardy*, who were sent express by the General and Admiral with the first account of their prosperous attempt; and the Captain, besides a present of a thousand guineas, had the honour of knighthood. On the other hand, Sir *Henry Bellasis* and Sir *Charles O'Hara* were, by her Majesty's orders, put under arrest, for having, by their example, promoted and encouraged the plundering of *Port St Mary's*; but, upon the report of the Generals appointed to examine into that matter, *Bellasis* only was found guilty, and dismissed from her Majesty's service; and Sir *Charles O'Hara* was cleared, and his suspension taken off. A proclamation was also issued out, some time before, for discovery and recovery of all such goods, plate, and other effects, as contrary to her Majesty's and the Duke of *Ormond's* express commands, were plundered or embezzled at *Port St Mary's*, and from the Gallies taken at *Vigo*, and put on board her Majesty's men of war and other vessels. But this proclamation had little or no effect, so that the public was not much enriched by this extraordinary capture, though the loss, which the enemy sustained by it, was a vast one; and, to compleat the ruin of the Spanish Merchants, their King seized on the plate, which was taken out of the ships upon their first arrival at *Vigo*.

Thus ended the campaign very happily for the Allies, and most gloriously for the Queen; whose first year, being such a continued course of success, gave a hopeful presage of what might be hereafter expected.

The Parliament dissolved and a new one called. *Barnet.*

The Parliament of England was in course to determine six months after the death of the late King; but, before that time expired, the Queen thought fit to exert her Royal prerogative, and to issue out a proclamation, on the 2d of July, for dissolving this present Parliament, and declaring the speedy calling another to be holden at *Westminster*, the 20th of August next; but afterwards prorogued to the 8th of October, and at last, to the 23d of that month. Her Majesty did not openly interpose in the elections, though, her inclinations to the Tories plainly appearing, all people took it for granted, that she wished they might be the majority. This wrought on the inconstancy and ferility, that is natural to multitudes; and the conceit, which had been infused and propagated with much industry, that the Whigs had charged the Nation with great taxes, of which a large share had been devoured by themselves, had so far turned the tide, that the Tories, in the House of Commons, were at least double the number of the Whigs.

Hanover
Envoy has
audience.

Promo-
tions.

On the 6th of July, the Count *de Platens*, Envoy Extraordinary from the Elector of *Hanover* and *Zell*, had his public audience, both of the Queen, and the Prince; and, about the same time, she made some promotions in the army, and disposed of several places and preferments. Among others, the Earl of *Ranelagh* was made Receiver and Paymaster-General of her Majesty's forces; *William Blatbwayte*, Esq; Secretary of War; and the Lord *Walden* Commissary-General of the Musters; the Duke of *Somerfet* was made Master of the Horse, in the room of the Earl of *Pembroke*, who was appoint-

ed Lord President of the Council; the Lord *Wharton's* patent of Warden and Chief Justice in *Eyre* of all the forests on this side the *Trent* was revoked; the Duke of *Newcastle* was made Warden of the Forest of *Sherwood* in the County of *Nottingham*. And, upon the 19th of July, the Queen in Council made an order against the selling of offices and places in the household and family.

Prince *George of Denmark*, being very much indisposed this summer with his usual asthma, was advised by his Physicians to go to the *Bath*, where the Queen resolved to attend him. They set out, the 26th of August, from *Windsor*, and lay the first night at *Oxford*. The Queen was next day present in Convocation, when the University-Orator congratulated her arrival among them; and many of the Nobility and Persons of Quality were made Doctors of Law. From the Convocation the Queen went to the Theatre, where she was entertained with a concert of music, and the rehearsal of several pieces of poetry; and afterwards, with a splendid banquet by the University. Having accepted the usual presents of a Bible, a Common-Prayer-Book, and a pair of Gloves, the Queen and Prince took coach for *Cirencester*, where they lay that night, and the next day reached the *Bath*. They were met by the High-Sheriff and Gentlemen on the borders of the County of *Somerfet*; and, within half a mile of the City, by two hundred maidens, richly dressed, and carrying bows and arrows like *Amazons*; and at the West-gate of the City, by the Mayor and Corporation in their formalities, who attended them to the Abbey-House, which was prepared for their reception. The Queen likewise, on the 3d of September, visited the City of *Bristol*, upon an invitation from the Magistrates; and, on the 25th of that month, gave a private audience at *Bath* to the Baron *de Widman*, Envoy-Extraordinary from the Elector of *Bavaria*; and, on the 8th, left that place, and returned to *Windsor* on the 10th, and to *St James's* on the 15th, where they received the compliments of the Lord-Mayor and Aldermen of *London*, upon their safe return.

On Wednesday, the 20th of October, the new Parliament met, and, the Commons having chosen *Robert Harley*, Esq; their Speaker, the Queen made the following speech to both Houses:

My Lords and Gentlemen,

IT is with great satisfaction I meet this Parliament, which I have summoned to assist me, in carrying on the just and necessary war, in which we are engaged. I have called you together as early as was consistent with your convenience in coming out of your several Counties; and I assure myself of such evidences of your affections to me, and your zeal for our common cause, as will not only give spirit and forwardness to our own preparations, but such example and encouragement to our Allies, as, by God's blessing, cannot fail of a good effect, for the advantage of the whole Confederacy.

I have met with so many expressions of joy and satisfaction in all the Counties, through which I have lately had occasion to pass, that I cannot but look upon them as true measures of the duty and affection of the rest of my Subjects.

Gentlemen

1702.

The Queen
at Oxford,

Bath

The Par-
liament
meets
Oct. 20.

The
Queen's
speech to
both
Houses,
Pr. H. C.
III. 203.

1702.

Gentlemen of the House of Commons,

"I must desire you to grant me such supplies, as will enable me to comply both with our particular treaties and engagements already made, and such others as may be necessary for the encouragement of our Allies, and the prosecuting the war where it shall most sensibly affect our enemies, and be most effectual for disappointing the boundless ambition of *France*.

"And, that my subjects may the more cheerfully bear the necessary taxes, I desire you to inspect the accounts of the public receipts and payments; and, if there have been any abuses or mismanagements, I hope you will detect them, that the offenders may be punished, and others be deterred by such-like examples from the like practices. I must observe to you, with some concern, that the funds, given by the last Parliament, have, in some measure, fallen short of the sums proposed to be raised by them; and, though I have already paid and applied to the public service the hundred thousand pounds, which I promised to the last Parliament, yet it has not supplied that deficiency.

My Lords and Gentlemen,

"I cannot without much trouble, take notice to you of the disappointment we have had at *Cadiz*. I have not yet had a particular account of that enterprise, nor of all the difficulties our forces may have met with there. But I have had such a representation of disorders and abuses committed at Port St *Mary's*, as hath obliged me to give directions for the strictest examination of that matter.

"I am earnestly desirous, for all our sakes, that this may prove a short Session. However, I hope you will find time to consider of some better and more effectual method to prevent the exportation of wool, and to improve that manufacture, which is of so great consequence to the whole Kingdom. On my part, nothing shall be omitted for its encouragement.

"I am firmly persuaded, that the love and good affection of my subjects is the surest pledge of their duty and obedience; and the truest and justest support of the Throne. And as I am resolved to defend and maintain the Church as by law established, and to protect you in the full enjoyment of all your rights and liberties; so I rely upon your care of me. My interests and yours are inseparable; and my endeavours shall never be wanting to make you all safe and happy."

*Address of
thanks by
the Lords.*

The Lords returned the usual address of thanks, congratulating the glorious success of her arms, and those of her Allies, under the command of the Earl of *Marlborough*; but the Commons, who were met full of prejudice against the memory of King *William*, and of resentment against those employed by him, shewed the first instance of this disposition in their address to the Queen, which was as follows:

Most Gracious Sovereign,

*The Commons
address.
Pr. H. C.
III. 204.*

"WE your Majesty's most dutiful and loyal subjects, the Commons in Parliament No. 37. VOL. III.

"ment assembled, do beg leave to lay before your Majesty our most humble and hearty thanks for your most gracious speech from the Throne; which gives us such instances of your Majesty's tender concern for your people, and of your entire confidence in their affections, as must engage them to make your Majesty the utmost returns of duty and gratitude.

"It is great condescension in your Majesty to take notice in so public a manner of the expressions of joy and satisfaction, with which your Majesty was received in all the countries, through which you had occasion lately to pass. All your subjects have already received so many benefits under the influence of your Majesty's happy Government, that your Majesty must have met with the like in any other part of your Dominions, that you had honoured with your Royal presence.

"The late disappointment at *Cadiz* does the more affect us, because it gives your Majesty so much trouble. But this misfortune cannot make us forget, that the protection and security of our trade, the vigorous support of your Majesty's Allies, and the wonderful progress of your Majesty's arms under the conduct of the Earl of *Marlborough*, have signally RETRIEVED the ancient honour and glory of the *English* Nation.

"After your Majesty's repeated assurances, we neither doubt of the full enjoyment of all our rights and liberties, nor of your Majesty's defending and maintaining the Church as by law established. Your Majesty has been always a most illustrious ornament to this Church, and have been exposed to great hazards for it. And therefore we promise ourselves, that, in your Majesty's Reign, we shall see it perfectly restored to its due rights and privileges, and secured in the same to posterity; which is only to be done by divesting those men of the power, who have shewn they want not the will to destroy it.

"The prospect of these blessings, and your Majesty's desire to have the accounts of the public receipts and payments inspected, and to have any abuses and mismanagements thereof punished, will very much endear your Majesty to your people, and encourage us most cheerfully to assist your Majesty with those supplies, that may effectually enable your Majesty to make good such alliances, as shall be necessary to prosecute the war, where it shall most sensibly affect your enemies, and thereby disappoint the boundless ambition of *France*.

"Your Majesty may safely rely upon the care of your faithful Commons. The value you are pleased to set upon the love and affection of your subjects is the highest obligation, that can be laid on them, to give your Majesty pledges thereof in their duty and obedience. They are and shall always be sensible, that your Majesty's interests and theirs are inseparable; and, and as they gratefully acknowledge your Majesty's great designs to make them safe and happy, so their prayers and sincerest endeavours shall never be wanting to make your Majesty's Reign more prosperous and more glorious than any of your Majesty's Royal Predecessors."

1702.

1702.
Debate
about the
word Re-
trieved.
Burnet.

The word *Retrieved* in this address, implying, that the honour of the Nation had been lost, occasioned a warm debate. All, who had a just regard for King *William*, insisted upon the word *Maintained* instead of it, alledging, that *Retrieved* was a reflection on the late King's memory, who, instead of losing, had carried the honour of the Nation farther than had been done in any Reign before his: That to him they owed their preservation, their safety, and even the Queen's being on the Throne. That he had designed and formed that great Confederacy, at the head of which her Majesty was now set. In opposition to this it was urged, that, during his Reign, things had been conducted by strangers, and trusted to them; and that a vast treasure had been spent in unprofitable campaigns in *Flanders*. The Partition-treaty, and every thing else, with which his Reign could be loaded, was brought into the account; and the keeping of the word *Retrieved* in the address was carried by a majority of one hundred and eighty voices against eighty; all who had any favour at Court, or hoped for any, voting for it (1).

Partiality
in judging
contro-
verted
elections.
Burnet.

The strength of the Tory-party in the House of Commons appeared not only from this, but also from all the controverted elections being determined in their favour, with such an open partiality, that it shewed the party to be resolved upon every thing that might serve their ends. Of this there were two remarkable instances. The one was of the borough of *Hindon* near *Salisbury*; in which, upon a complaint of bribery, the proof was so full and clear, that they ordered a bill to disfranchise the town for that bribery; and yet, because the bribes were given by a man of their party, they would not pass a vote on him as guilty of it; so that a borough was voted to lose its right of electing, because many in it were guilty of a corruption, in which no man appeared to be an actor. The other was of more importance. Mr *John How* stood for Knight of the Shire for *Gloucestershire*, and had drawn a party in that County to join with him in an address to the Queen, in which reflections were made on the danger and ill usage, which her Majesty had gone through in the former Reign. This address was received by the Queen in so particular a manner, that it looked like owning the contents thereof to be true; but she made such an excuse for this, when the offence it gave was laid before her, that probably she was not acquainted with the

matter of the address, when she so received it. 1702.
Upon this great opposition was made to Mr *How's* election; and, when it came to the poll, it appeared, that he had lost it. The Sheriff was then moved for a scrutiny, to examine, whether all those, who had sworn, that they were freeholders of forty shillings a year had sworn true. By the act of Parliament the matter was referred to the parties oath, and their swearing falsely was declared perjury; therefore such, as had sworn falsely, were liable to a prosecution: But by all laws an oath is looked upon as an end of controversy, till he, who swore, is convicted of perjury; and the Sheriff being an officer named by the Court, if he had a power to review the poll, this put the election of Counties wholly in the power of the Crown. Yet upon this occasion the heat of a party prevailed so far, that they voted Mr *How* duly elected.

The House of Commons very unanimously, *Supplies granted.* and with great dispatch, agreed to all the demands of the Court, and voted all the supplies that were necessary for carrying on the war (2). On the Lord-Mayor's day, the Queen dined at *Guildhall*, and conferred the honour of Knighthood on several persons (3). The next day, the Lord *Shannon* brought the news of the success at *Vigo*; and, four days after, the Queen acquainted the Commons, that, having appointed the 12th of *November* for a day of thanksgiving, for the signal success of her arms under the Earl of *Marlborough* and the Duke of *Ormond*, and of her fleet under Sir *George Rooke*, she intended to go to *St Paul's Church*, and had given orders for providing convenient places in the Church for the Members of that House, as well as for the House of Lords. At the day appointed, the Queen went in great state to *St Paul's*, attended by both Houses of Parliament. The Duke of *Ormond*, happening to be the Staff-Officer in waiting, rid in one of the Queen's coaches, with the Duke of *Somerset*, and received the loud acclamations of an infinite number of spectators, with which he seemed pleased; and from that day may be dated the great popularity which he afterwards acquired, and which, in the end, proved fatal to him. The next day, the House of Lords returned him thanks for his services performed at *Vigo*; and, at the same time, resolved to address the Queen, to order the Duke of *Ormond* and Sir *George Rooke* to lay before them an account of their proceedings, which was done. The Commons also voted

The Queen
dines at
Guildhall.

A thank-
sgiving ap-
pointed.
Nov. 12.

(1) Mr *Walsh*, at that time Knight of the Shire for *Worcestershire* (called by *Dryden* the greatest Critic of the age) composed, on this occasion, the following verses, in a Poem, called *The Golden Age*, in allusion to *Virgil's* fourth Eclogue:

Now all our factions, all our fears shall cease,
And Tories rule the promis'd land in peace;
Malice shall die, and noxious poison fail;
Harley shall cease to trick, and Seymour cease to rail.
The lambs shall with the lions walk unhurt,
And Hallifax with How meet civilly at Court.
Vice-roys*, like Providence, with distant care,
Shall govern Kingdoms, where they ne'er appear.
Pacific Admirals, to save the fleet,
Shall fly from conquest, and shall conquest meet.
Commanders shall be prais'd at WILLIAM's cost,
And Honour be RETRIEV'D before 'tis lost.

* Earl of
Rochester.

(2) The Commons voted forty thousand seamen, and that the proportion of forces for *England*, to act in conjunction with those of the Allies, be thirty-three thousand foot, and seven thousand horse and dragoons; and that three hundred and fifty thousand pounds be granted for guards and garrisons for the year 1703; they also voted seventy thousand nine hundred and seventy-three pounds for ordnance, eight hundred and thirty-three thousand eight hundred and twenty-six pounds for the pay of the land forces, and fifty-one thousand eight hundred and forty-three pounds for subsidies to the Allies.

(3) *Gilbert Heathcote*, Esq; *Francis Dashwood*, Esq; the Lord-Mayor's brother, *Richard Hear*, Esq; and Mr *Eaton*, Linen-draper in *Cheapside*, over-against *Bow-Church*, in whose balcony there was a stately canopy erected, and her Majesty sat under it, while the show passed by.

1702. voted thanks to the Duke and Sir George, and Admiral Hapson was knighted, and a pension of five hundred pounds a year was settled on him by the Queen, with a reversion of three hundred pounds a year for his Wife.

Proceedings against the Bishop of Worcester
Nov. 18.
Pr. H. C.
III. 209.

At the beginning of the Sessions, Sir John Packington had exhibited a complaint against the Bishop of Worcester and his son Mr Lloyd, for endeavouring to prevent his election. When this complaint was considered by the House of Commons, and the evidence heard, it was unanimously resolved, "That it appeared to the House, that the proceedings of William Lord Bishop of Worcester, his son, and his agents, in order to the hindering the election of a Member of the County of Worcester, had been malicious, unchristian, and arbitrary, in high violation of the liberties and privileges of the Commons of England: That an address be presented to her Majesty, to remove the Bishop from being Lord Almoner;" and they ordered the Attorney-General to prosecute Mr Lloyd, the Bishop's son, for his offences, after his privilege as a Member of the Lower-House of Convocation was expired.

The Lords address upon it.
Pr. H. L.
II. 45.

The Lords, alarmed at these proceedings of the Commons, against a Member of their House, agreed upon the following address to the Queen, "That it was the undoubted right of every Lord of Parliament, and of every subject of England, to have an opportunity of making his defence, before he suffers any sort of punishment; and therefore humbly desired her Majesty, that she would be pleased not to remove the Lord Bishop of Worcester from the place of Lord Almoner, nor to shew any mark of her displeasure towards him, till he be found guilty of some crime by due course of law." This address being presented to the Queen, she returned answer, "That she agreed, that every Peer and Lord of Parliament, and indeed every other person, ought to have an opportunity of being heard to any matters objected against him, before he be punished. That she had not yet received any complaint of the Bishop of Worcester, but she looked upon it as her undoubted right to continue or displace any servant attending upon her own person, when she should think it proper." The Lords, upon this answer, resolved the same day unanimously, "That no Lord of their House ought to suffer any sort of punishment by any proceedings of the House of Commons, otherwise than according to the known and ancient rules and methods of Parliament. But, however, Sir Edward Seymour having attended the Queen with the resolutions and address of the Commons for the removal of the Bishop, she answered, "That she was very sorry, that there was occasion for that address against the Bishop of Worcester; and that she would order, that he should no longer continue to supply the place of her Almoner." Thus that Prelate fell a sacrifice to the resentment of the opposite party.

Rooke made Privy-Counsellor.
His conduct examined.
Burnet.

On the contrary, Sir George Rooke, who was in great esteem with the Tory-party, was sworn of the Privy-Council.

The Duke of Ormond, upon his first arrival from the expedition to Cadix, had complained very openly of Sir George's conduct, and seemed resolved to carry the matter to a public accusa-

tion. But the Court found the party, that prevailed in the House of Commons, determined to justify him; so that, to comply with this, he was not only made a Privy-Counsellor, but much pains were taken with the Duke to suppress his resentments. But, tho' he was in a great measure softened, yet he had made his complaints to so many Lords, that they moved the House to examine both his instructions and the journals relating to that expedition; and accordingly a Committee was appointed for that purpose, who sat long upon the enquiry, and examined all the Admirals and Land-officers, as well as Rooke himself, upon the whole progress of that affair. But Rooke was so well supported by the Court and by his party in the House of Commons, that he seemed to dispise all that the Lords could do. It appeared to some, who were very intelligent in naval affairs, from all his motions during the expedition, that he intended to do nothing but amuse and make a shew; and they concluded, from the protection that the Ministry gave him, that they likewise intended no other. He took much pains to shew, how improper a design the descent upon Cadix was, and how fatal the attempt must have proved; and in doing this he arraigned his instructions, and the design, upon which he was sent, with great boldness, and shewed little regard to the Ministers, who took more pains to bring him off than to justify themselves. The Lords of the Committee prepared a report, which was severe upon Rooke, and laid it before the House; but so strong a party was made to oppose every thing that reflected on him, that, though every particular in the report was well proved, yet it was rejected, and a vote was carried in his favour, wherein it was declared, "That Sir George Rooke had done his duty, pursuant to the Councils of war, like a brave Officer, to the honour of the British Nation." The great post of Lord Lieutenant of Ireland, which was now given to the Duke of Ormond, had so far prevailed with him, that, though the enquiry was set on foot by his means, and upon his suggestions, yet he came not to the House, when it was brought to a conclusion. So that Rooke, being but faintly pushed by him, and most zealously supported by his party, was justified by a vote, though universally condemned by more impartial judges. The behaviour of the Ministry in this matter heightened the jealousies, with which many were possessed; for it was inferred, that they were not in earnest in this whole expedition to Cadix, since, the conduct being so contrary to the instructions, their justifying the one was plainly condemning the other.

On the 21st of November, Mr Secretary Hedges delivered to the Commons a message signed by the Queen, importing, "That her Majesty considering, that there was but a very small provision made for the Prince her husband, if he should survive her; and that she was restrained from increasing the same by the late act of Parliament for settling her revenue, thought it necessary to recommend the making a further provision for the Prince to their consideration." The Prince was many years older than the Queen, and was troubled with an asthma, that every year had ill effects upon his health, and had brought him into great danger this winter; yet the Queen thought

1703.

Feb. 17.

A bill for Prince George. Burnet.

1702
Dec. 1.

it became her to provide for all events. The Commons having taking her message into consideration, Mr *Hov* moved, that the yearly sum of one hundred thousand pounds should be settled on the Prince, in case he should survive the Queen; and this was seconded by those, who knew how acceptable the motion would be to the Queen, though it was the double of what any Queen of England ever had in jointure; so that it passed without any opposition. But, while it was passing, a motion was made upon a clause in the act, that limited the Succession to the House of Hanover, which provided against Strangers, though naturalized, being capable to hold any employments. This plainly related only to those, who should be naturalized in a future Reign, and had no respect to such as were already naturalized, or should be naturalized, during the present Reign. It was, however, proposed as doubtful, whether, when that family might reign, all, who were naturalized before, should not be incapacitated by that clause from sitting in Parliament, or holding employments; and a clause was offered to exempt the Prince from being comprehended in that incapacity. Against this two objections lay; one was, that the Lords had resolved by a vote (as will hereafter appear) to which the greater number had set their hands, that they would never pass any money-bill sent up to them by the Commons, to which any clause was tacked, that was foreign to the bill. They had done this, to prevent the Commons from joining matters of a different nature to a money-bill, and then pretending, that the Lords could not meddle with it; for this was a method to alter the Government, and bring it intirely into their own hands; by this means, when money was necessary for preserving the Nation, they might force, not only the Lords, but even the Crown itself, to consent to every thing they proposed, by tacking it to a

money-bill. It was said, that an incapacity for holding employments, and for sitting in the House of Lords, were things of a different nature from money; so that this clause seemed to many to be a tack; while others thought it was no tack, because both parts of the act related to the same person. The other objection was, that this clause seemed to imply, that persons already naturalized, and in possession of the right of natural born subjects, were to be excluded in the next Reign; though all people knew, that no such thing was intended, when the act of Succession passed. Great opposition was made, for both these reasons, to the passing this clause; but the Queen pressed it with the greatest earnestness, that she had ever yet shewn in any thing whatever. She thought it became her, as a good wife, to have the act passed, in which she might be the more zealous, because it was not thought advisable to move for an act, that should take Prince George into a partnership of the Regal dignity. This matter raised a great heat in the House of Lords. Those, who had been advanced by the late King, and were in his interests, did not think it became them to consent to this, which seemed to be a prejudice, or, at least, a disgrace to those, whom he had raised. But the Court managed the affair so dextrously, that the bill passed with the clause, though it was protested against by several Lords (1); and the Queen was highly displeased with those, who opposed the clause, which had been put into the bill by some in the House of Commons, only because they believed it would be opposed by those, against whom they intended to irritate the Queen.

The Earl of Marlborough being arrived at London, Sir Edward Seymour, two days after, at the head of a Committee appointed by the Commons, waited upon him with the thanks of that House for the great and signal services performed

1702.

The Earl of Marlborough
1702, 10
England,
Nov. 28.
Pr. H. C.
III. 210.

(1) January the 19th, upon a report from the Committee of the whole House, on the bill to enable her Majesty to settle a revenue upon the Prince of Denmark, in case he survived her, that they had gone through the bill, and had left out one clause, which enacted, that, in case of the Prince's surviving, he might be capable to be of the Privy-Council, a Member of this House, or to enjoy any office, the Grants herein mentioned, or any other, notwithstanding the act of Succession in the 12th of the late King. And the question being put, Whether to agree with the Committee in leaving out this clause? It was resolved in the negative.

Dissentient.

1. We do dissent from this clause, because we conceive this is a bill of aid and supply; and that this clause is altogether foreign to, and different from, the matter of the said bill: and that the passing of such a clause is therefore unparliamentary, and tends to the destruction of the Constitution of this Government.

2. Because we conceive, that a Parliamentary expedient might have been found, Whereby his Royal Highness might, by an unanimous consent, have all the advantages designed him by this bill, without the Lords being obliged to depart from what we conceive to be their undoubted right.

3. Because we conceive, that this clause was not necessary to enable his Royal Highness to enjoy the benefit of the said Grants.

4. Because that the clause, which pretends to capacitate his Royal Highness to enjoy his Peerage, notwithstanding the act for the further limitation of the

Crown, and better securing the rights and liberties of the Subject, and which makes no provision for other Peers, under the same circumstances, may tend much to their prejudice.

Torrington,	Manchester,
Soy and Seale,	Kingston,
Sommers,	Jo. Litch. and Coven.
Portland,	Offulstone.

We dissent from the clauses relating to the Grants:

1. Because the said Grants are not laid before the House (though desired) by which we are ignorant upon what considerations the same were granted.

2. Because we conceive, that the saving clauses are so far from having any relation to his Royal Highness, that if they signify any thing (without any respect to him) they prefer their payment before his.

Somerſet,	Mobun,
Deconſhire,	Bergavenny,
Tho. Cantuar,	Berkeley of Stratton,
Huntingdon,	Jo. Litch. and Coven.
Say and Seal,	Rivers,
W. Worcester,	Levelace,
Rich. Peterburg,	Townſhend,
Gi. Sarum,	Herbert,
Radnor,	Carlisle, E. M.
Jo. Chicheſter,	Tho. Wharton,
Jo. Bangor,	Esſex,
Sunderland,	Powlet,
Oxford,	Rockingham,
Bolton,	Stamford.

(1) As

1702. formed by him for the Nation. The Queen likewise was pleased to declare before a Committee of the Council, 'That she was so satisfied of the eminent services of my Lord *Marlborough* to the public and to herself, both in the command of the army, and the intire confidence he had settled between Her and the *States-General*, that she intended to make him a Duke.' Nor did the Queen's favour stop here, for, to support this new dignity, she sent a message to the House of Commons, importing, 'That she had thought fit to grant the title of a Duke of this Kingdom to the Earl of *Marlborough*, and to the heirs male of his body; and also a pension of five thousand pounds *per annum* upon the revenue of the Post-office, for the support of this honour during her Majesty's natural life. That if it had been in her power, she would have granted the same term in the pension, as in the honour; and that she hoped they would think it so reasonable in this case, as to find some proper methods of doing it.' This message occasioned great debates in the House; and Sir *Christopher Musgrave* in particular said, 'That he would not derogate from the Duke's eminent services, but insisted that he was very well paid for them;' and then took notice of the profitable employments enjoyed by Him and his Ducheſs. As soon as the Duke was informed of this, he waited on her Majesty, and prayed her, 'rather to forego her gracious message on his behalf, than to create any uneasiness on his account, since it might embarrass her affairs, and be of ill consequence to the public.' And, there being no probability, that the Commons would comply with the Queen's desire, she sent another message to acquaint them, That the Duke of *Marlborough* had declined her message to them. However, the same day, the Commons being in a grand Committee, a motion was made for an *address*, containing the reasons, why they could not comply with her Majesty's first message. This motion being agreed to, the address was drawn, and presented to the Queen by the whole House in these words:

Most Gracious Sovereign,

Address on account of the Queen's message.
Dec. 21. WE your Majesty's most dutiful and loyal subjects, the Commons in Parliament assembled, humbly beg leave to declare our unanimous satisfaction in the just esteem your Majesty has been pleased to express of the

eminent services performed by the Duke of *Marlborough*, who has not only by his conduct of the army retrieved the ancient honour and glory of the *English* Nation, but by his negotiations established an intire confidence and good correspondence between your Majesty and the *States-General*, and therein vindicated the gentlemen of *England*, who had, by the vile practices of designing men, been traduced, and industriously represented as false to your Majesty's Allies, because they were true to the interest of their Country.

It is to their inexpressible grief, that your Majesty's most dutiful Commons find any instances, where they are unable to comply with what your Majesty proposes to them; but they beg leave humbly to lay before your Majesty the apprehensions they have of making a precedent for the alienation of the revenue of the Crown, which has been so much reduced by the exorbitant Grants of the last Reign, and which has been so lately settled and secured by your Majesty's unparalleled grace and goodness.

We are infinitely pleased to observe, by your Majesty's late gracious acceptance of the Duke of *Marlborough's* services, that the only way, to obtain your Majesty's favour, is to deserve well from the public; and we beg leave to assure your Majesty, that, whenever you shall think fit to reward such merit, it will be to the intire satisfaction of your people.

To this address, which reflected so highly on the late King's Person and reign, the Queen only answered, 'That she should always think herself much concerned to reward those, who deserved well of her; and that, on this account, she had bestowed some favours on the Duke of *Marlborough*, and was glad to find they thought them well placed.' However, great liberty was taken of reflecting upon the Queen as well as the Duke for this transaction; and a satirical piece was handed about, wherein among other things, it was affirmed, 'That her Majesty designed to give one Duke * all *Marlborough's* gold, which the other † had brought home from *Vigo* (1).'

In the beginning of *January*, the Queen sent a message to the Commons, 'That the *States-General* had renewed their applications to her Majesty, to assist them in this time of danger with an augmentation of her forces (2), as the only means to disappoint the great and early *Lambers*, Vol. II. Burnet.

(1) As this proceeding of the Queen demonstrates the great influence the Duke and Ducheſs of *Marlborough* had then over her, so it is thought, the refusal of the Commons, to comply with the Queen's desire, began to alienate the Duke from the Tories. It is remarkable, that this circumstance is mentioned neither by *Bishop Burnet*, in his History, nor by the Ducheſs of *Marlborough*, in the Vindication of her Conduct.

(2) The *States* had represented the necessity of this augmentation to the Earl of *Marlborough*, before he left *Holland*, in order that some resolution might be taken for that purpose in *England*. The Earl acknowledged the necessity of such a resolution, and promised, that, at his return to *London*, he would use his utmost endeavours in that respect. It was observed to his Lordship, that at least it was better to augment the land-forces, than to have forty thousand seamen voted

by the House of Commons; since, that sixty *English* ships would be sufficient, with thirty *Dutch*, to command the seas, twenty or five and twenty thousand seamen would be enough to man them, and the rest of the expence might be employed in land-forces. Upon these heads, the *States-General* ordered their Ambassadors to present a memorial to the Queen, importing, that the ill success at *Cadix* did not discourage them, but that they were ready to redouble their efforts, if her Majesty should think proper; and, at the same time, congratulating her upon the success of the fleet at *Vigo*, and thanking her for the assistance, which she had given them, by her troops under the command of the Earl of *Marlborough*, and representing to her the necessity of augmenting them, especially, as they were informed, that *France* would augment their troops by the addition of eighty thousand men. This memorial

1702. 'early preparations of the French.' Upon which it was resolved, 'That ten thousand men be hired for an augmentation of the forces to act in conjunction with the Allies, but upon condition, that there be an immediate stop put to all commerce and correspondence with France and Spain on the part of the States-General.' This resolution being formed into an address, and laid before the Queen, her Majesty answered, 'That she made no doubt but that condition would be approved, since it was so absolutely necessary for the good of the whole Alliance; and that she would send that night directions to her Ministers in Holland, to concur with the States in providing the troops accordingly.' The Lords also addressed the Queen on the same subject, and to the same effect; to which her Majesty returned the like answer. The chief reason, why both Houses insisted upon an immediate prohibition of all commerce and correspondence with France and Spain, was the great difficulty, under which the Court of France laboured at this juncture, to make remittances of money to their forces in Italy, and to the Elector of Bavaria in Germany; which indeed the French could not do without the assistance of the English, Dutch, and Geneva Merchants, as appeared by a discovery made about this time by the Earl of Nottingham, on an unlawful intercourse of bills of exchange between some French Bankers at Paris and some London Merchants. However, though the insisting upon this prohibition was a thing reasonable in itself, yet the manner, in which it was managed, shewed an ill disposition to the Dutch, who, in the debate concerning it in the House of Commons, were treated very indecently; and the imposing it upon them, in the way in which it was pressed, carried in it too high a

strain of authority over them. Theirs is a country, which does not subsist by any intrinsic wealth of their own, but by their trade; and therefore some seemed to hope, that the opposition, which would be raised on that head, might force a peace, which many persons in England were driving at so indecently, that they took little care to conceal it. The States resolved to comply with England in every thing; and, though they did not like the manner of demanding this, yet they readily consented to it; and accordingly the prohibition of all commerce with France and Spain was published by them, commencing from the 1st of June, 1703.

The Toleration-act, passed in the first year of the late Reign in favour of the Protestant Dissenters, was looked upon with regret by many Church-men. King William was no sooner dead, than the Dissenters felt the effects of the change. They that bore them ill will before, and were ready to reflect on them upon all occasions, now openly triumphed. Sermons were preached, and pamphlets dispersed, to blacken them as much as possible, and such a violent temper discovered itself on a sudden, and such an inclination to heat and fury, as plainly shewed the parties affected to have been kept under a sort of restraint. The debate about *occasional Conformity*, which had been raised in the foregoing Reign, was now received with great warmth. Before the new Parliament met, a pamphlet came out with this title, *The Establishment of the Church, the Preservation of the State*, shewing the reasonableness of a bill against occasional Conformity: In which the author undertook to prove, that a civil discouragement of Dissenters would be highly agreeable to Religion: That their objections, as to cruelty, and with respect to conscience, had nothing in them: And that the countenancing them would be as little politic

The bill against occasional Conformity.
Pr. H. L.
III. 212.
Burnet.

memorial had no effect; but her Majesty's Envoy presented to the States-General the following memorial, in answer to that of their Ambassadors:

High and mighty Lords,

'The under-written Envoy Extraordinary of the Queen of Great-Britain is ordered to represent to your High Mightinesses, That her Majesty, having seen and considered the Memorial of your Ambassadors and Envoy Extraordinary, dated the 19th of November, wherein they thank her Majesty, in the name of your High Mightinesses, for the assistance, which has been given you by her Majesty's troops, under the command of the Earl of Marlborough; and, at the same time, congratulate her Majesty upon the success of the fleet and her troops, in conjunction with those of her Allies, in the happy attempt upon Vigo; desiring, that the troops in Flanders may be completed, augmented, and early in the field next year: Her Majesty has ordered the said Envoy to acquaint your High Mightinesses, that her Majesty thanks you sincerely for your obliging acknowledgments towards her, on occasion of the assistance under the command of the said Earl of Marlborough; and that she is extremely well satisfied, that their success has been so considerably to the advantage of your High Mightinesses, by extending and fortifying your frontier. That her Majesty congratulates you likewise on account of the share, which your fleet and troops had in the glorious action at Vigo. That she will take care, that the troops in the Low-Countries be effectually recruited, and provided with all things necessary,

in order that they may take the field early the next year. That the measures relating to the number of her Majesty's troops, which ought to be employed in conjunction with those of your High Mightinesses in the Low-Countries, having been taken into consideration in the Parliament, before any mention was made of augmenting them, that affair, according to the rules and method of their proceedings, could not be laid before them; but that all possible care should be taken, that the rest of her Majesty's forces, both by sea and land, should be employed in such a manner, as should appear to be most proper for making the greatest diversion to the enemy, in other parts, and for obtaining the end, that your High Mightinesses propose: And, for that purpose, her Majesty is desirous, that the most proper methods may be concerted between Her and your High Mightinesses; and that you will please to give instructions to some persons for regulating the operations of such expedients, as may most annoy the enemy, and be of most advantage to the common cause."

Hague, Decemb. 5, 1702.

STANHOPE.

The Envoy presented this Memorial at the persuasion of the Pensionary, in order that the States-General might take occasion, from thence, to renew their instances; which they accordingly did, by their Ambassadors. But the Queen persisted in refusing to lay the proposal for the augmentation of the troops before the House of Commons; upon pretence, that the true course of Parliaments did not permit the proposing of new levies, after the state of the war had been once settled; and that this could not be done, without pro-roguing

1702. tic as pious. This was soon followed by another, called, *The case of Toleration recognized*; in which, a strenuous motion was made for the adding farther conditions to the Toleration, and especially, that of incapacitating such, as had benefited by it for all civil employments. It was dedicated to the Earl of *Marlborough*, who, as has been observed, was looked upon as a Tory, and, consequently, as one of unsuspected zeal for the Church. Matters being thus prepared without doors, the indiscretion of a Lord-Mayor, in the late Reign, was made the pretence of bringing in a bill in Parliament, against occasional Conformity. It seems, Sir *Humphry Edwin*, who was a Dissenter, being Lord-Mayor in the year 1697, carried the City-sword with him once to a Meeting at *Pinner's-Hall*. As this was exclaimed against at the time it was done, so now it was urged as a reason to prevent the like for the future. Accordingly, on the 4th of *Novem-*

ber, Mr *Bromley*, Mr *St John* (afterwards Lord *Bolbroke*) and Mr *Annesley* (afterwards Earl of *Anglesey*) were ordered to bring in a bill for preventing *Occasional Conformity*. It was read a second time, the 17th of *November*, and, a motion being made for exempting Protestant Dissenters from such offices, as cannot by law be executed, without receiving the Sacrament according to the usage of the Church of *England*, it was carried in the negative. In the preamble of the bill, the Toleration was asserted, and all persecution for conscience-sake condemned, in a high strain. But, how the enacting part could be reconciled with this preamble, is hard to conceive (1). For by this bill all those, who took the Sacrament and Test (which, by the act passed in 1673, was made necessary to those, who held offices of trust, or were Magistrates in Corporations, but was only to be taken once by them) and did, after that, go to the Meetings of

1702.

roguing the Parliament, which would intirely annul what had been already done, and would cause an irreparable damage. As this excuse did not appear sufficient, especially, as, under the late King, there had been instances contrary to the custom alleged by the Queen, the answer, which Mr Secretary *Hedges* gave, in the name of her Majesty, to the Dutch Ambassadors, was examined with great care and attention. Which answer was as follows:

'The Queen, having seen and considered the Memorial of your Excellencies, dated the 1st of this month, has ordered, that the following answer be given it: That her Majesty has nothing more at heart, than to do every thing, that depends upon her, to support the interests of the *States-General*, which she will always consider as her own. And though, by the forms of Parliament, no effect can be hoped for from proposing to them the raising of new troops to serve in the *Low-Countries*, without a prorogation of the Parliament, which will intirely destroy all that has been done, and cause an irreparable damage; yet her Majesty has thought of such other expedients, as may effectually support them, or convince them, that nothing shall be wanting, on her part, to assure them of her real concern and care for their security and prosperity. And, for this purpose, her Majesty being assured of the concurrence of her Parliament, in maintaining such new Alliances, as she shall make for her own interest, and that of her Allies, she ardently wishes, that the *States-General* would immediately concur with her, in sending Ministers to the King of *Sweden*, to induce him to agree to a peace; in which case her Majesty, in conjunction with the said *States*, will take into her pay 12000 *Swedes*, and 8000 *Saxons*. And, considering the present situation of the King of *Sweden*, her Majesty hopes, that this negotiation may be finished with such expedition, that the said troops may be in *Holland*, as soon as shall be necessary for the ensuing campaign. Her Majesty next proposes, that all kinds of means ought to be used, to recover the Elector of *Bavaria*, by an amicable accommodation; and, for this purpose, to persuade the Emperor to gratify him with those things, which may probably give him satisfaction. And her Majesty is very desirous, in concert with her Allies, to contribute to the necessary subsidies for enabling that Duke to employ his troops in the service of the Allies, in order, by that means, to make such a diversion to *France*, as may effectually break their designs against the *Sates*. And besides, as the success of such negotiations is uncertain, as well as of that of *Portugal*, though her Majesty has reason to hope, that the latter is

'in a good train of being happily concluded, her Majesty instantly desires the *States-General* to join, with all possible expedition, such a number of their ships to those of her Majesty, in order to send a squadron to the *Mediterranean*, her Majesty being disposed to embark on board those ships all the troops, which she can spare in *England*, which, in conjunction with some of the *States-General*, may make such attempts as shall be agreed upon, as the most proper for making the greatest diversion to *France*, and most effectually preventing the superiority of that Kingdom in the *Low-Countries*. And, if there be any other expedient, which the *States* can think of, and is practicable for her Majesty to join in it, she will receive it with joy, being resolved to omit nothing that can contribute to their security and satisfaction.'

Whitehall, Decemb. 3, 1702. CH. HEDGES.

In the examination of this answer, it seemed, as if the Queen had conceived in her mind some prejudice of the *States-General*; which might perhaps arise from their not having given the command of the armies to Prince *George*, as she had wished might be done. Others were of opinion, that this answer was suggested by the Earl of *Rochester*, who, being ambitious of having the ascendant in the Administration of affairs, looked with a jealous eye upon the glory, which the Earl of *Marlborough* had gained in the last campaign, and which had induced the Commons, in their address, to stile him the *Retriever* of the honour of the Nation. They imagined, therefore, that, to prevent him from gaining new laurels, the Earl of *Rochester* had insinuated into the Queen so far, as to persuade her to give the answer above-mentioned to the Dutch Ambassadors. But others had no manner of doubt, that the Queen's design in that answer was only to captivate the esteem of her Subjects, by shewing how zealous she was for their ease, and how averse to the laying new burdens on them. It is not improbable, that all these three reasons might have more or less influence in this answer.

(1) The bill began thus: 'As nothing is more contrary to the profession of the Christian Religion, and particularly to the Doctrine of the Church of *England*, than persecution for conscience only; and, in due consideration of it, an act passed in the first year of King *William* and Queen *Mary*, for the exempting their Majesties Protestant subjects, dissenting from the Church of *England*, from the penalties of certain laws; which act ought inviolably to be observed, and ease given to consciences truly scrupulous.' How this is reconcilable with an exclusion from all offices and places of trust, purely on a religious account, cannot easily be made appear.

1702. of Dissenters, or any Meeting for religious worship, that was not according to the Liturgy or Practice of the Church of *England*, where five persons were present more than the family, were disabled from holding their employments, and were to be fined one hundred pounds, and five pounds a day for every day, in which they continued to act in their employments, after their having been at any such meeting. They were also made incapable to hold any other employment, till after one whole year's Conformity to the Church, which was to be proved at the Quarter-Sessions. Upon a relapse, the penalties and time of incapacity were doubled. No limitation of time was put in the bill, nor of the way, in which the offence was to be proved. But, whereas the Test-act only included the Magistrates in Corporations, all the inferior Officers or Freemen in Corporations, who were found to have some interests in the elections, were now comprehended in this bill. Some thought the bill was of no consequence, and that, if it should pass into a law, it would be of no effect: But that the occasional Conformists would become constant ones. Others thought, that this was such a breaking in upon the Toleration, as would undermine it, and that it would have a great effect on corporations; as, indeed, the intent of it was believed to be the modelling elections, and by consequence of the House of Commons.

Great
debates
about it.
Burnet.

On behalf of the bill, it was said, the design of the Test-Act was, that all in office should continue in the Communion of the Church; that coming only once to the Sacrament for an office, and going afterwards to the Meetings of Dissenters, was both an eluding the intent of the law, and a profanation of the Sacrament, which gave great scandal, and was abhorred by the better sort of Dissenters. Those, who were against the bill, said, the Nation had been quiet ever since the Toleration, the Dissenters had lost more ground and strength by it than the Church: The Nation was now engaged in a great war; it seemed therefore unreasonable to raise animosities at home, in matters of Religion, at such a time; and to encourage a tribe of Informers, who were the worst sort of men: The fines were excessive, higher than any laid on Papists by law; and, since no limitation of time, nor concurrence of witnesses, was provided for in the bill, men would be forever exposed to the malice of a bold swearer or wicked servant: It was moved, since the greatest danger of all was from Atheists and Papists, that all such, as received the Sacrament for an office, should be obliged to receive it three times a year, which all were by law required to do; and to keep to their Parish-Church, at least one Sunday a month; but this was not admitted. All, who pleaded for the bill, did in words declare for the continuance of the Toleration, yet the sharpness, with which they treated the Dissenters in all their speeches, shewed as if they designed their extirpation. The bill, on the 28th of November, passed the House of Commons by a great majority, and was carried up by Mr Bromley, on the 2d of December, to the Lords. That House being apprehensive, that the Commons might (as they had done on several occasions) tack their bill to some money-bill, made a vote: 'That the annexing any clause to a money-bill was contrary to the Constitution of the *English* Government, and

1702. 'the usage of Parliament;' and ordered this vote to be added to the roll of the standing order of their House. The debates upon the occasional bill held longer, in the House of Peers, than they had done in the House of Commons. Many were against it, because of the high penalties: Some remembered the practices of Informers, in the end of King *Charles's* Reign, and would not consent to the reviving such infamous methods; all believed, that the chief design of this bill was, to model Corporations, and to cast out of them all those, who would not vote in elections for Tories. The Toleration itself was visibly aimed at, and this was only a step to break in upon it. Some thought, the design went yet further, to raise such quarrels and distractions among us, as would so embroil us at home, that our Allies might see, they could not depend upon us; and that we, being weakened by the disorders, occasioned by those prosecutions, might be disabled from carrying on the war, which was the chief thing driven at, by the promoters of the bill. So that many of the Lords, as well as the Bishops, agreed in opposing this bill, though upon different views: Yet they consented to some parts of it; chiefly, that such as went to Meetings, after they had received the Sacrament, should be disabled from holding any employments, and be fined in twenty pounds; many went into this, though they were against every part of the bill, because they thought this the most plausible way of losing it: Since the House of Commons had of late set it up for a maxim, that the Lords could not alter the fines, that they should fix in a bill, this being a meddling with money, which they thought was so peculiar to them, that they would not let the Lords, on any pretence, break in upon it.

The Lords, hereupon, appointed a very exact search to be made into all the *Rolls*, that lay in the Clerk of the Parliament's Office, from the middle of King *Henry* the Seventh's Reign, down to the present time: And they found, by some hundreds of precedents, that in some bills the Lords began the clauses, that set the fines; and that, when fines were set by the Commons, sometimes they altered the fines, and, at other times, they changed the use, to which they were applied: The report made of this was so full and clear, that there was no possibility of replying to it, and the Lords ordered it to be entered into their books. But the Commons were resolved to maintain their point, without entering into any debate upon it. The amendments of the Lords were mostly alterations of words and expressions, except this of the alteration of the penalties; and another by which they disowned, that it was the intention of the law, when it provided, that every person to be admitted to office should receive the Sacrament, that such person was obliged to be intirely conformable to the Church. To which amendment the Commons disagreed, as well as to the alteration of the penalties. The Lords also added five clauses, by the first of which information was to be given of the offence within ten days, and the prosecution to be within three months, and the conviction upon the oath of at least two credible witnesses. To this the Commons agreed, but to the other four clauses they would not consent, that Dissenters should not be compelled to hold any office, for which they could

not

1702. not be legally qualified without taking the Sacrament: That the University-Churches might be exempted, where sermons were preached without prayers: That such as went to the *French and Dutch Churches* might be excepted: And that *Governors of Hospitals, and Assistants of Corporations and Workhouses for the poor*, might also be exempted. The affair depended long between the two Houses, and both sides took pains to bring up the Lords that would vote with them, by which means there were above a hundred and thirty Lords in the House, the greatest number that ever had been brought together.

The Court put their whole strength to carry this bill; Prince George came and voted for it, though he was himself an occasional Conformist. For he had received the Sacrament as Lord High-Admiral, and yet kept his Chapel in the *Lutberan way* (1). The Earl of *Marlborough* and the Lord *Godolphin* also were for the bill. After some Conferences, wherein each House had yielded some smaller differences to the other, it came to a free Conference, on the 16th of *January*, in the Painted Chamber, which was the more crowded upon that occasion than had ever been known; so much weight was laid on this matter on both sides. The Managers, on the part of the Commons, were Mr *Bromley*, Mr *St John*, Mr *Finch*, Mr *Solicitor-General*, and Sir *Thomas Powis*. On the part of the Lords, the Duke of *Devonshire*, the Earl of *Peterborough*, the Bishop of *Salisbury*, the Lord *Sommers*, and the Lord *Halifax* (2).

When the Conference was over, the Commons left the bill with the Lords, and said, that they hoped they would not let the public lose the benefit of so good a law. Then the Managers returned to their respective Houses. When it came to the final vote of *adhering*, the Lords were so equally divided, that, in three questions put upon different heads, the *Adhering* was carried but by one vote in every one of them, and it was a different person that gave it in all the three divisions. Upon this, the bill was delivered to the Commons according to form, at a free Conference, and they were told, that the Lords adhered to their amendments. As the Commons likewise adhered to their disagreement with the Lords amendments, the bill was lost for this time. The Lords ordered their proceedings in this affair to be published, and the Commons followed their example. This bill seemed to favour the interests of the Church, and therefore the warm men were for it. The greater number of the Bishops being against it, they were censured, as cold in the concerns of the Church: A reproach, that all moderate men must expect, when they oppose violent motions. Great part of this censure fell upon the Bishop of *Salisbury*; for he bore a large share in the debates, both in the House of Lords and at the free Conference. Angry men took occasion, from the loss of this bill, to charge the Bishops as enemies to the Church, and betrayers of its interests, because they would not run blindfold into the passions and designs of ill-tempered men; whereas they thought they faithfully pursued

(1) It was reported, the Prince should say to the Lord *Wharton*, when he was about to divide against him, *My heart is with you*.

(2) The substance of what passed, at this free Conference, was as follows:

The Managers for the Commons alleged, 'That the intent of this bill was only to restrain a scandalous practice, which was a reproach to Religion, and gave offence to all good Christians, and to the best among the Dissenters themselves. That it enacted nothing NEW, and was only intended to make the laws in being more effectual. That this bill appeared to the Commons absolutely necessary for the preventing those mischiefs which must prove destructive to the Church and Monarchy. That an established Religion and a national Church are absolutely necessary, when so many ill men pretended to Inspiration, and when there were so many weak men to follow them. That the only effectual way to preserve this national Church, was by keeping the Civil Power in the hands of those whose principles and practices are conformable to it. That the Parliament, by the Corporation and Test-acts, thought they had secured our Establishment, and provided a sufficient barrier to disappoint any attempts against them, by enacting, that all in offices should receive the Sacrament according to the usage of the Church of England, and never imagined a set of men could at any time rise up, whose consciences were too tender to obey the laws, but hardened enough to break them. That, as the last Reign began with an act in favour of the Dissenters, so the Commons did desire, that in the beginning of her Majesty's auspicious Reign, an act might pass in favour of the Church of England, That those men might be kept out of offices, who have shown they never wanted the will, when they had the power, to destroy the Church. And that this bill did not in any respect trench on the act of Toleration, or take from the Dissenters any one privilege they have by law, or give any one privilege to the Church of England, Numb. XXXVIII. VOL. III.

' which was not at least intended her by the laws as they then stood.

' As to the several particular amendments made by the Lords, the Managers for the Commons insisted upon it, That, if the laws provided, that they that had offices should receive the Sacrament, and by that intended a Conformity; then whosoever breaks the intentions of the law, breaks the law, or at least evades it; and that it was fit to provide against such a practice. That, if the intention of the Test-act was the reason to provide against such evaders of it, the like intention in the Corporation-act would serve for a reason to provide against the evaders of that. That, by occasional Conformity, the Dissenters might let themselves into the Government of all Corporations; and that it was obvious how far that would influence the Government of the Kingdom. That to separate from a Church, which has nothing in it against a man's conscience to conform to, is Schism: And that that is a spiritual sin, without the superadding a temporal law to make it an offence. That occasional Conformity declares a man's conscience will let him conform; and in such a man Non-conformity is a wilful sin. And why should occasional Conformity be allowed in Corporations, when the Lords agreed, that out of Corporations it ought not to be allowed? That, in laying penalties, the Commons would always endeavour to make them such as should neither tempt to perjury, nor totally discourage informations and prosecutions; which they thought the Lords amendment would do, should they agree to it. That the punishment of incapacity, the recapacitating, and the increase of punishment for a second offence, are warranted by many precedents of the like nature in other penal laws. That an incapacity is a very proper punishment; and that a second offence is a Re-lapse and Apostacy, which makes it more heinous than the first offence, and therefore deserves an increase of punishment. That he is indeed reduced to a very unhappy condition, who is made incapable

1703.

suad the true interests of the Church, and zealously applied themselves to the duties of their function.

De Foe's
pamphlet,
The short-
est way
with the
Dissenters,
burnt, and
pilloried.

While the occasional Conformity-bill was depending, *Daniel de Foe*, who had been a Hosier in the City of London, and had, some years before, published a severe satire, intitled, *The True-born Englishman*, now undertook to ridicule the immoderate zeal of the Church-party, in a pamphlet, called, *The shortest way with the Dissenters: Or, Proposals for the Establishment of the Church*. Some, on both sides, were at first amused with it, as questioning what was the design of it; but it was not long before the Author's real intention was discovered. He began with such bitter reflections on the Dissenters, and their Principles, that it was taken for the work of a violent Churchman for some time, and met with applause from some of that party in the two Universities. The Author, after his reflections, proceeds to tell the world, that the Representatives of the Nation had now an opportunity, and perhaps the only one they should ever have, to secure the Church of England, and destroy her enemies, under the favour and protection of a true English Queen: That this was the time to pull up this heretical weed of sedition, that had so long disturbed the peace of the Church, and poisoned the good corn: That, if it should be objected, that this renewing fire and faggot would be cruelty, and accounted barbarous, he answered, that it is cruelty to kill a snake or a toad in cold blood; but the poison of their nature makes it a charity to our neighbours to destroy those creatures, not for any personal injury received, but for prevention: Not for the evil

they have done, but the evil they may do. And that, as serpents, toads, and vipers are noxious to the body, and poison the sensitive life, so the Dissenters poison the soul, corrupt our posterity, inslave our children, destroy the vitals of our happiness, our future felicity, and contaminate the whole mass; and therefore they are to be rooted out of this Nation, if ever we would live in peace, serve God, and enjoy our own.

The Commons, after the Author and his design was discovered, ordered the pamphlet to be burnt by the common hangman, and *de Foe* to be prosecuted. He pleaded for himself, that he gave the violent Churchmen but their language, or, at least, the sense of their own expressions, when they talked of *hanging out bloody colours and banners of defiance*; and shewed what many of their pamphlets and sermons, as well as their conversation tended to. But *de Foe* was fined two hundred pounds, and put in the pillory. The Earl of Nottingham is said to offer him mercy, whilst in *Newgate*, if he would discover who let him to write this pamphlet.

The Commons had now passed a bill in favour of those, who had not taken the oath abjuring the pretended Prince of Wales, by the day, that was named; granting them a year longer to consider of it; for it was said, that the whole party was now come intirely into the Queen's interests; though, on the other hand, it was given out, that Agents were come from France, on design to persuade all persons to take the abjuration, that they might become capable of employments, and so might in time be a majority in Parliament; and by that means the act of Succession, and the oath imposed by it, might

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A farther
security to
the Pro-
testant
Succession.
Burnet.

of serving his Prince and Country: But in the present case both Prince and Country would be in a more unhappy condition, to be served by such, whose principles are inconsistent with the good and welfare of the Establishment. That the Toleration was intended only for the ease of tender and scrupulous consciences, and not to give a licence for occasional Conformity. That Conforming and Non-conforming are contradictions; nothing but a firm persuasion, that the terms of Communion required are sinful and unlawful, could justify the one, and that that plainly condemns the other. That the exempting Dissenters from serving offices would rather establish occasional Non-conformity, than prevent occasional Conformity; and therefore increase and not cure the evil the bill was intended to remedy. That the *Act of Uniformity* had provided for the sermons or lectures in the Universities; and that therefore the acts against Conventicles in the 16 and 22 *Car. II.* made no particular exceptions for them, and yet they were never taken to be Conventicles. That the exempting such, as should be present at the Foreign Reformed Churches, would be to open a door to evade this law. And that the places of Governors of some hospitals are very considerable preferments, and given as such to the Clergy of the Church of England; and that the Commons could never consent by any law, to let in the Dissenters to the enjoyment of them.

The Managers for the Lords on the other hand declared, that, 'By agreeing so far as they had done to this bill, they had gone a great way for preventing the evil it was intended to remedy; and owned it to be a scandal to Religion, that persons should conform only for a place. That they did not think going to a Meeting to be *malum in se*, for that the Dissenters are Protestants, and differ from the Church of England only in some little forms, and therefore they thought loss of office a sufficient pu-

nishment without an incapacity. That it could never be thought those of the better sort would be guilty of this offence; if they were, they should lose their offices: That in inferior Officers of the Customs and Excise, who had little else to subsist on, loss of office was severe enough, since thereby they would be undone. And that this was yet more considerable in Patent places, which by a common custom are bought and sold, and are of the nature of freeholds. That incapacity was too great a penalty; and that it is hard to imagine any offence, that is not capital, can deserve it. That there is no more reason to punish this offence with incapacity, than to make it felony. That the Dissenters are not obnoxious to the Government, as when the corporation-act was made; the most considerable persons amongst them being well affected to the present Constitution, and hearty enemies to the Queen's and the Kingdom's enemies. That in some Corporations they took the election of Members to serve in Parliament to be only in such as are concerned in the government of them, as at *Buckingham*; and the Lords would not by this bill deprive men of their birth-rights, neither did they think fit to bring any greater hardships upon the Dissenters, since great advantages have accrued from the act of Toleration. That the Lords did equally desire a good correspondence betwixt the two Houses, and were so satisfied of the necessity of Union at this time, that they thought all measures fatal, that might create divisions amongst Protestants at home, or check the necessary Union of the Allies abroad. That in a time of war they thought alterations unnecessary and dangerous, and were unwilling to bring any real hardships upon the Dissenters at this time, or give them any cause of jealousies and fears. That the Toleration had had such good effects, contributed so much to the security and reputation of the Church of England, and produced

1702. might be repealed. When the bill for thus prolonging the time was brought up to the Lords, a clause was added, qualifying those persons, who should, in the new extent of time, take the oaths, to return to their benefices or employments, unless they were already legally filled. When this was agreed, two clauses of much greater consequence were added to the bill. One was, declaring it high-treason to endeavour to defeat the Succession to the Crown, as it was now limited by law, or to set aside the next Succession. This had a precedent in the former Reign, and therefore it could not be denied now. It seemed the more necessary, because there was another person who openly claimed the Crown; so that a farther security might well be insisted upon. This was a great surprize to many, who were visibly uneasy at the motion, but were not prepared for it, and did not see how it could be resisted. The other clause was, for sending the abjuration to *Ireland*, and obliging all there (in the same manner as in *England*) to take it. This seemed the more rea-

sonable, considering the strength of the Popish interest there. Both clauses passed in the House of Lords, without any opposition; but it was apprehended, that the Commons would not be so easy; yet, when it was sent to them, they struggled only against the first clause, that barred the return of persons, upon the taking the oaths, into places, that were already filled. The party tried their strength upon this, and, upon their success in it, they seemed resolved to dispute the other clause; but it was carried, though only by one voice, to agree with the Lords. When the clause relating to the Succession was read, Sir *Christopher Musgrave* tried, if it might not be made a bill by itself, and not put as a clause in another bill; but, seeing the House was resolved to receive both clauses, he did not insist on his motion. Every body was surprized to see a bill, that was begun in favour of the Jacobites, turned so terribly upon them; since by it a new security was given, both in *England* and *Ireland*, for a Protestant Successor.

At this time, the Earl of *Rocheſter* quitted his place

duced to good a temper among Dissenters, That the Lords were unwilling to give the least discredit to that act; Liberty of conscience and gentle measures being most proper, and having been found most effectual toward increasing the Church, and diminishing the number of Dissenters. That some parts of the bill had an air of severity not proper for this season; that a proper time ought to be taken to apply remedies, the attempting too hasty cures having often proved fatal. That, if there had been such danger and necessity, this remedy would have been proposed before. That, if this bill did enact nothing NEW, there would not be such a contest about it. That they did consent to a punishment, but would proportion the penalty to the offence. That they hoped their desires of securing the Toleration-act, the peace and quiet of the Kingdom at home, and the interest of the Nation abroad, would meet with a fair construction. That they thought the only contest between the two Houses was, which should most bestir and take care of the Church; the one would procure a hasty settled submission, not so much to be depended on; the other would obtain for her a more gradual but a safer advantage over Dissenters. That they conceived both the last Reign and this began upon the same bottom and foundation; and that, as in this Reign her Majesty has been pleased to give gracious assurances as to Liberty of conscience, so in the last the Church ever met with protection and support. That it is hard, as well as untrue, to say of the Dissenters, they never wanted the will, when they had the power, to destroy the Church and State; since, in the last and greatest danger the Church was exposed to, they joined with her with all imaginable zeal and sincerity against the Papists, their common enemies; and that ever since they have continued to shew all the signs of friendship and submission to the Government of Church and State. That Toleration and Tenderness had never misſed of procuring Peace and Union, as Persecution had never failed of producing the contrary effects. That the Lords could not think the Dissenters could properly be called Schismatics; that such an opinion allowed would bring an heavy charge upon the Church of *England*, who by a law have tolerated such a Schism: And that, the Church-men having allowed Communion with the Reformed Churches abroad, it must follow they hold them not guilty of Schism, or could not allow Communion with them. That this bill would inflict a second punishment on them, who fled from *France* for their Religion. That this might be used as an argument to justify even the Persecution in *France*. That they could not depart from the clause relating

to the *Dutch* and *Walloon* churches so long established among us, lest it should give great disgust and offence to the Allies abroad, and at the same time forfeit the greatest character can be given a Church, that of tenderness and charity to Fellow-Christians, &c. That, as to Workhouses, they could not conceive, that the distributing of some Presbyterian bread to the poor, and Dissenting water-gruel to the sick, could ever bring any prejudice to the Church of *England*: And that they were of opinion, that the Dissenters were coming into the Church, and that nothing but terrifying measures and severity could prevent the happy Union.

It was further added, That a Papist convict, as soon as he conforms himself, and receives the Sacrament, is immediately cleared; no incapacity lies upon him. But this act would carry the matter farther to a year's incapacity. A Papist, that shall relapse and fall under a second conviction, is still convicted over again, without any aggravation of the censure; which by this bill would be much heightened upon a second offence: So that the penalties of this bill are higher than any the law has laid on Papists for assisting at the solemnest act of their Religion. Before the act of Toleration passed, while Conventicles were illegal and criminal assemblies, a man in office, that was present at them, was only liable to a fine of 10*l*. Whereas by this bill he would be liable to a fine of an 100*l*, for being present at them; though they have an impunity by law: It does not seem so very suitable, that the same action should be made ten times more penal, after such an impunity is granted, than it was before the passing that law, while such assemblies were illegal. It seems insinuating, and unbecoming so mild a Government as ours, to lay so heavy a penalty on a crime so dubiously expressed: Nor is it proper, that the sums raised by the bill should all go to the Informer, which might give encouragement to false accusations and perjury. This occasional Conformity has been both the principle and practice of some of the most eminent among the Dissenters ever since St *Bartholomew's* in 1662. Nor is it a certain inference, that, because a man receives the Sacrament in the Church, he can therefore conform in every other particular. Occasional Conformity was a step that carried many much further: And it was intimated, that the Lords were not willing to ruin persons utterly on account of a practice, that many well-meaning men have been and may be led into, and which they think naturally tends to bring them over intirely to the Church, &c. &c.

The Managers, on the behalf of the Commons, replied, that several arguments, urged by the Managers

1702. place of Lord-Lieutenant of Ireland (1). He was uneasy at the preference, which the Duke of Marlborough had in the Queen's confidence, and at the Lord Godolphin's being made Lord-Treasurer. It was generally believed, that he was endeavouring to embroil affairs, and laying a train of opposition in the House of Commons. The Queen sent a message to him, ordering him to make ready to go to Ireland; for it seemed very strange, especially in time of a war, that a person, in so great a post, should not attend upon it. But he, after some days advising about it, went to the Queen, and desired to be excused from that employment. This was readily accepted, and upon that he withdrew from the Councils; and his post of Lord-Lieutenant was (as hath been said) conferred on the Duke of Ormond.

Inquiry into the public accounts.
Pr. H. C. III. 247. Burnet.

The report of the Commissioners, appointed to take the public accounts, was a business that took up much time in this Session, and occasioned many debates. They pretended that they had made great discoveries. They began with the Earl of Ranelagh as Pay-master General of the Army, and drew up a narrative, wherein they charged him with great mismanagements. The Earl had been Pay-master of the Army in King James's time; and, being very fit for the post, he had been continued all the last Reign: He had lived high, and so it was believed, his appointments could not support so great an expence; He had an account of one and twenty millions lay upon him. It was given out, that a great deal of the money, lodged in his office, for the pay of the Army, was diverted to other uses, distributed among Favourites, or given to corrupt Members of Parliament; and that some millions had been sent over to Holland: It had been often said, that great discoveries would be made, whensoever his accounts were looked into: And that he, to save himself, would lay open the ill practices of the former Reign. But now, when all was brought under a strict examination, a few inconsiderable articles, of some hundreds of pounds, was all that could be found to be objected to him: And, even to these, he gave clear and full answers. At last they found, that, upon the breaking of a regiment, a sum, which he had issued out for its pay, had been returned to his office, the regiment being broke sooner, than that pay was exhausted: And that no entry of

this was made in his accounts. To this he answered, that his Officer, who received the money, was, within three days after, taken so ill of a confirmed stone, that he never came again to the office, but died in great misery: And, during those three days, he had not entered that sum in the books. Lord Ranelagh acknowledged, that he was liable to account for all the money that was received by his Under-officers; but here was no crime or fraud designed; yet this was so aggravated, that he saw his good post was his greatest guilt: He therefore quitted his place, which being divided, Mr Howe was appointed Pay-master of the Guards and Garrisons at home, as being the more lasting post; and Sir Stephen Fox, Pay-master of the forces beyond sea. Upon this, all the clamour raised against the Earl of Ranelagh ceased; however, the Commons vindicated the report of the Commissioners by a vote, and, to make a show of severity, expelled the Earl the House, on the 7th of February, 'for a high crime and misdemeanour, in misapplying several sums of the public money.' But, upon all this canvassing, he appeared much more innocent than even his friends had believed him.

The clamour that had been long kept up against the former Ministry, as devourers of the public treasure, was of such use to the prevailing party, that they resolved to continue it, by all possible methods: So a Committee of the House of Commons prepared a long address to the Queen, reflecting on the ill management of the funds upon which they laid the great debt of the Nation, and not upon the deficiencies. This was branched out into many particulars, which were all heavily aggravated. Yet, though a great part of the outcry had been formerly made against Russell, Treasurer of the Navy, and his office, they found not so much as a colour to fix a complaint there: Nor could they charge any thing on the Chancery, the Treasury, and the Administration of Justice. Great complaints were made of some accounts that stood long out, and they insisted on some pretended neglects, the old methods of the Exchequer not having been exactly followed: Though it did not appear that the public suffered in any sort by these failures. They kept up a clamour likewise against the Commissioners of the Prizes, though they had paid their accounts as the law directed, and no objection was made to them. The address

'nagers for the Lords, were against the bill, which they had seemed to agree to. That no time could be more seasonable for this bill than the present, because good laws may be obtained most easily in the best Reigns. That, should any by this bill be turned out of their employments, and consequently lose their votes in elections, yet it cannot be said they lose their birth-rights, because no man is born a Magistrate. That some of the Lords arguments had been so irregular as to defend occasional Conformity. And that they were surprized to hear a Prelate speak in defence of such a practice.'

(1) The Duchess of Marlborough, in the *Account of her Conduct*, p. 142, tells us, that this Earl was the first of the Tory leaders, who discovered a deep discontent with the Queen and the Administration; and resigned the Lieutenantancy of Ireland in great wrath, upon her Majesty's being so unreasonable, as to press him to go thither to attend the affairs of that Kingdom, which greatly needed his presence. For, as the revenue, which

had been formerly granted, was out, it was necessary to call a Parliament, in order to another supply; and a Parliament could not be held without a Lord-Lieutenant. But, when the Queen represented these things to him, he told her, with great insolence, 'That he would not go to Ireland, though he would give the Country to him and his son; so that he seemed to have accepted the post, only that he might reign in Ireland by the Ministry of his brother Keightley, as he hoped to do in England in person. Nor could he, after his resignation, overcome his anger so far, as to wait upon the Queen, or go to Council; which the observing, ordered, after sometime, that he should no more be summoned, saying, 'That it was not reasonable he should come to Council only when he pleased.' It was generally thought, and with good reason, that the true source of his dissatisfaction was the Queen's not making him her sole Governor and Director, and Lord Godolphin's being preferred before him for the Treasury.

(1) These

1702. drefs was full of fevere reflections and fpiteful infinuations, and it was thus carried to the Queen, and published to the Nation, as the fenfe of the Commons of *England*.

The Lords, to prevent the ill impreffions this might make, appointed a Committee, to examine all the obfervations that the Commiffioners of accounts had offered to both Houfes. They fearch'd all the public offices, and were amazed to find, that there was not one article of any importance, in thofe obfervations, or in all the Commons addrefs to the queen, but what was falfe in fact. They found, that the deficiencies in the former Reign were of two forts: The one was of fums, that the Commons had voted, but for which they had made no fort of provision: The other was, where the fupply, that was given, fell fhort of the fum, at which it was eftimated; and between thefe two the deficiencies amounted to fourteen millions. This was the root of all the great debt, that lay on the Nation. They examined into all the pretended mifmanagement, and found, that what the Commons had ftated fo invidioufly was miftaken; fince King *William* and his Minifters had been fo far from mifapplying the money, that was given for public occafions, that the King had applied three millions to the public fervice, which by law was his own money, of which they made up the account. They found alfo, that fome fmall omiffions, in fome of the forms of the *Exchequer*, were of no confequence, and neither had nor could have any ill effect: And, whereas a vaft clamour was raifed againft paffing accounts by Privy-Seals, they put an end to that effectually, when it appeared on what ground this was done. By the ancient methods of the *Exchequer*, every account was to be carried on, fo that the new officer was to begin his account with the balance of the former account. Sir *Edward Seymour*, who had been Treafurer of the Navy, owed by his laft account an hundred and eighty thoufand pounds; and he had received, after that, an hundred and forty thoufand pounds, for which the ac-

counts were never made up. As it was not poffible therefore for thofe, who came after him, to be liable for his accounts, the Treafury of the Navy, in the laft Reign, were obliged to take out Privy-Seals for making up their accounts. Thefe imported no more, than that they were to account only for the money, which they themfelves had received; for, in all other refpects, their accounts were to pafs according to the ordinary methods of the *Exchequer*. Complaints had alfo been made of the remiffnefs of the Lords of the Treafury, or their Officers, appointed to account with the Receivers of Counties for the aids, that had been given. But when this was examined, it appeared, that this had been done with fuch exactnefs, that, of the fum of twenty-four millions, for which they had accounted, there was not owing above fixty thoufand pounds, and that was, for the moft part, in *Wales*, where it was not thought advifable to ufe too much rigour in raifing it; and of that fum, there was not above fourteen thoufand pounds, that was reckoned as loft. The Collectors of the Customs likewife answered all the obfervations made on their accounts fo fully, that the Houfe of Commons was fatisfied with their answers, and difmiffed them without fo much as a reprimand. All this was reported to the Houfe of Lords, and they laid it before the Queen in an addrefs, which was afterwards printed with the vouchers to every particular. By this means it was made out, to the fatisfaction of the whole Nation, how falfe thofe reports were, which had been fo induftrioufly spread, and were fo eafily believed by the greater part; for the bulk of mankind will be always apt to think, that Courts and Minifters ferve their own ends, and ftudy to enrich themfelves at the public coft. The examination held long, and was profecuted with great exactnefs, and had all the effects, that could be defired from it; for it filenced that noife, which King *William's* enemies had raifed, to afperfe him and his Minifters (1). With this the Seflion ended, and the Queen,

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(1) Thofe readers, who defire a fuller account of thefe matters, will find it in the following extract:
On the 18th of *January*, Mr *St John*, from the Commiffioners of the public accounts, prefented to the Houfe of Commons a general ftate of receipts and iffues of the public revenue, between the feaft of *St Michael*, 1700, 1701, and 1702, with obfervations thereupon. This having been taken into confideration the following days, and, Mr *Bridges*, one of the Commiffioners, having, on the 25th prefented to the Houfe an account of both the loans and payments on the votes of that Houfe, in *February* 1700, and of the produce of twenty-five per cent. on *French* goods, and the application of the fame, it was then refolved, "That the borrowing of money, and ftriking tallies with intereft unnecessary, before the publick occafions required the fame, had been one reafon of the great debt, which lay upon the Nation: And that the applying of the public money to the ufe of the civil lift, which was otherwife provided for, was another caufe of that great debt." The next day, Colonel *Birley*, from the Commiffioners, prefented to the Houfe their report, purfuant to an order of the Houfe, by which they were directed to examine the Auditor and other Officers of the *Exchequer*, relating to the paffing of the accounts of the public money, and to lay before the Houfe what they fhould find to be the caufe, that the accounts were not annually and duly paffed, according to the laws in that cafe, and through whole de-

fault it had happened. This report, and feveral paragraphs of the Commiffioners obfervations, being read, the Houfe refolved, "1. That *Charles Lord Halifax*, Auditor of the receipt of the *Exchequer*, had neglected his duty, and was guilty of a breach of truft, in not transmitting the impreft-rolls half-yearly to the King's Remembrancer, according to the act made in the Seflion of Parliament, held in the 8th and 9th years of his late Majefty's Reign, intituled, *An act for the better obfervation of the courfe anciently ufed in the receipt of Exchequer*. 2. That the allowing Accountants the charges of law-fuits, to determine the right of their Officers, was a mifapplication of the public money. 3. That the Auditors of the Imprefst had been guilty of a great neglect of their duty, in not certifying to the King's Remembrancer the neglect of the feveral annual accounts, that the procefs might go out againft them. And, 4. That there had been a general mifmanagement of the public money, by not obliging Accountants to make up their accounts, and by continuing Receivers in feveral Counties, contrary to law, who had neglected to make up their accounts in due time, which had been a great abufe of the public, and another caufe of the great debt that lay upon the Nation." On the 27th, the Commons, having proceeded in the further confideration of the obfervation of the Commiffioners of public accounts, refolved, 1. "That the money, impreft out of the *Exchequer* for the fer-

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on the 27th of February, after having given the Royal assent to all the bills that were ready, made the following speech to both Houses:

My Lords and Gentlemen,

"I Return you my hearty thanks for the great dispatch you have given to the public affairs in this Session, which is an advantage extremely material at all times, and I hope we shall find the fruits of it this year, in the forwardness of our preparations.

"I am to thank you, Gentlemen of the House of Commons, in particular, for the supplies, with which you enable me to carry on the war. It shall be my care to have them strictly applied to the uses, for which you have designed them, and to the best advantage for the public service. You have reposed great confidence in me, by allowing so unusual a latitude, as you have in the clause of Appropriations. I shall improve all opportunities in the use of it, for the honour and true interest of the Nation.

"I must further take notice to you, that the readiness you have shewn, in the provision made for the Prince, is a very sensible obligation to me.

My Lords and Gentlemen,

"I desire and expect from you, that you make it your business in your several Coun-

"tries to continue and preserve the quiet and satisfaction of my subjects. I hope such of them, as have the misfortune to dissent from the Church of England, will rest secure and satisfied in the act of Toleration, which I am resolved to maintain; and that all those, who have the happiness and advantage to be of the Church of England, will consider, that I have had my education in it, and that I have been willing to run great hazards for its preservation; and therefore they may be very sure, I shall always make it my own particular care to encourage and maintain this Church, as by law established, and every the least Member of it, in all their just rights and privileges; and, upon all occasions of promotions to any Ecclesiastical Dignity, I shall have a very just regard to such, as are eminent and remarkable for their piety, learning, and constant zeal for the Church; that by this, and all other methods, which shall be thought proper, I may transmit it securely settled to posterity.

"I think it might have been for the public service to have had some further laws for restraining the great licence, which is assumed, of publishing and spreading scandalous pamphlets and libels: But, as far as the present laws will extend, I hope you will all do your duty in your respective stations to prevent and punish such pernicious practices. Above all other things, I do recommend to you Peace and Union among ourselves, as the

"most

"vice of the public, ought to be kept by the respective Officers in their own custody, until the same shall be paid to the uses, for which it was directed. 2. That Charles Lord Halifax, Auditor of the Receipt of the Exchequer, had been guilty of a breach of trust, in not examining every three months the Tellers Vouchers for the payments upon the annuities, which he allowed in his weekly certificates, according to the forementioned act of Parliament. 3. That the resolutions relating to the Lord Halifax be laid before her Majesty. And 4. That an address be presented to her Majesty, that she would be pleased to give directions to the Attorney-General to prosecute him for the said offences." On the 7th of February, Colonel Granville acquainted the House, that the Queen had been pleased to say, "That she would send to the Attorney-General, and give him her directions pursuant to this address."

On the other hand, the Lords, before whom Mr Gregory King, Secretary to the Commissioners of Accounts, had, on the 15th of January, laid an account of the general state of the receipts and issues of the public revenue, from the feast of St Michael 1700, to the same feast in 1702, with their observations thereupon, ordered, on the 1st of February, that the Commissioners of accounts should lay before their Lordships what further observations they had made in relation to the said accounts. The next day the Lords took the book of public accounts into consideration, and read the first paragraph of the Commissioners observations; which, relating to the Lord Halifax, his Lordship was heard thereto. Then Mr King delivered at the bar the Commissioners of accounts farther observations; and at the same time the Queen's Remembrancer laid before their Lordships the imprest-rolls transmitted to him since November 1699. This being done, a Committee was appointed to consider of the observations delivered first to their Lordships from the Commissioners of accounts; and it was ordered, "That the Queen's Remembrancer should, the next day, bring before the said Committee the imprest-rolls transmitted to him since the 20th of April

1697, being the time, from which the act commenced: And, secondly, That the Commissioners for public accounts should have notice, that their Lordships had appointed a Committee to consider of their observations." On the 3d of February, Mr Barker, Deputy to her Majesty's Remembrancer, brought the other imprest-rolls, as ordered the day before; which were delivered to the Committee, and the Duke of Somerset reported from the said Committee, that they had taken the first observation into consideration, in relation to the Auditor of the Exchequer: That, though the Commissioners of accounts had notice of the Committee's sitting, yet none of them attended; and therefore the Committee was of opinion, that a message be sent to the House of Commons, that they might have leave to attend; which message was, on the 4th of February, sent accordingly. On the 5th, the Commons, having taken the said message into consideration, appointed a Committee to inspect the journals, and to search precedents relating to what had been done upon the Lords desiring Members of the House of Commons to attend the House of Lords, and in relation to the Lords inspecting and examining accounts. And the same day the Duke of Somerset made the following report: "The Committee, appointed to consider of the observations in the book of accounts delivered into this House, have made some progress in considering the said observations, and take leave to acquaint this House, that they have examined into the first of these observations; and also the further observations delivered into this House, the 2d instant, relating to the transmitting the ordinary imprest-rolls to the Queen's Remembrancer. They have inspected several of the original imprest-rolls delivered into the House by Mr Barker, Deputy to her Majesty's Remembrancer. They also examined divers Officers of the Exchequer, and others, upon oath, and do find, that, by the ancient and uninterrupted course of the Exchequer, two imprest-rolls are to be made out for each year; the one comprehending all such sums imprest from the end of Trinity-Term to the

1702. "most effectual means, that can be devised to discourage and defeat the designs of our enemies.
 "I must not conclude without acquainting you, I have given directions, that my part of all the prizes, which have been or shall be taken during this war, be applied intirely to the public service; and I hope my own revenue will not fall so short, but that I may be able, as I desire, to contribute yet further to the ease of my people."
 After which the Lord-Keeper, by her Majesty's command, prorogued the Parliament to Thursday the 22d of April following.

Several bills moved this Session (some of which passed the Commons) but were not finished. On the 23d of December, Sir Edward Seymour moved for leave to bring in a

bill "to resume all the grants made in King William's Reign, and applying them to the use of the public." This was carried by a majority of one hundred and eighty against seventy-eight, though the bill was afterwards dropped by the Commons themselves. At the same time it was moved by Mr Walpole, "that all the grants, made in the Reign of the late King James, should also be resumed." But this by the same Commons was passed in the negative. Sir John Holland then made a motion to bring in a bill "for the more free and impartial proceedings in Parliament, by providing, That no person whatsoever in office or employment should be capable of sitting in Parliament," which also passed in the negative. Howe, Mufgrave, Seymour, &c. who had so vehemently pushed the like bill in King William's Reign, were now as warm in opposing this,

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"end of Hilary-Term; the other containing all such sums from that time to the end of Trinity-Term; which rolls are commonly called half-yearly-rolls, though improperly. They find, that, by the ancient course of the Exchequer, these imprest-rolls, being made out by the Auditor of the receipt, are to be delivered by him to the Clerk of the Pells, whose duty it is to examine and sign them; and, this being done, the Clerk of the Pells delivers them to the Remembrancer. This usage was by degrees discontinued in the Reign of King Charles the Second; and the Remembrancer, or his Agent, used to come to the office of the Auditor of the receipt, and take away the imprest-rolls from thence immediately. But in the time, when the Earl of Rochester was Treasurer, the ancient usage was restored, and he did order, that the imprest-rolls should be carefully examined and signed by the Clerk of the Pells, before they should be transmitted to the Remembrancer; and accordingly, since that time, the ancient custom has been observed, as well before as since the act of Parliament made in the 8th and 9th years of his late Majesty, for the better observation of the course anciently used in the receipt of the Exchequer; that is to say, the said half-yearly rolls, when made out, and signed by the Auditor, have been by him transmitted to the Clerk of the Pells; and when the Clerk of the Pells has examined and signed them, he, or his Deputy, has delivered them to the Remembrancer; and this appears by the Remembrancer's indorsement upon the rolls. The Committee finds, that Charles Lord Halifax has been Auditor of the receipt from the end of November 1699, since which time six imprest-rolls have been transmitted to the Remembrancer; and there is a seventh roll now under examination of the office of the Pells, and no other roll can be prepared till after the 12th of this instant February. Upon the whole matter, the Committee are humbly of opinion, that Charles Lord Halifax, Auditor of the receipt of the Exchequer, hath performed the duty of his office, in transmitting the ordinary imprest-rolls to the Queen's Remembrancer, according to the ancient custom of the Exchequer, and the directions of the act of the 8th and 9th Gulielm. III. and that he hath not been guilty of any neglect or breach of trust upon that account."

"the Queen's Remembrancer, according to the ancient custom of the Exchequer, and the direction of the act 8^o & 9^o Gulielmi III. Regis, intitled, *An act for the better observation of the course anciently used in the receipt of the Exchequer*; and that he hath not been guilty of any neglect or breach of trust upon that account." At the same time the Lords ordered their proceedings in this affair to be immediately printed and published.

This vindication of the Lord Halifax gave great offence to the House of Commons, who, on the 12th of February, ordered their Committee to search the journals of the House of Lords, and report their Lordships proceedings in relation to the observations of the Commissioners of accounts. Pursuant to this order, Colonel Granville the next day reported to the House what the Committee had found both in the Lords journals relating to this affair, and in the journals of the House of Commons relating to what had been done upon the Lords desiring Members of the said House to attend the House of Lords; and in relation to the Lords inspecting and examining public accounts. This report being read, the Commons ordered the same Committee to draw up what was proper to be offered to the Lords at a Conference upon the subject-matter of their Lordships message of the 4th instant, which the committee did accordingly in this manner: "The Commons cannot comply with your Lordships desires contained in your message of the 4th instant, because the Commons are full of the same opinion, as was delivered to your Lordships in February 1691, at a free Conference upon the subject-matter of the amendments made by the Lords to the additional bill, for the appointing and enabling Commissioners to examine, take, and state the public accounts of the Kingdom, when they desired to know the end your Lordships would propose to yourselves by an enquiry into the public accounts. For, should any misapplication of money, or default of distribution, appear in the accounts, your Lordships cannot take cognizance thereof originally, or otherwise, even in your judicial capacity, than at the complaint of the Commons. And, should a failure or want of money appear, it is not in your Lordships power to redress it, for the grant of all aids is in the Commons only; or, if there be any surplussage, the Commons only can apply it to the charge of the ensuing year. But, should the Commons give leave to the Commissioners to attend your Lordships, no information, they can give against any person whatsoever, can intitle your Lordships either to acquit or condemn. Yet, since this message, the Commons find in your Lordships journals a resolution, declaring, That Charles Lord Halifax, Auditor of the receipt of the Exchequer, has performed the duty of his office, &c. which looks to the Commons, as if your Lordships pretended to give a judgment of acquittal, without any accusation brought

This report being read, as also the examination taken upon oath by the Committee, and the dates and indorsements of the several imprest-rolls delivered by Mr Barker, the question was put, "Whether this House would agree to the opinion of the Committee in this report?" Which being carried in the affirmative, it was resolved and declared by the Lords Spiritual and Temporal in Parliament assembled, That Charles Lord Halifax, Auditor of the receipt of the Exchequer, hath performed the duty of his office, in transmitting the ordinary imprest-rolls to

1702. this, and instead of it carried a bill "for the more free and impartial proceedings in Parliament, by providing, that no person shall be chosen a Member, but such as have a sufficient real estate." This bill was rejected by the Lords, on the 22d of February.

Some new
Peers
made.
Baronet.
Conduct
of the
Duchess
of Marl.

In this Session the Lords had rendered themselves very considerable, and had gained an universal reputation over the Nation. It is true, those who had opposed the persons, that had carried matters before them in this Session, were so near them in number, that things of the greatest consequence were carried only by one or two voices; and therefore, as it was intended to have a clear majority in both Houses in the next Session, the Queen was prevailed with, soon after the prorogation, to create four new Peers, who had been the most violent of the whole party. Accordingly *John Granville* was

made Baron *Granville* of *Potteridge* in the County of *Devon*; *Henage Finch*, Baron of *Guernsey* in the County of *Southampton*; Sir *John Levison Gower*, Baron *Gower* of *Sittenham* in the County of *York*; and *Francis Seymour Conway*, youngest son of Sir *Edward Seymour*, Baron *Conway* of *Ragley* in the County of *Warwick*, with a remainder to his brother *Charles Seymour*. Great reflections were made upon these promotions. When some severe things had been thrown out in the House of Commons upon the opposition, that they met with from the Lords, it was insinuated, that it would be easy to find men of merit and estate to make a clear majority in that House. This was an open declaration of a design to put every thing into the hands and power of that party. It was also an encroachment on one of the tenderest points of the prerogative, to make motions of creating Peers

1702.

"brought before your Lordships, and consequently without any trial. And that, which makes your Lordships proceeding yet more irregular, it tends to prejudging a cause which might regularly have come before you, either originally by impeachment, or by writ of error from the courts below. And therefore the Commons can see no use of their resolution, unless it be either to intimidate the Judges, or prepossess a Jury. But, if your Lordships could have judged in this matter, it does not appear by your Lordships journals, that you have had under your examination the respective times of transmitting the several imprest-rolls to the Queen's Remembrancer; without which it is impossible to know, whether the Auditor of the receipt has done his duty according to the late act of Parliament." These reasons being reported, on the 16th of February, by Colonel *Granville*, and afterwards read and approved by the House, a message was immediately sent to the Lords, to desire a Conference; to which the Lords having the next day agreed, the Managers for the Commons delivered the said reasons to their Lordships. The Lords upon this, on the 18th, came to the following resolutions: First, "That the Lords have an undoubted right (which they can never suffer to be contested) to take cognizance originally of all public accounts, and to inquire into any misapplication or default in the distribution of public monies, or into any other mismanagement whatsoever. Secondly, That the Lords, in their inquiry into, and examination of the observations of the Commissioners of accounts, in relation to *Charles Lord Halifax*, and in their resolution thereupon, had proceeded according to the rules of justice, and the evidence, that was before them. And, thirdly, That the Commons, in their reasons delivered at the last Conference, had used several expressions and arguments highly reflecting, and altogether unparliamentary, tending to destroy all good correspondence between the two Houses, and to the subversion of the Constitution."

The Queen, being apprehensive of the consequences of these differences between the two Houses, sent a message to the Lords, on the 22d of February, by the Earl of *Nottingham*, to make a quick dispatch with the business before them; and the same day their Lordships communicated the abovementioned resolution to the Commons at a Conference, which their Lordships had desired and appointed. The Commons, having the next day taken the same into consideration, resolved, That a free Conference be desired with the Lords upon the subject-matter of the two last Conferences; and ordered their Managers to consider of what heads were fit to be urged at the said free Conference, which they accordingly did, and the said heads were as follow: 1. "That no cognizance, the Lords can take of the public accounts, can enable them to supply any deficiency, or apply any sur-

plusage of the public money. 2. That the Lords can neither acquit or condemn any person whatsoever, upon any inquiry arising originally in their own House. 3. That the attempt the Lords have made, to acquit *Charles Lord Halifax*, Auditor of the receipt of the *Exchequer*, is unparliamentary, and not warranted by any precedent: And the resolution thereupon plainly contrary to what appears on the records themselves. 4. That the Conference, desired by the Commons, was in order to preserve a good correspondence between both Houses, by offering reasons to prevent the Lords from proceeding in a case, which they had no precedent to warrant; and the Commons expressing the consequences they apprehend might follow from that resolution, was neither reflecting, nor unparliamentary, nor tending to destroy the good correspondence between the two Houses; and much less to the subversion of the Constitution: And, 5. That the Lords delivering at a Conference their resolutions, instead of reasons, in answer to the reasons of the Commons, is not agreeable to the ancient rules and methods of Parliament observed in the conferences between the two Houses." These heads being reported by Colonel *Granville* on the 25th, and then read, and approved by the House, a message was sent to the Lords, to desire a free Conference with their Lordships, who appointed the same immediately in the *Painted Chamber*, and named the Lord *Steward*, the Earl of *Carlisle*, and the Lords *Herbert*, *Halifax*, and *Ferrers*, to be their Managers.

The Managers for the Commons, at the head of whom was Mr *Finch*, opened the particulars, which they had in direction to insist on; adding, "That, when they acquainted their Lordships that the expressing the consequences, which they apprehended might follow from their Lordships resolutions, it was not a charge upon their Lordships, that they intended that consequence, but they would have been very glad their Lordships would have been pleased to have let them know, what use was to be made of it, or what they intended by it." And concluded, "That, if their Lordships did controvert any of these points, they were ready to maintain them." The Lords made no answer to any of these particulars, except to the matter of the resolution relating to the Lord *Halifax*, upon which they acknowledged, "That they were no Court of inquiry to form any accusation: That their proceeding in relation to that Lord was no trial, nor was their resolution any judgment or acquittal; but that he might still be prosecuted as before. But that, which gave occasion to that proceeding, was the resolution of the House of Commons, which they found in the printed Votes, reflecting upon a member of their House; and thereupon they thought fit to give their opinion, which they did in their legislative authority."

The Managers for the Commons replied, "That their

1702. Peers in the House of Commons. However, at the same time, *John Harvey*, who was of the opposite party, was created Baron of *Ickworth* in the County of *Suffolk*, by the interest of the *Duchess of Marlborough* with the Queen (1). The Marquis of *Normanby* was created Duke of the same name, to which the title of Duke of *Buckinghamshire* was afterwards added (2).

Proceed-
ings in the
Convoca-
tion.
Burnet.

After the proceedings in the Parliament,

those of the Convocation, which was called with the Parliament, are next to be related. Dr *Aldrich*, Dean of *Christ-Church*, was chosen Prolocutor. At the first opening, there was a contest between the two Houses, that lasted some days, concerning an address to the Queen. The Lower House intended to cast some reflections on the late Reign, in imitation of what the House of Commons had done, and these reflections

1702.

“ their Lordships having in their resolutions declared, “ that they had proceeded according to the rules of “ justice, and the evidence, that was before them, “ the Commons could put no other interpretation upon it, than that it was intended as a judgment: And “ no judgment could be made, where there was no “ accusation; and, if it was not a judgment, they “ could not imagine what it did tend to. As to their “ Lordships delivering their opinion, that it was against “ the rules of any Court, that any Judge whatsoever “ should deliver his opinion in a cause, that might “ come before him; and that this matter might here- “ after come judicially before their Lordships. That “ there was a great difference between the Vote of “ the Commons and the Resolution of the Lords. “ That the vote of the House of Commons was but “ in order to a prosecution, which they can never vote “ without declaring the crime, and they can never “ come to be judges of it. That the House of Com- “ mons is the Grand Inquest of the Nation, and every “ Grand-jury, that finds *hilla vere* upon an indictment, “ does by that declare the man guilty. But that the “ Lords have a judicial capacity, and their resolution, “ before an accusation brought, is prejudging the “ cause, that may come regularly before them. As to “ the observation the Commons made, that the Lords “ had not examined the respective times of transmit- “ ting the imprest-rolls to the Queen’s Remembrancer, “ the Commons Managers said, That, as their Lord- “ ships resolution was no judgment, so this conference “ was no trial. But, to shew the mistake of their Lord- “ ships resolution, they observed, that upon the several “ imprest-rolls, that had been transmitted to the Re- “ membrancer; and that they apprehend there were “ still two wanting: That the three last, that were “ transmitted, came not to the Remembrancer till “ *January* last; the two first on the 23d, the last on “ the 27th; and that the first of these three imprest- “ rolls was money imprest to the 21st of *February* 1700, “ and said to be in the first year of Queen *Anne*; which “ shewed, that the Roll was so far from being ex- “ amined or transmitted in time, that it was not made “ up till since her Majesty came to the Crown. That, “ as the custom formerly had been to set down the “ time of the examination of those Rolls, since Mr “ *Charles Montague* came in to be Auditor, he set “ down the month, but not the day: And, since the “ Lord *Hallifax* was Auditor, he had set down neither “ month nor day; and that by his example, on the “ three last interest-rolls, the Clerk of the Pells had “ put no time at all.”

To this the Lord *Hallifax*, in his own defence, replied, “ That the Lords resolution was well founded, “ since they had the Rolls themselves before them, and “ proof upon oath. That, by the words of the act, “ the Auditor was to transmit the Imprest-Rolls to the “ Remembrancer half-yearly, according to the usual “ course of the *Exchequer*; which is eight months and “ four months. That it was not his duty to transmit “ them immediately to the Remembrancer, because “ he was to send them to the Clerk of the Pells, who “ is to examine and sign them. That it could not be “ imagined, that the Auditor should be tied to a cer- “ tain time to transmit the Rolls to the Remembran- “ cer, because they must first go through another “ hand; and he never took it, there was any occasion “ to put down the time he examined them, for that “ would appear from the time of the delivery and date “ of the Roll. That there was one examined by the “ No. 38. Vol. III.

“ Clerk of the Rolls, the 4th of *July*, which he did “ not take to be the Auditor’s fault, but to be the “ duty of the Clerk of the Pells to deliver them. “ That every body knew the great trouble, that had “ been given in his, as well as other Offices, by the “ Commissioners of Accounts; and that no loss had “ happened by not transmitting these Rolls, no process “ having been issued forth for many years upon them.” The Managers for the Commons, said, “ That, tho’ “ half-yearly should be taken for eight months and four “ months, yet by that they must be transmitted twice “ a year; and so he had failed in his duty in that re- “ spect. That to contravene the ancient course of the “ *Exchequer* in the act of Parliament, to be meant, “ that the Clerk of the Pells should transmit the “ Rolls, was a direct contradiction to the act, that “ says, *the Auditor shall do it*. That the ancient course “ of the *Exchequer* having not been observed, was the “ occasion of making that law; and that they thought “ laws were to be observed. That indeed no process “ could issue till the Rolls were transmitted, and pos- “ sibly might be the ground the accounts had been so “ long unpassed, to the prejudice of the public. And “ that, in his Lordship’s apprehension, there was no loss “ to the public by not transmitting the Rolls, might “ probably be the reason of his Lordship’s neglecting “ his duty.”

Here the free Conference broke up; and, the Mem- “ bers being returned to their respective Houses, the Com- “ mons ordered their Managers to draw up a report of “ the said free Conference; and then a motion was “ made, “ That the votes of the House should not be “ printed; and that this might be a standing order;” which was carried in the affirmative. The Lords, on “ the contrary, ordered their proceedings, in relation “ to the public accounts, to be immediately printed; where- “ upon the Commons resolved to publish their proceed- “ ings likewise.

(1) The *Duchess* observes, in the *Account of her Cam- “ paign*, p. 127, that she obtained the Peerage for him, “ in spite of the opposition of the Tories, and especially “ of the other four new Peers, who, for a while, refused “ the Peerage, if Mr *Harvey*, a Whig, were admitted “ to the same honour. The *Duchess* brings this as an “ instance of her differing from the Queen in her notions “ about the Tories, to which she adds a letter from the “ Queen, to the same purpose.

“ I am very glad to find by my dear Mrs *Fre- “ man*’s, that I was blessed with yesterday, that she “ liked my speech, but I cannot help being ex- “ tremely concerned, you are so partial to the “ Whigs, because I would not have you, and your “ poor, unfortunate, faithful *Morley* differ in opi- “ nion in the least thing. What I said, when I writ “ last upon this subject, does not proceed from any “ insinuations of the other party; but I know the “ principles of the Church of *England*, and I know those “ of the Whigs, and that it is that, and no other reason, “ which makes me think as I do, of the last. And “ upon my word, my dear Mrs *Freeman*, you are “ mightily mistaken in your notion of a true Whig: “ For the character, you give of them, does not in “ the least belong to them, but to the Church. But “ I will say no more on this subject, only beg, for “ my poor sake, that you would not shew more coun- “ tenance to those, you seem to have so much incli- “ nation for, than to the Church party.”

(2) Other promotions were: The Marquis of *Caer- “ marthen* was made Vice-Admiral of the Red; *Gray- “ don*,

1702. reflections were so worded, as most of the Bishops were pointed at by them; but, the Upper House refusing to concur, the Lower House receded; and both agreed at last in another address, which was presented to the Queen, and in which they expressed their "great sense of the favour and goodness of God, in setting her Majesty on the Throne of her Ancestors, and making her the Defender of that faith, of which she had been so glorious an ornament. They thanked her Majesty for her many gracious assurances of her unmoveable resolution to support and protect the Church of England, as by law established, and to continue it to future ages, by maintaining the Succession of the Crown in the Protestant line." And told her Majesty, "That they promised themselves, that, whatever might be wanting to restore the Church to its due rights and privileges, her Majesty would have the glory of doing it, and of securing it to posterity." She told them in answer, "That their concurrence, in this dutiful address, was a good preface of their Union in all other matters, which was very desirable for her service, and the good of the Church." But they did not answer her Majesty's expectations. The former contest was soon revived. Many days were not passed, before the Lower House applied to the Archbishop of Canterbury and his Suffragans, begging, that the matters in dispute, about which there had been differences in two late Convocations, concerning the manner of Synodical proceedings, and the right of the Lower House to hold intermediate assemblies, might be taken into consideration, and speedily determined, that so business might not be hindered, nor the order and peace of the Church disturbed.

Nov. 13. The Bishops resolved to offer them all that they could without giving up their character and authority. They proposed, that, in the intervals of Sessions, the Lower House might appoint Committees to prepare matters, and, when business was brought regularly before them, the Archbishop would so order the prorogations, that they might have sufficient time to sit and deliberate about it. This fully satisfied many of that body: But the majority still insisted on the right to hold assemblies, and continue to act as an House in the intervals of prorogations, and therefore renewed their request, that something might be offered more effectual to the purpose intended.

Nov. 18. On that day it was ordered by the House of Commons, that Mr Lloyd (son of the Bishop of Worcester) should be prosecuted by the Attorney-General, after his privilege as a Member of the Lower House of Convocation was out. This being taken notice of by the said Lower

House of Convocation, they, on the 20th of November, ordered, that their Prolocutor, and three of their Members, should wait on Mr Speaker of the Honourable House of Commons, to return their humble thanks to him, and to that most Honourable House, for the great favour which they had on all occasions been pleased to express: And particularly for the late regard which they of themselves, without suggestion or sollicitation, were pleased to have to the privileges of their House, in the case of one of their Members, who had the misfortune to fall under their displeasure. This was read to Mr Speaker at his House, November 21, and the same day he read it in the House of Commons; who thereupon passed a vote, by which it was resolved, *That the House would on all occasions assert the just rights and privileges of the Lower House of Convocation.* Which made some conclude, that now they should certainly carry their point. But the Archbishops and Bishops, resolving to stand their ground, the very next day, November 22, made answer to the Lower House, that they thought they had offered what was sufficient towards the ending the differences there had been between them. That they could not depart from the Archbishop's right of proroguing the whole Convocation, with consent of his Suffragans, according to constant usage. That, by the same act, by which the Convocation is prorogued, the whole business of the Convocation is continued in the state it is then in, to that farther day of the next Session. That they could not admit of their new claim; and that what had been offered, was sufficient for the doing of any business to be done in Convocation.

Upon this the Lower House, representing it Dec. 2: as not so reasonable, that either House should be judge over the other in its own cause, proposed to refer the controversy to the Queen's decision, and to such as she should appoint to hear and settle it.

The Bishops answered, that they did not admire their affecting to express themselves in a manner, that sets the two Houses on such an equality, as was inconsistent with the Episcopal authority and the Archbishop's presidency. That they reckoned themselves safe and happy in the Queen's protection, and would pay all due submission to her orders; but could not think it proper to trouble her with the controversy: And that it was not in their power to part with any of those rights vested in them by the Constitution of the Church, and the Laws and Customs of the Realm. Indeed it would have been a strange sight, very acceptable to the enemies of the Church, chiefly to Papists, to see the two Houses of Convocation pleading their authority and rights before a Committee

don, Vice-Admiral of the White; Leake, Vice-Admiral of the Blue; Byng, Rear-Admiral of the Red; Dilks, Rear-Admiral of the White; and Beaumont, Rear-Admiral of the Blue. On the 13th of March, three Knights of the Garter were installed in St George's Chapel at Windsor. The Elector of Hanover, by his Proxy the Lord Mshun; the Duke of Bedford, in person; and the Duke of Marlborough, by his Proxy Sir Benjamin Bathurst. Two days after, the Queen appointed the Earl of Denbigh to be Lord-Lieutenant of the County of Leicester; the Lord Guildford, of Essex;

and the Earl of Dysart, of Suffolk. On the 20th of the same month, the Archbishop of York, the Earl of Thanet, and the Lord Guernsey, were admitted into the Privy-Council. The next day *Jerome Pierrepont* was created Baron *Pierrepont of Ardglass* in Ireland; and, on the 24th, the Earl of Rutland was made Marquis of Granby, and Duke of Rutland; and *Edward Harley* was, by the interest of his brother, the Speaker, appointed Auditor of the *Impress*, in the room of *Thomas Done* deceased.

1702. of Council, that was to determine the matter. The Lower House, perceiving that, by opposing their Bishops in so harsh as well as unheard-of a manner, they were represented as favourers of Presbytery; to clear themselves of that imputation, addressed the Upper House the same day, signifying their concern to find themselves aspersed as ill-affected to the Metropolitcal and Episcopal rights: and therefore they thought themselves obliged to make and sign the declaration annexed, praying their Lordships not to credit any such evil suggestions, and to cause their declaration to be entered in their books.

The substance of their declaration was, "Whereas they had been scandalously and maliciously represented as favourers of Presbytery, in opposition to Episcopacy, they now declared, That they acknowledged the order of Bishops as superior to Presbyters, to be of divine Apostolical institution, and that they claimed no rights, but what they conceived necessary to the very being of the Lower House of Convocation."

The party, that voted together and kept their intermediate Sessions, signed this declaration; and, in an additional address of the same day, desired the Bishops to concur in settling the doctrine of the Divine Apostolical right of Episcopacy, that it might be the standing rule of the Church. This was a plain attempt to make a Canon or Constitution, without obtaining a Royal licence, which by the statute, confirming the submission of the Clergy in Henry VIII's time, made both them and all who chose them incur a Praemunire. For this reason, many of the Lower House, in a separate address to the Archbishop, disclaimed the Declaration as apprehensive of the danger of such a proceeding, though they did not object against the truth of their doctrine, praying, that their dissent might be entered in their books.

Dec. 23.

Whilst the Bishops were considering of an answer to the address and declaration, the Lower House presented a petition to the Queen, shewing, that, after ten years interruption of holding Convocations, several questions arose in that in 1700, concerning the rights and liberties of the Lower House, and particularly about prorogations and adjournments. That, the Upper House had refused a verbal conference. That, in the next Convocation, the same question took place, and that it was expected they should absolutely submit to their Lordships judgment, though in their own cause. That in this Convocation, they had applied to their Lordships to suggest a method to settle the matter: But, not succeeding, had offered to submit it to her Majesty's determination, which their Lordships also declined. They therefore fled for protection and relief to her Majesty, begging she would call the question into her own Royal audience, &c. The Queen promised to consider their petition, and send them an answer as soon as she could. By this means the matter was brought into the hands of the Ministry; the Earl of Nottingham was of their side, but confessed, he understood not the Controversy. The Judges and the Queen's Council were ordered to examine, how the matter stood in point of law, which was thus fixed to them: The constant practice, as far as there were books or records, was, that the Archbishop prorogued the Convocation by a *sebedule*; of this the form was so fixed, that it could not be altered but by act

of Parliament: There was a clause in the *sebedule*, that continued all matters before the Convocation, in the state in which they were, to the day to which he prorogued them: Hence it was evident, that there could be no intermediate Session, for a Session of the Lower House could, by passing a vote in any matter, alter the state it was in. What opinion the Lawyers came to in this matter was kept a secret. It was not doubted but they were against the pretensions of the Lower House. The Queen made no answer to their address; and it was believed, the reason was, because the answer must, according to the opinion of the Lawyers, have been contrary to what the Lower House expected: And therefore the Ministers chose rather to give no answer, and that it should seem to be forgot, than that such a one should be given, as would put an end to the debate, which they intended to cherish and support.

Mean while, the Lower House looked on what they did in the matter of their declaration as a master-piece; for, if the Bishops concurred with them, they reckoned they gained their point; and, if they refused it, they resolved to make them, who would not come up to such a positive assertion of the divine right of Episcopacy, pass for secret favourers of Presbytery. But the Bishops saw their designs, and therefore Jan. 20. the Archbishop sent them for answer, that the preface to the form of Ordination contained a declaration of three orders of Ministers from the Apostles times, *viz.* Bishops, Priests, and Deacons, to which they had subscribed: But that he and his brethren conceived, that, without a Royal licence, they had not authority to attempt, enact, promulge, or execute, any Canon, &c. by whatever name it might be called, which should concern either doctrine or discipline: And that this was the opinion of divers learned persons in their own House: But that they took notice of their zeal for the Episcopal order, and hoped they would act agreeably to it in their future proceedings.

The Lower House, on February 11, replied, That they wondered at their Lordships caution: That they would not so much as satisfy the lower Clergy, that they did not dissent from them, even in this point too. They took the freedom to tell their Lordships, that they misrecited the statute of 25 Hen. VIII, and signify to them, that declaring their sense concerning a truth in Religion, speculative only, and without requiring either assent or obedience, was not forbidden by that act: And intimate their sorrow, that the reflections of ignorant and malicious men, of which they complained to their Lordships, were rather likely to be confirmed by their Lordships answer: And discover their resentment of the closing admonition, &c. After this reply, these matters were at a full stand, when the Session came to an end by the prorogation of the Parliament.

From those disputes in Convocation, divisions Great d. ran through the whole body of the Clergy, and, to fix these, new names were found out: They were distinguished by the names of HIGH CHURCH and LOW CHURCH. All that treated the Dissenters with temper and moderation, and were for resigning constantly at their Cures, and for labouring diligently in them; that expressed a zeal against the Prince of Wales, and for the Revolution; that wished well to the present

1702-3.

among the clergy, dissent.

1702-3. present war, and to the alliance against France, were represented as secret favourers of Presbytery, and as ill-affected to the Church, and were called *Low Churchmen*: It was said, that they were in the Church only, while the law and preferments were on it's side; but that they were ready to give it up, as soon as they saw a proper time for declaring themselves: With these false and invidious characters did the High party endeavour to load all those, who could not be brought into their measures and designs.

Clarendon's History published.
The Queen touches for the Evil.
* See Note, Rapin I. p. 137.

About this time the Earl of Clarendon's History was put to the press, after it had lain by thirty years, it being thought a proper season to publish it. For it was now become fashionable to cast reproach on her Parliamentary right, on purpose to affront That of the late King, as well as the right of the House of Hanover. To do it the more effectually, the Queen's heirship was traced down from Edward the Confessor, and, as a visible proof of it, the Queen was put upon curing the King's Evil, according to the divine gift, descended on all the hereditary Kings from the Confessor*. Care therefore was taken to insert it in the public news-papers, in one of which it was said: *Yesterday the Queen was graciously pleased to touch for the King's Evil some particular persons in private; and, three weeks after, December 19, Yesterday, about 12 at noon, her Majesty was pleased to touch at St James's about twenty Persons afflicted with the King's Evil. Again, Bath, October 6, A great number of persons coming to this Place, to be touched by the Queen's Majesty for the Evil, her Majesty commanded Dr Thomas Gardiner, her chief Surgeon, to examine them all particularly, which accordingly was done by him; of whom but thirty appeared to have the Evil, which he certified by tickets as is usual, and those thirty were all touched that day privately, by reason of her Majesty's not having a proper convenience for the solemnity.* To make the thing the more serious, an Office is inserted in the Liturgy, to be used on this occasion (1).

Engagement between Bombow and du Casse. Burchet.

The beginning of the war in America proved unfortunate through the loss of Vice-Admiral Bombow. He was sent into the *West-Indies* with a Squadron of men of war, and stationed at *Jamaica* to watch the enemy in those parts. He sailed from *Port-Royal*, the 11th of July 1702, in order to join Rear-Admiral *Whetstone*. But having advice, on the 14th, by the *Colchester* and *Pendennis*, who joined him that day, that *du Casse* was expected in those seas, he went in search of him. *Du Casse* was carrying the Spanish Duke of *Albuquerque* to his Government of *Mexico* with a good Number of troops on board. Bombow took and destroyed by the way eight or ten merchant-ships, and a man of war capable of carrying fifty guns. The 19th of August, he discovered *du Casse* with four large ships of war, a frigate of thirty guns, which had been a Dutch fly-boat, a small ship full of soldiers, with a sloop and three small vessels. Bombow, giving him chase, and resolving to fight him, disposed his ships in the following line, the *Defiance*, Captain *Richard Kirby*; the

Pendennis, Captain *Thomas Hudson*; the *Windsor*, 1702-3. Captain *John Constable*; the *Breda*, Vice-Admiral Bombow with Captain Fogg; the *Greenwich*, Captain *Cooper Wade*; the *Ruby*, Captain *George Walton*; and the *Falmouth*, Captain *Samuel Vincent*. Being uneasy to see some of his ships so long in coming up, and in disorder, and observing, that the *Defiance* and *Windsor* did not make any haste to come into their station, he sent to them to make more sail. The night approaching, the Admiral steered along side of the enemy, and endeavoured to keep near them, though not with a design to attack them before the *Defiance* was a-breast of the headmost ship. But, before this was done, the *Falmouth* in the rear attacked the fly-boat, and the *Windsor* the ship a-breast of her, as also did the *Defiance*. Soon after the Admiral was obliged to do the same, having received the fire of the French ship a-breast of him. The *Defiance* and *Windsor*, after they had received two or three broadsides from the enemy, broke from the line out of gun-shot. The two sternmost ships of the French lay upon the Admiral, which very much galled him, the ships in the rear not coming up as they ought. It was four o'clock when the engagement began, and it continued till it was dark. The Admiral perceiving, that the French would decline fighting, if they could, resolved to pursue them; and, believing that, if he led himself on all tacks, the other Captains, for shame, would not fail to follow his example, he ordered the following line of battle, the *Breda*, *Defiance*, *Windsor*, *Greenwich*, *Ruby*, *Pendennis*, and *Falmouth*. On the 20th, at break of day, the Admiral was within gun-shot of the enemy; but the other ships, except the *Ruby* alone, which was up with him, were three, four, and five miles a-stern. At two in the afternoon, the sea-breeze rising, the enemy got into a line, making what sail they could. The other ships not coming up, the Admiral in the *Breda*, with the *Ruby*, plied their chase-guns on them till night, when they left off, but kept them company all night. The 21st, at day-light, the Admiral, being on the quarter of the second ship of the enemy, and within point-blank shot, the *Ruby* being a-head of him, the French ship fired at the *Ruby*, which she returned. The two French ships, which were a-head, fell off, there being little wind, and brought their guns to bear on the *Ruby*. The *Breda* brought her guns to bear on the French ship, and shattered her very much, which obliged her to tow off. But the *Ruby* was likewise so much shattered in her masts, sails, and rigging, that the Admiral was obliged to lie by her, and send boats to tow her off. This action held almost two hours, during which the rear-ship of the enemy was a-breast of the *Defiance* and *Windsor*, who never fired a gun, though within point-blank. At eight o'clock in the morning, a gale of wind springing up, the enemy made what sail they could, and the Admiral chased them, in hopes to come up with them. At two that afternoon, the Admiral got a-breast of two of the sternmost of the enemy's ships; and in hopes

(1) Charles Barnard the Surgeon, who had made this Touching the subject of his rillery all his life-time, till he became Body-Surgeon at Court, and found it a good

perquisite, solved all difficulties by telling his companions with a sneer: *Really one could not have thought it, if one had not seen it.* Oldm. II. p. 302.

1702-3. to disable them in their masts and rigging, he began to fire on them, as did some of the ships a-stern; but, lying a-breast of them, they pointed wholly at him, which galled his ship much in her rigging, and dismounted two or three of the lower tire guns. However, the Admiral made what way he could after the *French*, who used all the shifts possible to avoid fighting. The 22d, at day-light, the *Greenwich* was about three leagues a-stern, though the signal for the line of battle was never struck night nor day. The rest of the ships were indifferently near, except the *Ruby*; the enemy being about a mile and half a-head. At three in the afternoon, the wind turned to the southward, which before had been easterly. This gave the enemy the weather-gage; but, in tacking, the Admiral fetched within gun-shot of the sternmost of them, firing at each other; but, his line being much out of order, and some of his ships three miles a-stern, nothing more could be done. In the night the enemy was very uneasy, altering their course very often between the West and North. The 23d, about break of day, the enemy was about six miles a-breast of them; and the fly-boat separated from the enemy out of sight. At ten o'clock, the enemy tacked, the wind being at East North-east, but variable. The Admiral fetched within point-blank shot of two of them, passing broadsides at each other. Soon after he tacked, and pursued them what he could. The *Ruby* being disabled, the Admiral ordered her for *Port-Royal*. At eight that evening, the *English* Squadron was about two miles distant from the enemy, they steering South-east, and very little wind; then at North-west, and variable. The Admiral steered after them, but all his ships, except the *Falmouth*, fell much a-stern. At twelve the enemy began to separate. The 24th, at two in the morning, the Admiral came up within call of the sternmost, and fired a broadside, which the *French* returned. At three o'clock, by a chain shot, *Denbigh's* right-leg was broke in pieces, and he was carried down; but this brave man presently ordered his cradle on the quarter-deck, and continued the fight till day, when appeared the ruins of a ship of about seventy guns. The *Falmouth* assisted in this affair very much, but no other ship. Soon after day, the Admiral saw the other part of the enemy coming towards him with a strong easterly gale; and at the same time the *Windsor*, *Pendennis*, and *Greenwich*, a-head of the enemy, came to leeward of the disabled ship, fired their broadsides, passed her, and stood to the southward. Then the *Defiance*, following them, came also to leeward of the disabled ship, and fired part of her broadside. The disabled ship did not fire above twenty guns at the *Defiance*, before she ran away before the wind, lowered both her top-sails, and ran to leeward of the *Falmouth*, which was then a gun-shot to leeward of the Admiral, knotting her rigging, without any regard to the signal of battle. The enemy seeing the other two *English* ships standing to the southward, and expecting they would have tacked and stood with them, they brought to with their heads to the northward; but, seeing these three ships did not tack, bore down upon the Admiral, ran between the disabled ship and him, and shot his main-top-sail yard, and shattered his rigging much; none of the other ships being near him, nor

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taking any notice of the battle-signal. The Captain of the *Breda* fired two guns at those ships a-head, in order to put them in mind of their duty; and, on the other hand, the *French*, seeing this great disorder, brought to, and lay by their own disabled ship, manned her again, and took her in tow. The *Breda's* masts being much shattered, she lay by till ten o'clock, and, being then refitted, the Admiral ordered the Captain to pursue the enemy, who was then about three miles distance to leeward, having the disabled ship in tow, steering North-east, the wind at South South-west. The Admiral, in the mean time, made all the sail after them he could, the battle-signal being still out: But, the enemy taking encouragement from the behaviour of some of the *English* Captains, the Admiral ordered Captain *Tegg* to send to the Captains to keep their line, and to behave themselves like men. Upon this, Captain *Kirkby* came on board the Admiral, and pressed him very earnestly to desist from any further engagement: which made the Admiral desirous to know the opinion of the other Captains; and, accordingly, he ordered Captain *Tegg* to make the signal for all the other Captains to come on board. Most of them concurring with Captain *Kirkby* in his opinion not to fight, the Admiral, not being able to prevail with them to come to any vigorous resolutions, thought it not fit to venture any further; though, at this time, he was a broad-side of the enemy, and had a fair opportunity of fighting them, the masts and yards in a good condition, and few men killed, except those on board the *Breda*.

After this unfortunate action, Admiral *Benbow* returned to *Yarmouth*, where, on the 28th of October, he issued out a Commission to Rear-Admiral *Holburne*, and some Captains, to hold a Court-Martial, for the trial of the Captains *Kirkby*, *Conibet*, *Wade* and *Constable*, who were charged with cowardice, breach of orders, and neglect of duty in the late engagement of *Carthagena*. The Court-Martial held four days, and, upon full proof, *Kirkby* and *Wade* were sentenced to be shot to death, but the execution to be repitied till her Majesty's pleasure should be known. *Constable* was cleared by his own officers and men of cowardice; but, the other crimes being proved against him, he was cashiered from the Queen's service, with imprisonment during her pleasure. And, as for *Holburne*, he died some days before the trial. Captain *Leisour*, Commander of the *Falmouth*, and Captain *Tegg*, Commander of the Admiral's ship, were also tried for signing a paper with Captain *Kirkby* and the rest against engaging the *French*, when there was so fair an opportunity, with probability of success. But, upon their alledging, that they did it only because they were persuaded, considering the cowardly behaviour of those Captains, that, upon another engagement, they would wholly desert, and leave the Admiral in the *Breda*, and the *Falmouth*, a prey to the enemy: And, upon the character given by the Admiral, and others, of their great courage and gallant behaviour in the battle, the Court thought fit only to suspend them from their employment in her Majesty's service; and withal, that their suspension should not take place, till the High Admiral's pleasure should be known. The Queen confirmed the sentence passed upon the Captains *Kirkby*, *Wade*, and *Constable*, who were

1702-3. sent to England in the *Bristol* man of war; and, upon their arrival at *Plymouth*, on the 14th of April 1703, the two first were immediately shot to death.

Benbow
a list of his
wounds.
Hist. of
Europe,
Vol. vii.

Admiral *Benbow* was very sensibly concerned at this disappointment, and, having languished for some time, died at last, on the 4th of November 1702, of the wounds, which he had received in the engagement, being extremely lamented, as one of the bravest and most experienced sea-officers, that England ever bred. He was born at *Shrewsbury* in the County of *Salop*, and educated in the free-school there: And, though his family was of good rank, yet it had been so reduced, that he was bound apprentice to a waterman. He afterwards used the seas, and became a *Privateer* (as they themselves called it) in the *West-Indies*. In process of time he was made *Master of Attendance* at *Depiford*, where he continued several years. In the late war he was employed in bombarding *St Malo*, and by quick gradations raised to be a flag-officer, and sent Admiral of a squadron to the *West Indies*. He was a man of remarkable temperance, and naturally charitable. As for his military virtues, he was bold and daring, and undaunted in the midst of dangers. In a letter to his wife, after the engagement, he tells her, that the loss of his leg did not trouble him half so much, as the villainous treachery of some of the Captains under him, which hindered him from totally destroying the French Squadron. He was about fifty years old when he died.

Success of
the Eng-
lish in
America
Hist of
Europe,
Vol. vii.

Not long after Colonel *Robert Daniel* arrived at *Port Royal* from *Carolina*, and brought account, that Colonel *Moore*, Governor of that Plantation, marched from *Charles-Town* in *South-Carolina* with five hundred men, in order to attack a Colony of the *Spaniards* about three hundred miles distant, called *St Augustin* near the Gulf of *Florida*: He soon possessed himself of the town, the inhabitants retiring with their best effects into a strong fort, surrounded by a very deep and broad moat (in which they had laid up provisions enough to last them four months) where they defended themselves very obstinately. It being impossible to take this fort by storm, Colonel *Moore* caused it to be blocked up, and sent Colonel *Daniel* to *Port-Royal* to borrow a mortar and some shells to bombard it, and doubted not, that he should, by that means, soon force them to surrender. If this expedition had succeeded, it would have greatly contributed to the security of *South-Carolina*, there being no other place, from whence they could afterwards be disturbed, except a small settlement, which the French called the *Palisadoes*, about two hundred miles farther in the Country to the Westward. But, some French and Spanish Gallies being arrived at *St Augustin* before the return of Colonel *Daniel*, *Moore* was obliged to raise the blockade, and to return to his Government by land, after having burnt the ship in which he came.

Some time before letters brought advice, that some frigates of English privateers attacked a place called *Toulon* on the Continent, about ten leagues from *Carthagena*, which they took, plundered, and burnt. Thence they failed to *Caledonia*, went up the river *Darien*, and so consorting with the Indians, were carried by them in twelve days march to the gold mines at *Santa Cruz de Cana* near *Santa Maria*. The ninth day of their march, they came to an out-guard of

ten men, which the *Spaniards* had at some distance from the place, of whom they took nine; but the other escaping gave notice at the mines of their approach, upon which the richest of the inhabitants retired from thence with their money and jewels. However the English party, which consisted of about four hundred men, being come up, took the fort, and possessed themselves of the mines, where there remained about seventy negroes, whom they set to work, and continued there one and twenty days, in which time they got above eighty pounds weight of gold dust. They also found several parcels of plate, which the inhabitants had buried at leaving that place. The English, at their departure, burnt all the town, except the Church, and returned to their sloops, bringing away the negroes. Some went further up the river in their sloops, having a design upon another gold mine, called *Cibaoa*; and two of the sloops commanded by *Plowman* and *Grandy* sailing towards *Cuba*, landed near *Trinidad*; and with an hundred and fifty men took the town, burnt a great part of it, and brought off a very considerable booty.

On the 7th of March, Colonel *Codrington*, Governor of the *Leeward Islands* in America, came with the Land-forces under his command on board a Squadron of men of war, with divers privateers, and other vessels, before the island of *Guadalupe*, receiving several shot from the shore, though without doing any other mischief, than killing one man, and wounding a boy. The Colonel stood off till the 10th, waiting for the *Maidstone*, and the small vessels, that carried the provision and ammunition. Upon the 12th, Colonel *Byam*, with his own regiment, and two hundred of Colonel *Whetbam's* men, landed by break of day, at a place called *Les Petits Habitants*, where they met with some opposition, but soon constrained the enemy to retire. About nine in the morning, Colonel *Whetbam* landed in a bay to the northward of a town called *La Bayliffe*, where he met with a vigorous resistance from all the enemies forces posted in very good and advantageous breast-works, plying the English with their great and small shot; yet, notwithstanding all their fire, the English marched up to their intrenchments with their muskets shouldered, not firing a shot, till they could lay the muzzles of their guns upon the enemy's breast-works. Here the English had three Captains killed, before they made themselves masters of the enemy's intrenchments; which they did about noon, and in an hour after, of *La Bayliffe*, and the *Jacobines Church*, which the enemy had fortified, and of ten pieces of their cannon. About two, the English took a platform with three pieces of cannon; and the marine regiment attacked the *Jacobine* plantation and breast-work all along the *Jacobines* river, which the enemy quitted upon the firing of two volleys only of small shot upon them. The next day the English possessed themselves of the great town called *Basse-Terre*, and forced the enemy to retire into the castle and fort, which they defended till the third of April, and then, blowing them up, retired to the mountains. The English had now nothing to do but to send out parties to burn and destroy the enemy's houses, works, sugar-canes, and provisions, to ravage the country, and to bring in what cattle and plunder they could find; after which they burnt the town to the ground, razed the fortifications,

Codrington's
experience
against
Guadalupe.
Hist of
Eur. Vol. viii.

1702-3. fications, took the best of the guns on board, and made their retreat without the loss of a man, and, reembarking, returned to *St Christopher's* (1). But to return to *Europe*.

Alterations in Scotland.
Lockhart.
Whilst the Queen was bestowing her favours on the Church-party in *England*, some alterations were made in *Scotland*, which were as advantageous to the Anti-revolutioners and Episcopalians, as they were displeasing to the Presbyterians. The Earl of *Marchmont*, Lord Chancellor; the Earl of *Melvil*, President of the Council; Earl of *Selkirk*, Lord Register; *Adam Cockburne*, of *Ormiston*, Treasurer-deputy; Sir *John Maxwell*, of *Pollock*, Justice-Clerk; Earl of *Leven*, Governor of the castle of *Edinburgh*; and the Earl of *Hyndford*, one of the Secretaries of State, were all laid aside. On the other hand, the Duke of *Queensberry*, and the Lord Viscount *Tarbat*, were made Secretaries of State; and the Earl of *Seafield*, Chancellor; the Marquis of *Anandale*, President of the Council; the Earl of *Tullibardin*, (afterwards Duke of *Abol*) Lord Privy-Seal; the Lord *Boyle*, Treasurer-Deputy; Mr *Roderick Mackenzie*, of *Preskon-Hall*, Justice-Clerk; Sir *James Murray*, of *Philiphaugh*, Lord-Register; and the Earl of *Marcb*, Governor of *Edinburgh*-castle. And tho' all these, except the Earl of *Marcb*, had, at or since the Revolution, been deeply engaged against the interest of King *James* and his Family; yet the Duke of *Queensberry* and his two Dependants, the Lord *Boyle* and Sir *James Murray*, pretended to be quite of another mind: The Marquis of *Anandale*, Earl *Seafield*, and Viscount *Tarbat* valued themselves upon having, once, opposed King *William*; and the Marquis, every body believed, would, if kindly dealt with, go along with the prevailing party. But, before this change in the Ministry was perfected, the scantiness of the funds provided by the last Parliament, and the difficulties in collecting them, rendered it absolutely necessary to call a new Parliament to sit in the spring of the year 1703. And therefore the Earl of *Seafield*, then Secretary of State, came down from *London* to *Scotland*, to influence the elections, which by a concurrence of several accidents were so managed, that a

greater number of Anti-Revolutioners were chosen than had been known in any former Parliament. At the same time, Duke *Hamilton*, and some others, who had been the greatest persecutors of the Presbyterians, set up for patrons of the Episcopal Clergy, and obtained from the Queen a letter to the Privy-Council of *Scotland*, wherein, among other things, she said: 'We do, in the first place, recommend to your care the Church now established by law, in it's superior and inferior Judicatures, such as Sessions, Presbyters, Synods, and General Assemblies; as also in the exercise of their holy functions, and in what concerns their persons and benefices. We are informed, that there are many Dissenters who, albeit they differ from the established Church in opinion as to Church-Government and Form, yet are of the Protestant Reformed Religion, some of which are in possession of Benefices, and others exercise their worship in Meeting-houses. It is our Royal pleasure, that they should be directed to live suitably to the Reformed Religion, which they profess, submissively to our Laws; decently and regularly with relation to the Church established by law, as good Christians and Subjects; and, in so doing, that they be protected in the peaceable possession of their Religion, and in their persons and estates, according to the Laws of the Kingdom. And we recommend to the Clergy of the established discipline their living in brotherly love and communion with such Dissenters.'

Encouraged by these expressions and the Queen's repeated assurances, that she would maintain the Church of *England*, and even the least Member of it, in all their just rights and privileges; the Episcopal Clergy framed an address, to which, with great pains and many indirect methods, they procured many subscriptions, and which was presented to the Queen, the 13th of *March*, by Dr *Skeen* and Dr *Scot*, introduced by the Duke of *Queensberry* (who nine days before had been appointed High-Commissioner) and Viscount *Tarbat* (2).

The Queen in her answer assured them of her protection, and endeavours to supply their necessities as far as conveniently she could, and

1702-3.

Address of the Scotch Episcopal Clergy. Hist. of Europe. Vol. viii.

The Queen's answer. recom-

(1) Father *Daniel*, though he mentions this descent of the *English* on *Guadalupe*, conceals all these circumstances to their advantage, and pretends, that they were repulsed with loss by the *Sieur Auger*, Governor of the Island. *Monfieur de Larrey* says, that, *Monfieur Gabaret* arriving at Fort *St Mary's* with two frigates, a flute, nine armed barks, and seven hundred men for the assistance of the inhabitants, the *English* did not think themselves a force sufficient to withstand them, and therefore reembarked. The Author of the *British Empire in America*, Vol. II. 187, asserts, That all the successes of this expedition were rendered fruitless, by some unhappy differences among the Commanders; though something must be imputed to the vigorous defence of the *French*, and the sickness of the *English* soldiers; which obliged the General to reembark his men, after they were so near making a conquest of the whole Island.

(2) The Address was as follows: 'We, your Majesty's most humble, dutiful, loyal, and most obedient subjects, look on it as no small blessing to have a Queen of our ancient race of Kings, who has always been a pattern of virtue,

'and a constant supporter and owner of the true Reformed Orthodox Religion; and who, since her coming to the Crown of her illustrious Ancestors, has shewn such good and generous inclinations to make all her subjects live happily, that we have presumed most humbly to address your Majesty to take into your Royal consideration the condition of the subjects of the Episcopal persuasion in this Kingdom. It is not unknown to your Majesty, the hard measure and discouragements they met with of late years, particularly those of the Clergy, though they have always behaved themselves (as their principles oblige them to do) peaceably and submissively to supreme authority.

'May it therefore please your sacred Majesty to take those into your Royal protection, and give liberty to such parishes, where all or most of the heritors and inhabitants are of the Episcopal persuasion, to call, place, and give benefices to Ministers of their own principles, which the Presbyterians themselves can have no reason to complain of; for, if the plurality, they pretend to, be true, by this Act of Grace, neither their Churches nor Benefices are in hazard: Which favour will oblige us more and more, out of grati-

1702-3. recommended to them to live in peace and Christian love with the Clergy, who were by law invested with the Church-Government in her ancient Kingdom of Scotland.

Proclamation of Indemnity. The next thing, which the enemies of the Revolution improved to their advantage, was a proclamation of Indemnity published by the Queen, on the 6th of March 1702-3. It was set up for a maxim by the new Ministry, that all the Jacobites were to be invited home; and therefore the proclamation was of a very large extent, indemnifying all persons for all treasons committed before April last, without any limitation of time for their coming home to accept of this grace, and without demanding any security of them for the future. Upon this considerable numbers of Jacobites came over to Scotland from St Germain's and other parts of France, though they had forfeited their lives to the law by corresponding with the enemy, and practising against the Government in King William's Reign. Some of them pretended to be new converts, and together with others at home, who had stood out all King William's time, qualified themselves to sit in Parliament by taking the oaths. The Anti-revolutioners, being proud of this accession of strength, thought themselves in a condition to prescribe terms to the Government, and carried matters to an unaccountable height.

Proceedings in the Parliament of Scotland.

This was the posture of affairs in Scotland, before and at the time, when the Queen found it necessary to satisfy the Nation by calling a new Parliament. The Episcopal party thought themselves so secure of a majority, that they every where gave out, they should be able to vote down Presbytery, and to restore Patronages, or at least to carry a Toleration, so as their own Clergy might be called to benefices, as well as the Presbyterians. Nor did their confidence terminate in humbling the Presbyterians of Scotland, but they flattered themselves also with the hopes of mortifying the Revolution-party of the Church of England; and this they were prompted to expect by a North-country Clergyman, turned out in 1694 for refusing the oaths to King William, whom they had since employed as their Agent at London, and who, upon the death of that Prince, in a letter to those, who employed him in Scotland, expressed himself thus: 'The Church of England was so much out of order during the late Reign, that it will take some time to put matters right, which her Majesty is firmly resolved to see to with all convenient haste.' Thus they endeavoured to spread the belief, that the Queen was their friend, while the greatest part of them not only refused to swear allegiance to her, but some of those, who had taken the oaths, made no scruple openly to confess, 'that they swore to her only as a Tutor or Regent, during the minority of her supposed brother.' By this it appears, that the whole Kingdom of Scotland was in a ferment at the sitting down of the

Parliament. The Country-party (which took its rise from the affair of *Darien*, and had disputed the legality of the continuance of the Convention-Parliament) of which Duke Hamilton and the Marquis of Tweeddale were the leaders, insisted upon the redress of those grievances, which the Country laboured under in the former Reign. The Presbyterians in general, and others of Revolution principles, who were headed by the Duke of Argyle, were alarmed at the bold proceedings of the Anti-Revolutioners, of whom the Earl of Hume was chief. This divided the Country party among themselves; for, most of that party in the late Reign being Revolutioners, they were jealous of the new accession of Anti-Revolutioners; and therefore it was not possible for them to concert measures together. These jealousies were heightened by new discoveries, which the Anti-Revolutioners had made of their sentiments in Council and elsewhere: That they were against ratifying the several steps of the Revolution, and the proceedings of King William's Parliament on that head; but thought best to pass it over as a thing extraordinary and out of course; and alledged, that all parties might be safe enough under the shelter of her Majesty's general Indemnity. The Revolutioners knowing well, that, according to the old Constitution of the Kingdom, general pardons granted out of Parliament afford but little safety, when questioned in Parliament, despised the motion, and thought fit to leave those to plead the Indemnity, who believed they needed it, but conceived themselves not to be of that number, and therefore resolved upon a Parliamentary ratification of the Revolution. This they judged to be the most effectual way to prevent after-blows from the opposite party, whose designs became more suspicious by their insisting on a dissolution of the garrison of *Inverlochy*, which was a great curb upon the Popish Highlanders, and rigid Prelatists of the North, the great strength of the Anti-Revolution-party.

In this disposition of affairs the Parliament met at *Edinburgh*, the 6th of May 1703, and, the Duke of Queensberry, her Majesty's Commissioner, having taken his seat on the Throne, the Queen's letter was read, wherein she recommended to them to raise a supply for the forces, to encourage trade, and to proceed with wisdom, prudence, and unanimity (1). Then the Lord High-Commissioner, and the Earl of Seafield Lord Chancellor, made speeches, enlarging upon the heads of the Queen's letter. This done, Duke Hamilton, after a speech proper to the subject, offered the draught of a bill, for recognizing her Majesty's undoubted right and title to the Imperial Crown of Scotland, according to the declaration of the Estates of the Kingdom, containing the claim of Right, which was received and read the first time, and a second reading unanimously ordered, the 15th of May, when the Queen's Advocate, Sir James Stuart,

'gratitude as well as duty, to send up our prayers to Almighty God, that the same good providence, which places your Majesty upon the Throne, and has blessed the beginning of your reign with such glorious success, may preserve your Majesty for a blessing to these lands; and that we may never want

'a true Protestant of the same Royal Blood to govern us while sun and moon endure.'

(1) See the account of the proceedings of the Parliament of Scotland, which met at *Edinburgh*, May 6. 1703, published in 1704, and also *Lockhart's Memoirs*.

(1) The

1703. *Stuart* offered an additional clause, "That it should be treason to quarrel her Majesty's right and title to the Crown, or her exercise of the Government from her actual entry to the same." This clause being read, it was urged by some, that it was dishonourable to her Majesty, because it implied, that the House were giving her Majesty an Indemnity for the actings and exercise of her power since her Accession to the Throne. It was answered, that the words meant only in general her Majesty's right to exercise her power. To which it was replied, that, whatever was the meaning of those, who had offered the clause, yet the words could admit of no such meanings, unless either the last part of the clause was altered thus, *her being in the exercise of the Government*. To this it was again answered, in behalf of the clause, That by the late Queen's *Mary's* death, without heirs of her body, the right of Succession came to the Queen; upon the prospect of King *William's* death, seeing by the entail she was to succeed before any children of his body. But that the exercise did never accrue to her till his actual death and her actual Accession; and that therefore it was proper, not only to recognize her right to the Succession; but also to recognize her actual exercise, and to secure it by a sanction of treason. To this it was replied by the Duke of *Hamilton's* friends, that these rights spoken of did not import any other, than the apparent right of an heir before or after his immediate Predecessor's death; the first of which naturally vanishes upon the existence of the second. That the act, as at first offered, fully recognized these and all manner of rights, which were or could be in her Majesty's person; but that the clause now offered did most dishonourably superadd a ratification and sanction of her Majesty's exercise, and must point at one of these three things: First, either it supposed, that there had been something lame and defective in her Majesty's right and title abovementioned, which had been, since her actual Succession, supplied by her Majesty's acts of Administration and exercise, and therefore her exercise was proposed to be ratified towards validating her infirm title. But, as there was not the least defect in her Majesty's right and title, therefore this clause was unnecessary and dangerous. That, in the second place, the clause insinuated, that her Majesty, since her Accession, had exercised some acts of administration; to indemnify which, a vote of this House seemed necessary. That, whatever might be charged upon the Ministry, it was the highest indignity done to her Majesty, to expose her exercise of her Royal power to the least suspicion by such a clause. And, in the last place, that no other reason could be given for the tenaciousness of the Ministry in promoting a clause so dishonourable to the Queen, but that they themselves must be con-

scious, that, contrary to law, they had been instrumental in advising her Majesty, to exercise some acts of administration, such as the calling together the late Parliament, which had continued during all the time of the late Reign, and promoting in it some Commissions, Laws, and Powers, beyond the limitations, which determined the being, and circumscribed the power of that Parliament: And, being sensible, that their advice might very justly rebound upon themselves, they shuffed in this dishonourable clause, hoping, under the name of her Majesty's exercise, to shelter themselves: But that, whatever might become of this clause at this time, it was hoped, that the wisdom of the House would, in due time, pass a censure on those advices, which were like to discompose her Majesty's quiet, and endanger the welfare of the Nation. The Duke of *Hamilton* concluded with saying, 'That he had the honour of offering this act for recognizing her Majesty's authority, right, and title; that he had been in hopes, that so dutiful an act would have passed the vote of this House with all imaginable cheerfulness; and that he was both sorry and surprized to find any thing thrown in, which could create the least demur in it; but let those answer for it, who were the authors.' After a long debate, it was again moved, that instead of the words, *her exercise of the Government*, the following words might be added, *her being in the exercise of the Government*. But, by the concurrence of the *Cavaliers*, it was carried by a considerable majority, that the clause brought in by the Queen's Advocate should be added to the act, which, on the 19th of May, was touched by the sceptre, and made a law (1); but, before that was done, Duke *Hamilton* desired, 'That it should be remembered, that, at passing this act, it was expressly declared, that the meaning of the Advocate's clause could affect only the Queen's exercise of her Government, and not the actings of her Ministry: And that, therefore, whatever challenge might be given afterwards to the illegality of the actings of the late Parliament, might not be considered as a violation of this act.'

After the act had received the Royal assent, the Earl of *Hume*, who was one of those, that had qualified him since King *William's* death, that had presented the draught of an act for the supply, but, before it was read, the Marquis of *Tweeddale* said, that he had an overture to make to the House, which he hoped would, by reason of its importance, be preferred to all other business. After some debate, it was agreed, that the draught and overture should both be read, provided, that nothing should be spoken to either. And accordingly the act for supply was read, as was afterwards the Marquis of *Tweeddale's* overture for a resolve of Parliament, that, before all other business, the Parliament might

1703.

Lockhart.

(1) The act ran thus: The Estates of Parliament considering, that, by the death of the late King *William* of ever glorious Memory, the Crown and Royal dignity of this Kingdom is by right devolved upon Queen *Anne*, our present gracious Sovereign, conform to the declaration of the Estates of this Kingdom; therefore the Estates of Parliament for themselves, and in the name and behalf of the whole subjects of this Kingdom, assert, recognize, and acknowledge, her Majesty's Numb. XXXIX. Vol. III.

undoubted right and title to the Imperial Crown of this Kingdom; and her Majesty, with advice and consent of the said Estates of Parliament, doth statute and declare, that it is, and shall be high-treason in any of the subjects of this Kingdom, to disown, quarrel, or impugn her Majesty's right and title to the Crown of this Kingdom, or her exercise of the Government thereof, from her actual entry into the same.

1703. "might proceed to make such conditions of Government, and regulations in the constitution of this Kingdom, to take place after the decease of her Majesty and Heirs of her body, as should be necessary for the preservation of their Religion and Liberty." Both which overtures were ordered to lie on the table.

Lockhart. The compliance of the Cavaliers with the Court in the *act of Recognition* was extremely censured by many of their party; but they were induced to gratify the Queen in this point, out of expectation of being intrusted with the administration of affairs; for which reason it was likewise unanimously resolved, in a full meeting, that the Earl of *Hume* should the next day make the motion for a supply. And, upon these accounts, the Duke of *Queensberry* renewed his engagement to stand firmly by them, and inform the Queen what signal services they had done. But this good correspondence did not last long; for, within two or three days, the Duke's deportment induced many of the Cavaliers to suspect his sincerity. A writer of that party is of opinion, that the Duke was once seriously embarked with them, but left them upon this occasion. On the day the Earl of *Hume* was to move for a supply, his Grace called a Council, and acquainted them of it; with which all agreeing, they adjourned with a design to support the Earl of *Hume's* motion. A few minutes after the Duke of *Argyle*, Marquis of *Annandale*, and Earl of *Marchmont*, waited upon the High-Commissioner, and, withdrawing privately with him, told him, "That they had been that morning with a considerable number of Parliament-men, wherein it was resolved to move for an act ratifying the *Revolution*, and another the Presbyterian Government, and press to have them preferred to the act of supply, which they were certain to carry; but first they thought fit to acquaint his Grace with the design, and ask his concurrence." The Duke begged them to forbear, because he had now an opportunity of obtaining a supply; and, if he slipped that, he might never have another; and promised, that, when this was over, he would go into whatever they proposed. But the others refused to comply, being rather willing, that there should be no supply granted at all, than it should proceed from the Cavaliers: and thus they left the High-Commissioner in great perplexity, who durst not venture to push the act of supply, knowing, that the Duke of *Hamilton* and his party would join the Duke of *Argyle* and his friends, and so the act would be rejected. On the other hand, he foresaw, what Sir *James Murray* of *Philiphaugh* had that morning intimated to him, That, if he supported the Duke of *Argyle* in his designs, the Cavaliers would leave him; by which means his interest would be diminished, and he be obliged to depend on the Duke of *Argyle*, Marquis of *Annandale*, and other Revo-

lutioners and Presbyterians. While he was in this suspense, the Duke of *Argyle*, who had more interest with him than any other person, soon returned, and, in a private conversation, represented to him the improbability of his succeeding by the methods, which he was then upon; and dextrously awakened his jealousy of the Duke of *Hamilton*, who, notwithstanding what had happened of late, had more interest with the Cavaliers than any other, and who, as soon as they had gained their point, was likely to become their leader. This, together with the dread of being abandoned by the Duke of *Argyle* and the Marquis of *Annandale*, wrought so powerfully with the High-Commissioner, that, from that moment, he resolved to desert the Cavaliers; but, the better to carry on his designs, he resolved at the same time to dissemble, as much as possible, with them, which however availed him but little.

On the 26th of May, the Commissioner from the Throne informed the House, "That, having now fate twenty days, he did not doubt but they were all convinced, that the present state of affairs required a competent supply for maintaining the army: That the act, offered a week before for that purpose, had ever since lain upon the table: Wherefore he desired, that it might be now read; and promised, that they should have full time afterwards allowed them to go upon other business." Notwithstanding this speech, it was moved, that, before the supply, the Marquis of *Tweeddale's* overture should be taken into consideration. Upon this the debate turned into a competition, Whether the *Act of Supply*, or the *Overture*, should first take place? In behalf of the *Overture*, was urged the great importance of it; and in behalf of the *Supply*, the necessity of it, and the Commissioner's promise, that after the first reading of the Supply-act, there should be time given for other business. To this a Member answered, "That he had all the deference imaginable for the Lord Commissioner's assurances, and doubted not but the whole House had the same; but he doubted extremely, that his Grace could be master of himself in that point. Who knows, added he, but that, after all his Grace's good purposes, the Treasurer of *England* may cause to adjourn the House, when he shall think fit, notwithstanding all the assurances, which the Ministry can give. It is too well felt, that the influence of foreign Counsels, from one corner of the world or other, have determined *Scots* affairs for these many years; and there is no appearance of discontinuing these practices." He concluded, "That from the matter of this overture might arise such settlements, as might make a *Scots* Nation stand upon a *Scots* bottom; and therefore it was fit to prefer the confederation of it to any other business whatsoever." (1).

After

(1) Another Member urged, upon the point of the abrupt Adjournment of the Parliament, "That it must still be fresh in every man's memory, that insults were made upon the sovereignty and independence of this Nation, in the matter of their late trading Company, both before their settlement in *Darien* by the legal actings of the *Scots* Parliament, and by the scandalous memorials given in by the

English Resident at *Hamburg*, most falsely representing the *Scots* Company as private persons, having no authority; as also, by the said Resident's using threatening denunciations and expressions against the *Hamburgers*, if they should enter into an trading Society with them: And likewise, after that Company was settled in *Darien*, by their most barbarous and inhuman execution of some proclamation.

1703. After several warm speeches and long debates, the House came to this resolve, 'That the Parliament will proceed to make such acts, as are necessary or fit for securing our Religion, Liberty, and Trade, before any act for supply, or any other business whatsoever.' Whereupon the Marquis of Athol offered 'an act for the security of the Kingdom, in case of her Majesty's decease.' But, before it was read, the Duke of Argyle offered his *act*, ratifying the late Revolution, and all the acts following thereupon; Mr Fletcher of Salton, an *act*, containing several limitations upon the Succession, after the death of her Majesty, and the heirs of her body; the Earl of Rothes, an *act*, that, after her Majesty's death, and failing heirs of her body, no person coming to the Crown of Scotland, being at the same time King or Queen of England, should, as King or Queen of Scotland, have power to make peace or war, without the consent of Parliament; the Earl of Marchmont, an *act* for securing the true Protestant Religion and Presbyterian Government; and Sir Patrick Johnson, an *act*, allowing the importation of all sorts of wines, and other foreign liquors: All which acts were placed, and ordered lie on the table.

On the 1st of June, an *act* for Toleration to all Protestants, in the exercise of religious worship, presented by the Earl of Straibmore, being read, a strong representation was offered against it in the name, and at the appointment of the late General Assembly, which concluded with these words: 'That they were persuaded, that to enact a Toleration for those of the Episcopal way (which God of his infinite mercy avert) would be to establish iniquity by a law and would bring upon the promoters thereof, and their families, the dreadful guilt of all those sins and pernicious effects, that might ensue thereupon.' The promoters of the Toleration finding by this representation, that it was like to meet with great opposition, agreed not to insist upon it, lest thereby they should offend and lose many, who, at present, sided with them against the Court.

Thus, not only all the hopes of the Episcopal party for a Toleration (which they had made no doubt of carrying) were entirely lost, and every thing relating to the Church continued in the same state in which it was during the late Reign, but the Presbyterians got a new law in their favour, which gave them as firm a settle-

ment, and as full a security, as law could give. For, on the 3d of June, an act passed for preserving the true Reformed Protestant Religion, and confirming Presbyterian Church Government and Discipline by Kirk Sessions, Presbyteries, Provincial Synods, and General Assemblies, as agreeable to the word of God, and the only Government of Christ's Church within this Kingdom (1). Nor was this all. For, on the 7th of June, the Parliament proceeded to consider the Duke of Argyle's act, which consisted of three clauses: For ratifying and perpetuating the first act of King William's Parliament, that the three Estates then met together were a lawful and free Parliament: For declaring it high-treason to disown the authority of that Parliament, or to endeavour, by writing, or speaking, or other open act or deed, to alter or innovate the claim of Right, or any article thereof. The two first clauses were agreed to without any opposition; but the third, relating to the claim of Right, raised a very warm debate. It was alleged, that many libels had been spread, reflecting on the claim of Right, and tending to un hinge the present happy settlement. To which it was answered, 'That there were standing laws, by which the authors of such libels might be punished; but that the import of such a general and peremptory clause would be of most dangerous consequence: That it would fetter men in their common conversation, which, though never so innocent, might, by these words, endeavour by writing or speaking, bring all the subjects, whether in the Ministry or not, into daily snares; and, in short, that it would bind up the Government, and the wisdom of the Nation itself, in all succeeding ages, from making such alterations and reformation, as, in course of time, and various circumstances of things, should be judged necessary.' To this purpose James Moore of Stenneywood said, 'That he was sure, and every body knew, that the Shire of Aberdeen, which he had the honour to represent, was of Episcopal persuasion; and if, after this act was passed, his countrymen should, in discharge of their own consciences, in a regular way address the Sovereign or Parliament (which, by the claim of right, is the privilege of every subject) for a rectification of the present Presbyterian Establishment, which, in his opinion, was neither

1703.

amations issued out against them. That, whether these most injurious stretches were calculated really for the sake of an interest altogether foreign to this Island, it was not proper here to dispute; but, that it was certain, that this had raised an insuperable jealousy in the Scots Nation, which could not fail, some time or other, to break forth into consequences dangerous to both Nations. And therefore he concurred with those noble and worthy Members in promoting the Overture, from which he should expect, that some laws should be enacted towards regulating the Administration and Government at home, as might deliver a Scots Prince and Ministry from foreign influence, and might thereby compose those hurtful jealousies, in all times coming, to the mutual peace and quiet of the whole Island.'

(1) Lockhart, in his Memoirs, says, Many Members argued against it, but none with more spirit than Sir David Cunningham of Milnraig, who urged, That it was uncharitable to affirm, as this act did, that the Presbyterian Government was the only Church of

Christ. To this the Marquis of Lothian replied, 'That the clause was right, since he was sure the Presbyterian Government was the best part of the Christian Religion;' which raised great mirth in the House. However, the act passed; but it was evident, that the Presbyterian party was not so confident as had been imagined; and that, if the Queen had been as Episcopal in Scotland as in England, she might easily have overturned Presbytery. For at this time the House consisted of about two hundred and forty Members, thirty of whom voted against the act, and eighty-two were Non-liquets, which last were all Episcopal, but chose to be silent, either because there was not then a formed design against Presbytery, or in order to please the Court; so that, properly speaking, there was not a plurality of above sixteen voices for the act; among whom such, as the Duke of Hamilton, the Earl of Eglington, and many others, were no ways Presbyterians; so that, had the Queen designed to introduce Episcopacy, it would not have been any hard task to have done it.

(1) The

1703. 'neither infallible nor unalterable, he desired to know, whether such an address should import treason?' To this Sir William Hamilton of Whitlow answered, That indeed this act did not preclude addressing for a *Toleration*; but he was of opinion, that if, after it was passed into a law, any person should own, that he thought Presbyterian Government a wrong Establishment, and that Episcopacy ought to be restored, such a person was guilty of high-treason. This occasioned a long and warm debate, wherein the dangers, that would arise from this act, both to the Government and the Subject, were fully laid open. However the question for approving the act was carried in the affirmative, tho' there were sixty Members against it, and many *Non-liquets* * of several of the country party, who were Presbyterians; but all the Ministry and their Dependents went into it, except the Marquis of Aibol, the Lord Justice Clerk, the Lord Viscount of Tarbat, and some of their and the Lord-Commissioner's friends, who, at this time, began to break with the Court, and join in a particular correspondence with the Cavaliers.

* Or, Silent Members.

Barnet.

By this act the Presbyterian Government acquired new strength; for the claim of right was not only confirmed (one article of which was against Episcopacy and for Presbytery) but it was declared high-treason to endeavour any alteration in it. The late King, though it had been often proposed to him, would never consent that this should pass into an act. He said, he had taken the Crown on the terms of that claim, and therefore would never make a breach on any part of it; but he would not bind his Successors, by making it a perpetual law. Thus a Ministry, that carried all matters relating to the Church to so great a height, yet, with other views, gave a fatal stroke to the Episcopal interest in Scotland, to which King William would never give way.

As soon as the Cavaliers perceived, that the Duke of Queensberry's friends and dependents appeared against the act of Toleration, and for the acts establishing the Presbyterian Government, and ratifying the late Revolution, they immediately concluded, that they were betrayed, and declared this opinion in a meeting of the Cavaliers. Upon this it was resolved to send four of their number, the Earls of Hume and Strathmore, George Lockhart of Carnwath, and James Ogilvy of Boyne, to represent to him, how much they were surprized to find his friends behave after such a manner; and that they hoped he would remember his vows and promises, and how they had served the Queen. He excused his conduct, as necessary to please such of the Ministry, as were so inclined, lest otherwise the Queen's affairs should suffer prejudice; and then he renewed his former promises, with the most solemn protestations. They replied, 'That they believed this would not satisfy those, who had sent them to him; and that neither his Grace nor the Queen could blame them for looking to themselves, since it was plain, he

was embarked with a party, and entered into measures quite contrary to the capitulation made and agreed to between him and them.' Having made a report to their Constituents, it was unanimously resolved not to enter into any concert with the Court, or any other party, but to stand by themselves firm to one another, and jointly go into such measures, as, when proposed by any party, should be, by the majority of themselves, esteemed for the interest of their country. This engagement they all faithfully performed during this whole Session, except only the Earls of Belcarras and Dunmore, who adhered to the Court. Hitherto they had been firm to their party, especially Belcarras, who had, after the Revolution, been sometime in France, and not many years before this, had obtained liberty to return home.

The bill, which occasioned the longest debates in this remarkable Session, was that for security of the Kingdom, in case of her Majesty's decease. From the 9th of June to the 30th, there was little done in relation to the public, except the reading this act, and reasoning upon the several clauses of it; for it was agreed, that it should be considered paragraph by paragraph. When therefore, on the 9th of June, the bill was taken into consideration, many speeches were made, recommending to the Members to proceed in that matter with the utmost caution and deliberation. Among the rest, the Lord Belhaven made a deduction of the several projects, which, from Henry the Seventh's time, had been set on foot towards uniting the two Kingdoms, with an enumeration of the instances of decay in the Scots Nation, since their Kings resided in England; and of the opportunities they had lost of making good terms for themselves, by the artful offers of an Union made to them by their neighbours to lull them asleep; concluding, that by this act they had it in their power to provide against any further disappointments.

The act of Security.

After the House had entered upon the consideration of some clauses of the act, it was represented, that it would be necessary to rescind the second act of the Third Parliament of King Charles II. establishing the Succession of the Crown in the next blood in the Royal line, of whatsoever Religion. Whereupon the Queen's Advocate took out of his pocket an act ready drawn for rescinding the said act, so far as the same was inconsistent with the claim of right, and the present Settlement made in King William's time. Against this it was urged, that, by the claim of right, all Popish Successors being excluded, they should by this clause determine the Succession to be lodged in the family of Hanover, who were the nearest Protestants of the Royal blood. And though the generality of the Presbyterians, and all the Ministry, except the Marquis of Aibol, Viscount Tarbat, and the Lord Justice Clerk, pressed to have this act read the first time; yet it was carried by a considerable majority, that it should lie on the table (1).

On

(1) The Author of the proceedings in this Parliament says (p. 228.) This clause, for rescinding the act of 1681 about the Succession, occasioned great debates among the several parties upon very different views. The *St Germain's* party were against rescinding it to-

tally, because, being made in favour of the Duke of York and the lineal Succession, they think it may still give them a handle to bring in his pretended son. The *Hanover* party was against rescinding it totally, because they think that, Popish Successors being excluded by the claim

1703. On the 1st of July, the *act for the security of the Kingdom* being read, a Member moved for inserting in it such preliminaries, in case of a Successor not of the Queen's own body, as should sufficiently secure the *Scots* Nation against the misfortunes arising from the influence of foreign Counsels. This was seconded by a great many Members; and, after some debate, it was agreed, that the act should be considered paragraph by paragraph. The next day it was resolved, that the Estates of the Nation should meet upon the 20th day after the Queen's decease, and that the Government should be lodged in their hands on that day. The 5th of July, a clause was added, excluding Papists from being Members of the Estates; and, on the 6th, another clause was offered, "That no *Englishman* or *Foreigner*, having a *Scots* title, and not having an estate of a thousand pounds sterling yearly rent within this Kingdom, shall have place and vote in that meeting of Estates." Against this clause it was urged by the Marquis of Athol, that the privilege of *Peerage* belonged to some by *Birth*, and to others by immediate *Creation*. That, in the first of these cases, the private birthright of some Noblemen might be injured; and, in the other, the prerogative seemed to be impaired. To this it was answered, first, that this clause was no incroaching upon the property and birthright of those Peers, who were to be excluded at that time, seeing the Exclusion was for that time alone, at which there was an affair to be negotiated, which was purely a *Scots* concern, viz. the chusing a Successor for the Kingdom of *Scotland*. Secondly, That possession and property is the true title for representation; and, though the Crown, which is the fountain of honour, be not restrained to dispense titles according to that rule, yet, in this very nice case, there could be no exception made against excluding those from voting, who, not only had no possession or interest in *Scotland* to represent, but who, on the contrary, had possession and interest elsewhere, which might clash with the interest of the *Scots* Nation. Thirdly, That in the affair, which was to be the subject-matter of the consideration of that meeting of the Estates, the nominating a Successor, the *English* were already predetermined and pre-engaged in their own choice. And though it should prove to be the interest of *Scotland*, not to enter into the same nomination with *England*, yet those predetermined Peers, who had estates in *England*, would never risque them, to give a fair vote for the interest of *Scotland*, where they had no estate to lose; and therefore the clause was insisted on as proper. After some debate, the clause was put to the vote, and carried in the affirmative; but, before voting, the Marquis of Athol protested, that this vote might not prejudice the undoubted right of all *Scots* Protestant Peers: To which protest several other Peers adhered. Then the Marquis of Annandale, the Duke of Argyle, and the Earl of Kincardine also protested, that the vote might not be prejudicial

to the privileges of the Peers of *Scotland*, whether they be *Scotsmen* or *English*. On the 7th of July, it was moved, That such limitations, as should be thought necessary to be put upon the Successor, might be considered; and particularly a clause was offered, that the Kingdom should not be engaged in any war, but by advice and consent of the Parliament. This clause being read, a long debate ensued, wherein it was urged, "That the settling the limitations upon the Successor was more proper to be done by that Parliament or Meeting of the Estates, which should name the Successor; and that the whole *act of security* might perhaps be lost, if it should be cramped by such limitations." Upon which, it was carried by a majority of twenty-six voices, *not to proceed to the limitations on the Successor in this act*. However, it was afterwards voted, that the act touching peace and war should be considered, next after the act of security.

On the 9th of July, upon a debate relating to the Regency, in case the Successor to be named were under age, it was resolved to refer that matter to the wisdom of the meeting of the estates. Five days after it was moved, that the clause, empowering the meeting of the estates to declare a Successor to the Crown of the Royal line and of the Protestant Religion, might receive the addition of these words, *of the true Protestant Religion, as by law established, within this Kingdom*. Against which it was urged, That the Coronation-oath was a sufficient test to engage the Successor (being a Protestant) to maintain the Church, as by law established. To this it was answered, "That since the wisdom of this House had thought fit to exclude Papists, who professed the doctrine of *Transubstantiation*, from having any access to a *Scots* Government; so he saw no reason, why *Lutherans*, who profess the doctrine of *Consubstantiation*, ought not likewise to be excluded; and more especially considering, that by this means the *Family of Hanover* would be excluded, which was both proper and necessary, considering that the *English* had named that family for their Successor. For he saw plainly, that the *Scots* Nation must resolve to be in continual slavery, if they should go into the same nomination with *England*, unless they had such conditions of Government settled within themselves, as might secure their liberty and trade; of which he saw no great appearance at this time, since it was evident from several struggles within these few days, that the Ministry were in concert with the Ministry of *England*, to continue the *Scots* Nation under the same slavery as formerly; and therefore he did second that clause, and would second any other clause whatsoever, which might put the *Scots* Nation under a *disinterested* Government from that of *England*, seeing they could not obtain such reasonable terms, as might make them easy under one and the same Successor." Upon this occasion Mr Grant informed the House, that

claim of right, the next Protestant in the line succeeds of course, and the Duke of Hamilton and the Country-party were for rescinding it totally, to cut off both those pretensions; and, when it came to the vote, it

was carried only by one, and that too a great Minister of State, that it should not be totally rescinded, but in so far only as it might countenance a Popish Successor.

1703. that he had instructions from the Barons of the Shire of *Inverness*, whom he represented, not to enter into any terms of Succession, the same with *England*, unless first there should be such conditions of Government, and terms of *Union of Trade*, previously concerted, passed, and ratified by the Parliaments of both Kingdoms, as should put the *Scots* Nation upon an equal foot with their neighbours. After some debate, the question was stated, either to *add the words offered to the clause*, or to *rest upon the security by the Coronation-oath*; and it was carried for resting on the Coronation-oath.

On the 16th of *July*, a clause was offered by the Earl of *Roxburgh*, "providing the Successor to be named by the meeting of the Estates be not the Successor to the Crown of *England*, unless in this Session of Parliament there be such conditions of Government settled and enacted, as may secure the honour and independency of the Crown of this Kingdom, the freedom, frequency, and power of Parliaments, and the religion, liberty, and trade of the Nation from the *English* or Foreign influence." It was urged against the clause, that it imported limitations upon the Successor, which had been by a former day's vote excluded out of this act. To which it was answered, That by this clause there was no limitation designed to be brought into this act, but that the clause did only in general secure a *capitulation* for some proper conditions of Government to be settled in the Session of Parliament, in case the Nation should think fit to name the same Successor with *England*, in the same manner as the other day's resolve had made a *capitulation* for the act of peace and war in particular. It was again objected, That, as this clause was conceived, the making of the conditions of Government was too peremptorily restrained to this Session of Parliament; and therefore it was moved, that, instead of this Session of Parliament, it should be, in this or any other Session of Parliament. To this it was answered, "That whilst the Members were designing to secure a *capitulation* for settling such conditions of Government, as might answer no less important ends than the honour and safety of the *Scots* Crown, relieving the Nation from slavery, and thereby to extinguish the jealousies, which must, for all future ages, make both Nations uneasy; that, when they were prosecuting such good things with all imaginable dispatch in this Parliament, they were told of an expedient for a new delay, by turning them off to some future Parliament; which, upon the whole matter, aimed at nothing less than an entire disappointment of those generous designs. And therefore it was hoped, that the wisdom of the House would enter

"immediately into the clause, as at first offered." The question being put, whether to add the clause, or not, some Members threw in a great many new expedients, which occasioned several warm speeches; and it being late, and the House in great heat and confusion, several Members pressed for a delay. The Chancellor seconded this motion, adding, that this debate should be resumed the next sitting, and, by the Commissioner's order, adjourned the Parliament for four days. This adjournment without a vote, in the midst of a debate, was immediately protested against as illegal, and an address to the Queen was framed and subscribed by above seventy Members; but, on the 20th of *July*, the next day of meeting, the Chancellor declaring, "That there was no manner of design by that adjournment to encroach upon the privilege of the Parliament;" a stop was put to the address. The next day, the House proceeded on the Earl of *Roxburgh's* clause; but, after reading it, there was another offered by the Queen's Advocate, "providing, that, after her Majesty's decease, without heirs of her body, the same person shall in no event be capable to be King or Queen of both Kingdoms of *Scotland* and *England*, unless a free communication of trade, the freedom of navigation, and the liberty of the plantations be fully agreed to, and established by the Parliament and Kingdom of *England*, in favour of the Kingdom and Subjects of *Scotland*, at the sight, and to the satisfaction of this or any ensuing Parliament of *Scotland*, or the said meeting of Estates." After this clause was read, it was moved, that it should be added to the act of Security, instead of the clause offered by the Earl of *Roxburgh*; and this motion was seconded by all the Ministry and their Dependents. After a long debate, some urging, to have the clause offered relating to the conditions of Government added to the act of Security; others insisting, to have the clause relating to communication of trade added; it was proposed, that both the clauses should be joined, and added to the act of Security, which, on the 26th of *July*, was, after a long debate, carried by a majority of seventy-two voices; But the Marquis of *Annandale*, Lord President, and the Duke of *Argyle* protested against it, to which several others adhered. Other clauses were afterwards offered, and, notwithstanding the strong opposition from the Ministry, added to the act, which, on the 13th of *August*, was read, and approved by a majority of fifty-nine voices (1). The act of Security being thus solemnly passed, instances were made to the Commissioner, that he would give the Royal Assent, which, it was urged, would encourage the Members to go the more cheerfully upon the matter of subsidies.

(1) The other clauses were:

That the Estates should not nominate a Successor, till twenty days after their meeting: That it should be high-treason to administer the Coronation-oath, but by the appointment of the Estates; or to own any person as King or Queen, after her Majesty's decease, till they take the Coronation-oath, and accept the terms of the claim of Right, and such conditions as shall be settled in this or any ensuing Parliament: That, in case there be no Parliament at the Queen's death, the Administration shall be in the hands of such Mem-

bers of Parliament, and of the Privy-Council last in being, as shall be in *Edinburgh*, or come there before the 20th day: That all Commissions of the civil officers, except Sheriffs, Stewards, and Justices of the Peace, and of all military officers above Captains, shall, upon the Queen's decease, be void: That all Protestant Heretors and Freeholders, and all Burghs, shall forthwith provide themselves with fire-arms, for all the fencible men within their respective bounds, and discipline them once a month.

(1) The

1703. dies. And it was also represented, that the *Negative* to any act approved in Parliament had never been asserted before the year 1660. But the High-Commissioner declined giving an answer till the 10th of September, when he told them, in a speech, that he had received the Queen's pleasure, and was empowered to give the Royal Assent to all the acts voted in this Session, excepting only the act for Security of the Kingdom. Upon this, it was moved, that the Queen should be addressed for her assent; but, the question being put, it was carried against this address by twelve voices. Both before and after the Commissioner had refused to pass the security-act, there were several remarkable motions and bills, particularly upon the subject of limitations. On the 6th of September, the Earl of Marchmont gave in an act concerning the Succession, which occasioned very great heats in the House, because he had named in it the family of Hanover, and was therefore rejected by many, as contrary to the act of security. Whether the Earl was provoked to bring in this overture by the madness of the *St Germain's* party, or by the jealousy of some of those of the Revolution, it appeared, that it was not done by concert, and therefore gave a general disgust. After this, such limitations were offered, as almost turned the Monarchy into a Commonwealth, with the empty name of a King: For it was proposed, that the whole Administration should be committed to a Council, named by the Parliament, and that the Legislature should be entirely in the Parliament, by which no shadow of power was left with the Crown, and it was to be merely a nominal thing. But, after many warm debates, these matters were put off by a sudden adjournment. However, one act of limitation upon a Successor passed, which was of some importance. It was declared, that, after her Majesty's decease, no King or Queen of Scotland should have power to make war or peace, without consent of Parliament. An act also

passed, allowing the importation of French wines, and other liquors, which, as was pretended, were to be imported in the ships of a neutral State. The truth was, the revenue was so exhausted, that they had not enough to support the Government, without such help. Those, who desired to drink *Claret*, and all concerned in trade ran into it, by which means the bill was carried, though with great opposition. The Jacobites were also for it, since it opened a free correspondence with France. It was certainly against the public interest of the Government, in opposition to which private interest does often prevail. As there were acts in being, that made slanderous speeches or writings punishable with death, it was now enacted, that such crimes should be punished according to the demerit of the transgression, by fining, imprisonment, or banishment. An act also passed in favour of the Company trading to *Africa* and the *Indies*; and another, for a Commission concerning the public accounts. Moreover, the Parliament made void the Commission for treating of an Union with England, and discharged any other Commission for that end, without their consent. Notwithstanding this, and the acts for ratifying the claim of Right, and establishing the Presbyterian Church Government: Since the Duke of *Queensberry* would not pass the act for the security of the Kingdom, nor suffer them to proceed in their limitations upon a Successor, they would give no supply; and he was forced to adjourn the Parliament to the 12th of October, without having any subsidies granted. By this means the pay of the Army, with the charge of the Government, was to run upon credit; and matters were like to come to extremes, for a national humour of rendering themselves a free and independent Kingdom had so inflamed them, that they seemed capable of the most extravagant things that could be suggested to them (1).

Thus

(1) The proceedings of the Parliament, after the 13th of August, when the act for security of the Nation was finished, may be seen in the following extract: When the Parliament found the Commissioner would not give an answer to their instances for passing the Security act, it was moved, on the 24th of August, that the House should go upon the consideration of some overtures for securing the liberties of the Nation, conformable to the tenour of the grand resolve, entered into the 28th of May. Against which it was urged, that, according to the terms of that resolve, the House had already made considerable progress in the matter of religion and liberty; and that trade was next in order. Upon which several acts for trade were offered and read, particularly, an act allowing the importation of all sorts of wines and other foreign liquors. As this overture was opposed by several Members as prejudicial to the trade of the Nation, it was alleged by one of the Ministry, that it was very well known, that the customs on wines was the chief fund for the Civil List; and unless the importation of French wines were restored, the Government could not be supported, considering, that the funds were now very far deficient. This was seconded by another Minister, representing the great benefit which would arise to the Kingdom in general, and to the Towns in particular, by the French trade; and concluding, "That unless that act was passed, the subsidies might blow up this town, and burn their ships." To this a Member answered, "That, since he heard

such harsh expressions as these come from about the Throne, for no other reason, but to amuse and mislead the boroughs with pretended advantages of trade, the Members must take the liberty to tell their mind the more freely. That he did openly aver, that it was plain to all this House, that the Nation was ruined in all its concerns both of liberty and trade, by the most treacherous artifices of those, who were in the Ministry." Upon this some about the Throne said, that these expressions ought to be taken notice of. To which the same Member answered, "That he heard it murmured about the Throne, that his expressions ought to be taken notice of; but he desired any body to take notice of them, for they all knew too well, that what he had spoken was a certain truth." It was again urged in behalf of the act, "That upon farther inquiry it would be found, that the trade with France was a trade beneficial to the Nation, because the French took Scots goods in return for their wines." So that, after a long and angry debate, the act was ordered to be marked a first reading.

The 6th of September, the Earl of Marchmont desired leave of the House to withdraw an act, containing some limitations upon the Successor, which had been lately presented by him, but had not yet been read. His desire being granted, as soon as his Lordship had withdrawn that act, he begged leave to present another in its room, which he desired might be read. This was an act to settle the Succession on the House of Hanover;

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Remarks
on this
Session.

Thus ended this famous Session of Parliament, in which the greatest part of the Ministry had abandoned the Duke of *Queenberry*, and particularly the Earl of *Seafeld*, Lord Chancellor, the Marquis of *Atbal*, Lord Privy-Seal, and the Lord Viscount *Tarbat*, Secretary of State, with all who depended on them; yet, upon the conclusion of the Session, the Marquis was made a Duke, and the Lord *Tarbat* Earl of *Cromarty*; which looked like rewarding them for their opposition. The Marquis of *Douglafs*, though under age, was likewise made a Duke; the Viscounts of *Stair* and *Rosberry* were created Earls of the same name; the Lord *Boyle*, Earl of *Glasgow*; *James Stuart* of *Bute*, Earl of *Bute*; *Charles Hope* of *Hopton*, Earl of *Hopton*; *John Crawford* of *Kilbiruce*, Viscount of *Garnock*; and Sir *James Primrose* of *Carrington*, Viscount of *Primrose*. Soon after, the Queen resolved to revive the order of the Thistle, which had been

raised by her Father, but was let fall by the late King. It was to be carried in a green ribbon, as the George is in a blue, and the glory was in the form of a St Andrew's Cross, with a Thistle in the middle. *Argyle* and *Atbal*, *Annandale*, *Orkney*, and *Seafeld*, were the first, who had it, the number being limited to twelve.

To such a height did the disorders in that Kingdom rise, that great skill and much secret practice seemed necessary to set matters right there. The aversion and jealousy towards those, who had been most active in the last Reign, and the favour shewn to those, who were in King *James's* interest, had an appearance of bringing matters out of an excess to a temper; and it was much magnified by those, who intended to flatter the Queen, on design to ruin her. Though the same measures were taken in *England*, yet there was less danger in following them there than in *Scotland*. Errors might be sooner observed,

Hanover; and, as his Lordship had not signified what the import of it was, no body opposed his motion for the reading of it; but when the Clerk came to that paragraph, where it substitutes the Princess *Sophia*, &c. no sooner were those words out of his mouth, but the whole House was in a flame. Some moved to have the overture burnt; and others to have the Earl, who offered it, called to the bar, and others to have him sent to the castle. After the House had shewed a general dissatisfaction against the thing, at length the Chancellor procured silence, and the Clerk was ordered to read it through; and the Earl of *Marchmont* desired it might be marked a first reading, and was seconded by the Marquis of *Lathian* and another Member. But they were so warmly opposed, that there was not a vote demanded; and the Earl of *Marchmont* proposed only, that the overture might be marked in the minutes, expressing the import of it, urging, "That the minutes ought always to record the matter of fact as passed in Parliament." This was warmly opposed by a Member, who said, "That though it is both customary and proper, that every thing, which is moved in the House, be marked in the minutes; yet the act now offered by the Earl of *Marchmont* ought to be distinguished by some particular mark of indignation from this House, seeing the generality of the Members had sufficiently shewn their sentiments, in relation to the nomination of a Successor, and had so frequently in this Session declared it to be their opinion, that the Nation was at present in a very improper state for nominating a Successor the same with *England*: And therefore the best he could say, in behalf of this most unreasonable overture, was to move, that it might be buried in oblivion, and not marked in the minutes." Another Member said, "That he heard an act offered, which seemed to contain some things inconsistent with the act of *Security*, which had lately passed the vote of the House; and it was not unlikely, that the jealousy, which the Members had contracted, that this act of Settlement was not to receive the Royal assent, prompted them to find out new acts to supply it. That he very plainly foretold, that this would promote the jealousy, which this Nation had already contracted against their Neighbours; and therefore he moved, that the Lord Chancellor might, as the mouth of the House, address her Majesty's representative to give the Royal assent to that act." This motion was seconded by a great many Members; and, the Earl of *Marchmont* still insisting to have his act marked in the minutes as a privilege naturally due to all overtures, the question was stated, whether to mark the overture in the minutes, or not? And it was carried in the negative by fifty-seven votes.

On the 9th of September, it was represented by a Member, "That this Parliament had now fate very

"long, and, after a vast expence of money, time, and pains, had at length passed an act for the *Security* of the Nation; and as it would be some recompence to the Members to see that act receive the Royal assent, so it would, no doubt, be very satisfactory to the Nation. And therefore he begged, that her Majesty's Commissioner would give the Royal assent to the act." This was seconded by a great many Members; and, at length, a motion was made, that the House should address her Majesty to give the Royal assent. Against this it was urged, That the Parliament had already done their part, by voting the act, and what remained to be done, was the Queen's part; and that there was no need for addressing, seeing it was notified to the Queen, that the Parliament had voted the act. To this it was answered, "That, no doubt, it was made known to her Majesty by her Ministry, that this act had passed the vote of the House: But that every body knew very well, that Courtiers never fail to represent the black side of things; and therefore he concurred in that motion of seconding the former vote of the House, by a dutiful address to her Majesty." After some further debate, and several warm speeches, it was represented by the Marquis of *Tweeddale*, that it was somewhat too hasty to address her Majesty for her assent, until the House knew from the Commissioner, whether he was already instructed for that purpose; and therefore he begged, that the Commissioner would declare his intentions. A great many Members seconded this motion, and pressed, that the Commissioner would give the House so much satisfaction, as to let them know, whether or no he was instructed to pass this act. But his Grace did not think fit to give any answer in the matter. Thereupon another Member, Mr *Fletcher of Salton*, said, "That he had seldom seen any benefit from addresses, and for that reason he was very little concerned, whether this House did at present address her Majesty, or not. That he thought, that the acts, which the House had voted, were but very slender fences for the security of the Nation: That the Nation's case was desperate, and the provisions must be suitable. That he found some people were too forward in promoting the Succession of the House of *Hanover*, and others that of the Prince of *Wales*; and that they were both contented to sacrifice their own and their Nation's liberty, rather than not accomplish their designs. That he did consider it as a very melancholy prospect for this Nation, that they were not to expect either of those two Successors, but at the rate of being slaves, not to their Princes, but to their Neighbours; for supposing, that, upon the one hand, this Nation should submit either willingly, or by Commission, to the Successor of *England*, without such conditions of Government within themselves, as should secure them against the sole influence of the English Ministry

1703. served, and easier corrected, where persons are in view, and are watched in all their motions; but this might prove fatal at a greater distance, where it was more easy to deny or palliate things, with greater assurance. The Duke of *Queenberry's* ingrossing all things to himself increased the disgust at the credit he was in. He had begun a practice of drawing out the Sessions of Parliament to an unusual length; by which his appointments exhausted so much of the revenue, that the rest of the Ministers were not paid; which will always create discontent. He trusted entirely to a few persons, and his conduct was liable to just exceptions. Some of those, who had the greatest credit with him, were believed to be engaged in a foreign interest; and his passing, or rather promoting the act, which opened a correspondence with *France*, was considered as a design to settle a commerce there;

and upon that his fidelity or his capacity were much questioned.

Whilst things were in this situation in *Scotland*, there were also high discontents in *Ireland*, occasioned by the behaviour of the Trustees for forfeited estates. The Duke of *Ormond* was the better received, when he went to that Government, because he came after the Earl of *Rochester*, till it appeared, that he was in all things governed by him; and that he pursued the measures, which that Earl had begun to take, of raising new divisions in that Kingdom; for, before that time, the only division in *Ireland* was that of *English*, and *Irish*, Protestants and Papists. But now an animosity came to be raised there, as in *England*, between Whig and Tory. The wiser sort of the *English* resolved to oppose this all they could, and to proceed with temper and moderation. The Parliament

*Affairs of
Ire. and
Burnet.
Hist. of
Europe.*

was

Ministry upon their joint Prince, in that case they were no better than slaves: Or, if, on the other hand, the *Scotts* should force their Successor upon the *English*, without securing to themselves the conditions beforementioned, they must still resolve to be under the same dependence, when Conquerors, as when Conquered. And therefore, that it was absolutely necessary for them to settle such conditions of Government, as might place them in a reasonable state of freedom and security, who never might be the Successor; and that to this purpose he offered an act, which might answer those ends.' The first draught ran thus: 'Our Sovereign Lady, with the advice and consent of the Estates of Parliament, statutes and ordains, that, after the decease of her Majesty (whom God long preserve) and failing heirs of her body, no one shall succeed to the Crown of this Realm, but is likewise Successor to the Crown of *England*, that is under the limitations following; which, together with the Coronation-oath and claim of Right, they shall swear to observe: That all places and offices, both civil and military, and all pensions formerly conferred upon our Kings, shall ever after be given by Parliament: That a new Parliament shall be chosen every *Michaelmas* Head-court, to sit the 1st of *November* thereafter, and adjourn themselves from time to time till next *Michaelmas*; and that they chuse their own President: That a Committee of thirty-six Members, chosen by and out of the whole Parliament, without distinction of estates, shall, during the intervals of Parliament, under the King, have the Administration of the Government, be his Council, and accountable to Parliament; with power, on extraordinary occasions, to call the Parliament together.'

After the act was read, the Member said, 'That he had not in this act made any nomination of a Successor: and it was his opinion, that this Nation was not, at present, in a condition for such a nomination; but seeing there was a great zeal amongst some for promoting the Succession of *Hanover*, and no less among others for promoting that of the Prince of *Wales*; therefore, to satisfy both, he had another act ready to offer, but which he need not read, seeing it was the very same with what was already offered in every circumstance, excepting only that it had a blank in it for nominating a Successor. That he moved, that the Members might go to work, and pass this act; and, immediately after that, let each party try their strength, and let the strongest carry the Nomination, and fill up the blank, according to the mind of the plurality. That thus far he begged leave to declare his opinion, That he had rather concur in nominating the most rigid Papist with those conditions of Government, than the truest Protestant without them.' This motion was seconded by several Members; but others

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urged against it, *That the House was now in the middle of an act of trade, which ought to be finished before any other business.* After some debate, and a great many new instances to the Commissioner, to give the Royal assent to the act of *Security*, a Member said, 'That he found this House was to get no satisfaction from her Majesty's Commissioner at this time; and it seemed, the Nation was to expect as little good; and therefore, the next best clause was to prevent damage as much as possible. That it was to be noted, that there were lately some meetings betwixt some subjects of both Kingdoms, in which several matters were agitated, in relation to an Union between the two Nations. That he should not descend to an inquiry into the nature of the powers, by virtue of which the subjects of *Scotland* did meet upon such a treaty. That those things might be spoke to in due time; but at present he humbly conceived, there were two things worthy the consideration of this House: The one was, that, seeing such a treaty had been entered upon by some of the subjects of this Nation, it seemed strange, that nothing of that sort had all this Session of Parliament been laid before this House; and therefore he moved, That it be now laid before the House, to be considered by the Members. The other thing was, that, seeing there were a great many things to be said in relation to that treaty, which might be more seasonably taken notice of at another time, therefore he moved, that a stop might be put to any further proceedings in that matter.' This motion was seconded by a great many Members; and after some debate, there was a motion made and acquiesced to without a vote, 'That the progress, and advances, made in the said treaty, might be laid before the Parliament next *federunt*, and declared by a vote of Parliament, that the Commission granted for the said treaty was determined and extinct; and that there should be no new Commission for treating of any Union betwixt the Kingdoms of *Scotland* and *England*, without consent of Parliament.' After this was over, a great many Members pressed the Commissioner to give the Royal assent to the act of *Security*; but no answer was made from the Throne. At length a Member said, That, seeing so much had been said without an answer, it was better to leave the Commissioner to his reflections; that, perhaps, he would be ready to comply against next day; and that, therefore, he moved the House should proceed to finish the act against the exportation of wool (which had been marked the first reading) and this was accordingly gone upon, put to the vote, and approved.

The next day, *September 10*, the Commissioner made the following speech:

My Lords and Gentlemen,

"It was with great uneasiness to me, that I was
7 P "forced

1703. was opened at *Dublin*, on the 21st of September, with a speech by the Duke to both Houses, importing, 'That it were to be wished, they were in a Condition to provide for such fortifications, as would much conduce to the safety of the Kingdom, and particularly at *Limerick*, and for building the Barracks. But that, which her Majesty expected from the Commons at that time, was only, that the publick debts be discharged, and the revenue made equal to the expence of the Government, which was much increased by the charge of the Barracks; and they were found so useful, and so great an ease to the country, that they ought not to be neglected.' He assured both Houses, 'That, since the Queen had done him the honour to place him in that station, as his duty and gratitude obliged him to serve her Majesty with the utmost diligence and fidelity; so his inclination and interest, and the examples of his Ancestors, were indispensable obligations upon him to improve every opportunity, to the advantage and prosperity of this his native Country: And that, since he had no other design, than what they all aimed at, the Queen's service, and the good of their Country, he only recommended to them, that they might unite and agree

in the same measures, and pursue them with wisdom and temper.' The Commons, being returned to their House, made choice of *Allen Brodrick*, the Queen's Solicitor-General, to be their Speaker. The first thing both Houses went upon was the framing addresses, both to the Queen and the Lord-Lieutenant, which carried the compliments to the Duke of *Ormonde* so far, as if no other person, besides himself, could have given them the settlement, they expected from his Government. The Trustees of the forfeited estates had raised a scandal upon the *Irish* Nation, as if they designed to set up an independence upon *England*; so that the Commons, in their address to the Queen, said, 'They could not, but with the deepest concern, take notice to her Majesty, that her enemies, by many groundless and malicious calumnies, had misrepresented them; the sad and severe effects whereof they too sensibly felt; and especially, as if they thought themselves, or desired to be, independent of the Crown of *England*. That therefore, to vindicate their names from such aspersions, they declared and acknowledged, that the Kingdom of *Ireland* was annexed and united to the Imperial Crown of *England*.' The Commons, on all occasions,

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forced to be silent yesterday, when so many did appear earnest, that I should speak. I have all the inclinations in the world to give you full satisfaction; but I thought, that I ought not to be pressed to give the Royal assent, or to declare my instructions in Parliament, which I had made known to many noble and worthy Members, besides the Queen's service.

Now that these instances are let fall, and that you have proceeded to other business, to testify how willing I am to give you contentment in any thing, that is in my power, I tell you freely, that I am empowered to give the Royal assent to all the bills, that shall be presented to me, *An act for the Security of the Kingdom*. You need not give me any other consideration. At the same time her Majesty expects you will mind your own safety, in making necessary provisions for the troops upon the present Establishment; and that you will put the trade and customs on that foot, that the Government is supported. And I intreat your Lordships to finish these as quickly as possible, that this Session may be put to a speedy and happy conclusion.

The Commissioner having ended his speech, a Member said, 'That, had it been spoke in the beginning of the Session, it might have saved a great deal of labour and expence; for this was plainly to tell the Parliament, that all their business was to raise a subsidy for the army, and customs for the Civil List; and that then the Session should be happily concluded by an adjournment.' This was followed by a debate concerning the Queen's negative. It was urged, 'That the third act of the first Session of the first Parliament of King *Charles II.* (which is the only act, upon which the negative is founded) was only made to obviate a practice, which had been usurped by the estates in the time of the late rebellion, of making laws by their own vote, and promulgating such votes, as having the authority of laws, without the Royal assent: And then the said act it is declared, *That the Royal assent is necessary and essential to give the force of a law to the vote of the House*; but from thence it could not be inferred, that the assent could be refused to an act offered, and solemnly passed the House; and that,

After some time, the House resolved, *That it would please to gratify the House in giving the Royal assent to the act*. But the question being put, *Proceed to other business*, by twelve voices. After this, Mr *Pringle*, who had been Secretary to the treaty of *Union*, was ordered to lay the minutes of that treaty before the House at their next sitting.

On the 13th of September, it was moved, that, seeing the Royal assent had been refused to the act of *Security*, therefore it was proper to go upon other overtures for the security of the Nation upon the event of the Queen's demise. Against this it was urged, that the House had concluded by a late resolve to go upon overtures for trade: To which it was answered, That this last resolve had been entered into, after the act of *Security* had passed the vote of the House, and whilst it was not doubted, that the Royal assent would be given to it; but that now, the Royal assent being refused, the House did naturally recur to the state of their first grand resolve, entered into the 28th day of May. To which it was again replied, that the act of *Security* was indeed now laid aside, but perhaps it might afterwards receive the Royal assent, when her Majesty had farther considered of it; and that, besides this act of *Security*, there were some other very valuable acts passed in consequence of that grand resolve; such as the act securing *Presbyterian Government*, the act ratifying the claim of right, &c. to which acts the Royal assent was given.

The question being put, *To proceed either upon the act for limitation, or upon overtures for trade*? It was carried, *To proceed upon the act for limitation*. This vote being over, the act for importing wine was read, and the Marquis of *Tweeddale* said, That, seeing no arguments could prevail with some people to part with this scandalous and pernicious act, he thought it was very proper, that all honest men, who wished well to the trade of their Country and the honour of their Queen, should clear themselves of the least assent to it: And therefore, before the act was put to the vote, he entered a protestation for himself, and in the name of such as should adhere to it, 'That this act, allowing

1703. expressed their hatred of the Trustees, and of their proceedings; yet they would not presume to meddle with any thing they had done, pursuant to the act that had passed in *England*, investing the trust in them. Accordingly, on the 25th of *September*, they resolved, that all the Protestant Freeholders of that Kingdom had been falsely and maliciously misrepresented, traduced, and abused, in a representation of them made in a book, intitled, *The Report of the Commissioners, appointed to inquire into the Irish forfeitures*; in which were these words: "And indeed it does appear, that the Freeholders of this Kingdom, through length of time, and by contracting new friendships with the *Irish*, or by inter purchasing with one another, but chiefly through a general dislike of the dispositions of the forfeitures, are scarce willing to find any person guilty of the late rebellion, even upon full evidence." And it appearing to the House, that *Francis Annesley*, Member of it, and *John Trenchard*, *Henry Lansford*, and *James Hamilton*, were authors of that book; it was resolved that they had scandalously and maliciously misrepresented and traduced the Pro-

testant Freeholders of that Kingdom, and endeavoured to create a misunderstanding and jealousy between the People of *England* and the Protestants of that Kingdom. Upon which *Annesley* was expelled the House, with this particular mark of disgrace, that no warrant should be issued this Session to elect a new Member for *Down-Patrick* in his room. *Hamilton* being dead, no question was put about him; and *Trenchard* was got safe into *England*.

The Trustees hastily finished their affairs before the meeting of this Parliament; and some *London* Merchants, understanding there were good pennyworths to be had, sent Agents over to *Dublin*, to purchase, in a lump, what was left unsold. To do it as a Corporation, they examined the powers in the Charters of several Companies in *London*, that they might purchase under one, by which the Company was empowered to buy lands without stint, or, at least, a very large one; such was the Charter to the *Sword-Blade* Company, erected and incorporated to set up that Manufacture in *Cumberland*, or one of the neighbouring Counties, for the use of the army, on the breaking out of the first Confederate

allowing the importation of *French* wines and brandy, ought not to pass, as being dishonourable to her Majesty, inconsistent with the grand Alliance, wherein she was engaged, and prejudicial to the honour, safety, interest, and trade of this Kingdom. He desired, that this proposition might be marked and inserted in the records of Parliament; and the same was adhered to by twenty Peers, forty-three Representatives for Shires, and twenty-one Representatives of Boroughs; and then, the clause being put to the vote, it was carried in the affirmative. The next day, *September* 14, a clause was offered, That no Scots ships should trade directly with France now in time of war; but, several Members objecting against it, the act was carried by a vote without it.

On the 15th of *September*, it was urged by a Member, 'That this had been a very tedious and expensive Session of Parliament: That most part of it had been employed in adjusting the act of Security of this Nation after her Majesty's decease. That, seeing this act of Security was now laid aside, it was therefore high time for the House to employ themselves in making new conditions. That there was an act now lying upon the table, offered by Mr *Fletcher*, which he moved might be the standard of future deliberations, as that formerly offered by the Marquis of *Athol* had been the foundation of the act of Security.' This motion being seconded by many Members, the Lord Treasurer represented, that the Parliament had late a long time without providing funds for the army, which must of necessity be supported, both for maintaining the peace at home, and for defending the Nation against invasions from abroad: That there was an act now upon the table, which had been before presented for that purpose: And he moved, that it might receive a first reading. This was opposed by a Member, who said, 'That it seemed very unreasonable to propose a supply at this time, when the House had so much to do for the security of the Nation; it being well known, that this Parliament should have no time allowed them after the supply was granted; though, for his part, he saw no body unwilling to go upon the supply in due time, yet he thought it was very little encouragement for the Nation to grant a supply, when they found themselves frustrated of all their labour and expence for these several months, and when the whole Nation saw, that the supplies serve for no other uses, but to gratify the avarice of some insatiable Ministers.' This occasioned along

debate, and many warm speeches were made in behalf of Mr *Fletcher*'s act in particular, and on the state of the Nation in general; and at length Mr *Fletcher* himself spoke in favour of his own act, entering into the detail of it. Among the many arguments for promoting it, and the good consequences which would arise from it, he urged, 'That it would save a great sum, which was yearly expended by such as went to Court to look after places. That this sum might serve for a good stock for trade. That by this act the Nation would be free from the influence of English Ministers, by having their own places bestowed by a Scots Parliament. That such an Establishment would not turn the form of the Scots Government into a Commonwealth, since there are precedents for it in some of the most absolute monarchies in the world, particularly *China*, where all offices are bestowed by the Prince upon recommendation from his several Councils in the several parts of his Kingdoms: Nor would the prerogative be impaired by it; for, as to the Prince's concern, it was only changing hands betwixt the advice of an English Ministry and that of a Scots Parliament. That the Scots Parliament must know, who are persons fit for the service of their Prince and Nation better than English Ministers, who, through their being acquainted with the Scotsmen and Scots affairs, might commit mistakes hurtful to both Nations. That the English would be gainers by this act, as well as their Prince, since all the advantage, they had by the present Establishment, was to have the vanity of directing Scots affairs by the humour of a few of their own Ministers, who (as appeared of late) had very much mistaken the interest of *England*, in some directions they gave relating to the Scots affairs. That by these means *Scotland* was impoverished, and rendered incapable of giving that joint assistance against the common enemy, which otherwise they might, if they were allowed to manage their own trade and business to the best advantage. That these difficulties must certainly make the Nation uneasy in their present condition, and would certainly dispose them to lay hold on any opportunity of amending their condition, though to the ruin of their Neighbours.'

The Chancellor made an answer to this Speech, representing the Act as laying a scheme for a Commonwealth, and tending to innovate the constitution of the Monarchy. And then the Ministry offered a state of a vote for giving a first reading either to Mr *Fletcher*'s

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Confederate war. They were enabled to purchase lands to build mills upon the rivers, and to provide for the reception and entertainment of a great number of Manufacturers from *Germany*; which not turning to account, the *Sword-Cutlers* fold their Charter to those *London Merchants*, who purchased about twenty thousand pounds a year of the forfeited estates, and some of the best of those estates, for a sum not much greater than it was said the Grantees, or those that held of them, offered, without putting the public to a penny charge: And these Merchants, by the stile of *The Governor and Company, for making the Sword-Blades in England, prayed, that heads of a bill might be brought in, for enabling them to*

take conveyances of lands in Ireland. But the 1703. Parliament were so little disposed to guaranty the bargains of the Trustees, that their petition was ordered to lie upon the table; and there it lay with others that had no better success (1).

The Commons expelled Mr *John Ayscull* (who was at the same time Member of the House of Commons in *England*) for a strange book he had published*, to prove out of Scripture, that a true Christian ought to have so great a stock Note, of faith, as to be translated to heaven without P. 520. dying. He had, as Agent to the forementioned *Sword-Blade Company*, offered to lend money to the public in *Ireland*, at six per cent. on condition the Parliament would pass an act to confirm

er's act, or to the act of subsidy. There were many of the Country-party, who had no mind to go to the full extent of Mr *Fletcher's* act, but were withal resolved to go upon the consideration of overtures for the liberty of the nation. These urged another state of a vote, viz. *overtures for subsidies, or overtures for liberty?* But the Ministry pressed the first state of the vote. Upon which Mr *Fletcher* alledged, 'That he had the honour to offer an act for securing the liberties of the Nation against *English* influences. That it was his opinion, that the condition of the Nation was so far gone into ruin, that the provisions in this act were absolutely necessary for its relief. That he doubted not to make this appear by reasons unanswerable; but that he found some people very ready to pervert the meaning of good designs; and, lest any such bad handle should be made of an overture, which he had sincerely designed for the good of his Country, he begged leave to withdraw his overture;' adding, 'That he should be very ready to go into such overtures, as the wisdom of the House should judge most proper for the honour and safety of the Nation.' Then the other state of the vote was offered, *overtures for liberty, or overtures for a subsidy.* Here the Ministry were at a loss, for they knew, that overtures for liberty would be carried; and, by Mr *Fletcher's* withdrawing his act, they were obliged to look out for another state of a vote. This put them to a consultation about the Throne, during which time the Members called from all sides of the House for a vote upon the question, as stated, *Liberty, or Subsidy*, and a great many warm expressions were thrown out against the Ministry from people of all ranks. After some time spent in this manner, during which several uncertain and imperfect overtures of differing states of questions were made; the Commissioner moved from the Throne, 'That, if the House would agree to allow a first reading to the subsidy act, he did promise, that, it should not be heard of for three ensuing Sessions.' To this a Member answered, 'That he believed, that those about the Throne did not expect, that this overture would take in the House: that the import of it was plainly this, that the Act for a *Subsidy* should get a first reading now; then the House should have three short sittings for the *Liberties* of the Nation; and the fourth should complet the *Subsidy*: After which, the House was sure to be adjourned: But, that he was certain the House was better acquainted with the artifices of the Ministry, than to be misled by such overtures.' Another Member urged, 'That it was now plain, the Nation was to expect no other return for their expence and toil, than to be put to the charge of a *Subsidy*, and to lay down their necks under the yoke of slavery, which was prepared for them from that Throne.' A third Member said, 'That he insisted upon having a vote upon the question, which had been put. That he found, that, as the liberties were suppressed, so the privileges of Parliament were like to be torn from them; but that he would rather venture his life

'than it should be so; and should rather to die a freeman, than live a slave.' Some pressed for the vote, and particularly the Earl of *Roxburgh*, who added, 'That, if there was no other way of obtaining so natural and undeniable a privilege of the Parliament, they would demand it with their swords in their hands.' Whether or no the Commissioner had information, that the House would adhere to what they proposed to be done, it is certain, that the Footguards were ordered to be in readiness, and that, for several days before, a grand-guard was set upon the *Netherbow Port*; and Lieutenant-general *Ramsay* was heard to say in his cups, 'That means would be found to make the Parliament calm enough.' However, the Commissioner, perceiving he should be torn in pieces, if he withstood the formidable opposition he saw against him, ordered the Chancellor to acquaint the House, 'That it was yielded the Parliament should proceed upon overtures for liberty next session.' Upon which assurance the Members met the next morning, in order to prepare an overture for their purpose, which was in substance as follows: 'That the elective Members should be chosen for every seat at the *Michaelmas* Head courts: That there should be a Parliament held once in two years at least: That the short adjournments de *die in diem* should be made by the Parliament themselves as in *England*: That no officer of the Army, Customs, or Excise, or gratuitous pensioner, should sit as an elective Member.' If such an act had received the Royal Assent, the Country-party had resolved in giving a supply; but the Commissioner was not instructed to purchase it at that rate; and, having notice of what passed, he called for such acts as he was empowered to pass, and, having given the Royal Assent to them, made the following speech to the Parliament:

My Lords and Gentlemen,

'We have now passed several good acts for our religion, liberty, and trade, which I hope, will be acceptable to all her Majesty's good subjects. I wish you had also given the supplies necessary for the maintaining of her Majesty's forces, and preserving the peace and safety of the Kingdom. But since, I hope, this may yet be done in due time, and that besides some questions and difficulties are fallen, that, in all probability, you can have no time to determine; and that withal, it is fit her Majesty should have time to consider upon such things, that have been laid before her; and that, we may know her mind therein more perfectly, a short recess appears at present to be necessary, and that this Parliament be adjourned for some time. And therefore I have ordered my Lord Chancellor to adjourn this Parliament until the 12th of *October* next.' Which the Lord Chancellor did accordingly.

(1) The *Sword-Blade* Company fold their estates afterwards to Mr *John Edwards*, who had them cheap enough to have made a quick and a good market. *Oldmixon*, II. 308.

(1) The

1703. confirm their purchase of the forfeited estates; but the Company disowned him in that offer, and, being summoned to appear before the House, to answer for his prevaricating with them, he pleaded his privilege as a Member of Parliament in *England*. Besides his expulsion, he was voted incapable of ever sitting in any Parliament in *Ireland*.

The Commons pursued the Trustees of the forfeited estates still farther. For, in a representation of the state and grievances of the Nation, which they agreed to offer to the Queen, they begin with complaining, 'That whereas her Majesty's Royal Predecessors, of blessed memory, had always had the glory of being Kings and Queens of a free people, distinguished from the rest of *Europe* by the eminent privilege of being governed by their own laws, and of enjoying their liberties under the dominion of a Sovereign Prince, according to the most equal and just model of Government, that ever was framed; yet the Constitution of that Kingdom of *Ireland* had been of late greatly shaken, the lives, liberties, and estates of the subjects thereof being called in question, and tried in a manner unknown to their Ancestors. That when they considered the charge, which the subjects of that Kingdom had been unnecessarily put to by the late Trustees for the forfeited estates, in defending such their just rights and titles, as had, after many and expensive delays, been allowed by the said Trustees, had exceeded in

'value the current cash of that Kingdom; they had but too great reason to believe, that this had been principally occasioned through false and malicious reports and misrepresentations made of the Protestants of that Kingdom, by designing and ill-meaning men, in order to create a misunderstanding between *England* and *Ireland*, and to promote beneficial employments for themselves.' (1).

The Commons offered the necessary supplies, and granted 150,000 *l.* to make good the deficiency of the necessary branches of the Establishment, for the support of the Government for two years, ending at *Michaelmas* 1705. But, though the Commons granted the supplies, they took exceptions to the accounts that were laid before them, and observed some errors in them. This begot an uneasiness in the Duke of *Ormond*; for, though he was generous, and above all fordid practices, yet, being a man of pleasure, he was much in the power of those who acted under him, and whose integrity was not so clear. A Committee having been appointed to inspect the public accounts, they had the thanks of the House, for saving the Kingdom 103,368 *l.* which by misrepresentation had been charged as a debt upon the nation, and were ordered to examine what persons were concerned in representing such a sum, over and above the funds granted by Parliament, and the revenue necessary to support the Government, and pay the public debts to *Michaelmas* 1703. The Commons likewise voted several pensions, amounting

1703.

(1) The rest of the representation was as follows:

'For, although her Majesty had been graciously pleased to assure them, that nothing of that kind had made any impression on her Majesty to their prejudice, yet they were very sensible, that that Nation had exceedingly suffered thereby in the opinion of *England*. That they could not, without the greatest grief of heart, reflect upon the great decay and loss of their trade. That the Kingdom being almost exhausted of its cash, and themselves hindered from earning their livelihood, and from maintaining their own manufactures, their poor were thereby become very numerous, especially the industrious Protestants, who, in a country, wherein the number and power of the Papists is very formidable, ought, as they humbly conceived, to be encouraged. That very many Protestant families had been constrained to remove out of that Kingdom, as well into *Scotland*, as to the Dominions of foreign Princes and States. That their foreign trade, and its returns, were under such restrictions and discouragements, as now to become in a manner unprofitable, although that Kingdom had of late, by its blood and treasure, contributed to save the Plantation-trade to the people of *England*. That the want of holding frequent Parliaments in *Ireland* had been a great encouragement to evil-minded men, who intended nothing but their own gain, though accompanied with the ruin and oppression of her Majesty's good subjects. That many Civil Officers were arrived at such a pitch of corruption, through hopes of impunity, as was almost insupportable, thereby getting vast estates in a short time in a poor country: That others, in considerable employments, dwelt and resided for the most part out of the Kingdom, thereby neglecting the personal attendance on their duty, whilst, in the mean time, their offices, (which in effect were made mere *Sine Cures*) were but indifferently executed, to the great detriment of her Majesty's good subjects, and the great failure

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'of justice; so that they were fully convinced that nothing but frequent Parliaments, with permission for them to sit, and do the business of the Nation, could prevent, or reform so great and notorious abuses. That they offered to her Majesty's princely consideration this their most humble representation, with hearts full of a sense of their miserable condition, yet supported with the hopes they had from the auspicious reign of her most sacred Majesty; not doubting her Majesty's care and protection of them. For it was from her Majesty's gracious interposition alone in their favour, that they proposed to themselves relief from these their manifold groans and misfortunes. And that they could not despair of her goodness extended towards them in such a prudent and gracious manner, as might afford them relief, according to the exigencies of their condition, by restoring them to a full enjoyment of their Constitution, or by promoting a more firm and strict Union with her Majesty's subjects of *England*; which would be to the advantage of that Kingdom, nothing being a more certain truth, than that whatever riches *Ireland* can acquire, must at last necessarily center in the seat of the Government.' Concluding with these wishes: 'May the choicest blessings of the great Creator and Preserver of all things constantly attend your most sacred Majesty: May you long continue to be the choicest blessing of your people, and the afterer of the Liberties of *Europe*: And may we, your poor subjects of *Ireland*, be an eminent instance of your Majesty's having a just right to that most glorious title, that we may heartily join with the rest of mankind in proclaiming, that your most excellent Majesty is not only the greatest, but the best and justest Princes, that ever reigned.'

On the 25th of *October*, Mr *Southwell*, Secretary of State, acquainted the House of Commons, 'That their representation was a matter of the highest consequence; and that his Grace would take such care of it as might most conduce to the service of the Nation.'

7 Q

(1) The

1703. mounting to above 17000 *l.* a year, to be unnecessary branches of the Establishment, and voted a provision for all the half-pay Officers (1). They enacted the Succession of the Crown to follow the pattern set them by *England*, in every particular, making it high-treason in *Ireland*, by word or writing, to impeach the Succession, as limited by several acts. But the great design of the Commons was, to break the power of Popery, and the interest, that the heads of the *Irish* families had among them. To this end they passed an act to prevent the growth of Popery; and, to make it the more solemn, the Speaker, attended by the House of Commons, presented a bill, on the 23d of *November*, to the Lord-Lieutenant, and made a speech on the occasion to the following effect: 'That they looked on this bill to be of such importance to their future well-being, that they had begged leave to attend his Grace in a body with it, and not send it, as in cases of less weight is usual, by particular Members. That the opposition constantly made in *England* by the Papists of *Ireland*, against whatever might tend to the security of her Majesty's Protestant subjects, induced the Commons to lay these heads of a bill in this solemn manner before his Grace. That they thought it now more particularly necessary, being well informed, and fully convinced, that great sums of money had been lately raised among them, to oppose the passing a bill of this nature in *England*; yet they doubted not, but the weight of the thing, and justice of their desires, would be so effectually laid before her Majesty by his Grace, that all obstacles would be surmounted, and an opportunity given them of assenting to the passing into law, what they conceived would be the greatest security to the Protestant Religion and Interest there' (2).

This bill to prevent the growth of Popery was somewhat like that, which had passed in *England* three years before*, but with some more effectual clauses, for the want of which no advantage had been received in *England* from that act. The main difference was that, which made it look less invidious, and yet was more effectual for breaking the dependence on the heads of families: For it was provided, that all estates should be equally divided among the

children of Papists, notwithstanding any settlements to the contrary, unless the persons, on whom they were settled, qualified themselves by taking the oaths, and coming to the Communion of the Church. This seemed to carry no hardship to the family in general, and yet gave hopes of weakening that interest so considerably, that the bill was thus solemnly offered to the Duke of *Ormond*. Accordingly it was sent over to *England* warmly recommended by him; but it was as warmly opposed by those, who had a mind to have a share in the presents, that were ready to be made by the Papists, who had raised a considerable sum for that purpose. The pretence for opposing it was, that, while the Queen was so deeply engaged with the Emperor, and was interceding for favour to the Protestants in his Dominions, it seemed not seasonable, and was scarce decent, to pass so severe a law against those of his Religion. This pretence had the less strength, since it was very evident, that all the *Irish* Papists were in the *French* interest, and therefore there was no reason to apprehend, that the Emperor would be much concerned for them. The Parliament of *England* was sitting, when this bill came over, and people were very intent upon the issue of it, so that the Ministers judged it was not safe to deny it; but a clause was added, which they hoped would hinder its being accepted in *Ireland*. That matter was carried so secretly, that it was known to none, but those who were at the Council, till the news of it came from *Ireland* upon its being sent thither. The clause was to this purpose, That none in *Ireland* should be capable of any employment, or of being in the Magistracy in any City, who did not qualify themselves by receiving the Sacrament according to the test-act passed in *England*; which before this time had never been offered to the *Irish* Nation. It was hoped, that, on account of this clause, those in *Ireland*, who promoted it most, would now be the less fond of it, when they found it thus clogged. The greatest part of *Ulster* was possessed by the *Scots*, who adhered stiffly to their first education in *Scotland*; and they were so united in that way, that it was believed they could not find a sufficient number of men, who would qualify themselves, pursuant to this clause, to maintain the order and justice of the country. Yet, upon this occasion, the *Irish* Parliament proceeded

* See
p. 401.

(1) The first pension taken off was 1200 *l.* a year to the Presbyterian Ministers of *Ulster* granted by Patent from King *Charles II.* for their loyalty and good services to the Crown. Among the rest was a pension of 5000 *l.* to the Countess of *Dorchester*, King *James II.*'s mistress; another of 1600 *l.* during the life of the Earl of *Rochester*, to *George Rodney Bridges*; to the Duke of *St Albans* one of 800 *l.* and to the Lord *St Albans* another of 1642 *l.* most of the others had been granted to Papists, probably in consideration of some demands upon the grants of their estates. Among the pensions was reckoned that of the half-pay Officers of 2814 *l.* who were to be otherwise provided for. The whole of the pensions, voted unnecessary, amounted to just 17634 *l.* 0 *s.* 0 *d.* a year.

(2) At the same time was presented also a bill, to encourage the linen-manufacture, with an address to the Queen: Upon which bill the Speaker added, 'That they had also framed and agreed to heads of a bill for the improvement of the linen-manufacture, which they conceived might in time become useful

' to that Kingdom, if liberty should be given them ' to transport the linen-manufactures thereof directly to the Plantations, but would otherwise be destructive to the same. That, to obtain such liberty, ' they had framed an humble address to her Majesty, ' and relied on her great goodness to, and care of, her ' distressed people of that Kingdom, that her Majesty would be pleased graciously to interpose in ' their favour with the Parliament of *England*, that ' such freedom might be allowed them, as one of ' the encouragements they had been induced to believe they should have on their going into the linen ' trade, by the address of the Lords and Commons ' of *England*.' Which address they prayed his Grace to lay before her Majesty. Thereupon the Lord Lieutenant assured them, ' That he would ' take care to transmit these two bills, which were so ' much for the interest of the Nation, and recommend them in the most effectual manner, according ' to their desire, and do all that was in his power to ' prevent the growth of Popery.'

(1) Besides

1703. proceeded with great caution and wisdom : They reckoned, that this act, so far as it related to Papists, would have a certain and great effect for their common security ; and that, when it was once passed, it would never be repealed ; whereas, if great inconveniencies did arise to the Protestant Dissenters upon this new clause, it would be an easier thing to obtain a repeal of it in a subsequent Parliament, either of *England* or *Ireland*. The act was therefore passed, and those, who thought they had managed the matter with a master-piece of cunning, were outwitted by an *Irish* Parliament. However this artifice, and some other things in the Duke of *Ormond*'s conduct, put them into such an ill humour, that the supply was clogged and lessened by many clauses added to it.

On the 26th of *November*, the *Irish* House of Commons voted a book, printed and published by *Brocas* and *Maloane*, intitled, *The Memoirs of the late King James II. &c.* seditious, and ordered it to be burnt by the hands of the common hangman, and *Brocas* the Printer, *Maloane* the Bookseller, and one *Eustace*, (who brought these *Memoirs* from *England*, and gave them to *Maloane* to print) to be prosecuted. It is remarkable, that, when the motion was made for burning the book, and prosecuting the Printer, a Member represented the great danger the Protestants were in, in some parts of *Ireland*, particularly in the County of *Limerick*, where the *Irish* were beginning to form themselves into bodies, and to plunder the Protestants of their arms and money ; adding, that the disaffected there held a correspondence with those in *England*, and were not out of hopes of restoring the pretended Prince of *Wales*. Whereupon the House resolved, ' That ' it appeared to them, that the Papists of that Kingdom still retained hopes of the coming ' in of the person, who went by the name of ' the Prince of *Wales*, in the life-time of the ' late King *James*, and now by the name of ' *James III.*' But the same day Mr Secretary *Southwell*, by command of the Lord Lieutenant, acquainted the House, that it was his Grace's pleasure, that they should adjourn till the 11th of *January* following, which was accordingly done (1). By this sudden adjournment, when the House was exerting itself with great zeal against Popery, the Session ended in so much heat, that it was thought the Parliament would meet no more, if the Duke of *Ormond* (who was severely reflected upon) was continued in the Government.

Thus the parts of the Government that were thought the most easily managed, *Scotland* and *Ireland*, had of late been put into so much disorder, that it might prove no easy work to set them again in order : The Government was every where going, as it were, out of joint : Its nerves and strength seemed to be much slackened : The trusting and employing, not only violent Tories, but even known Jacobites,

as it brought a weakness on the management, so it raised a jealousy, that could not be easily cured. Stories were confidently vented, and by some easily believed, that the Queen was convinced of the wrong done her pretended Brother, and that she was willing to put affairs in the hands of persons, who favoured his Succession : It was also observed, that our Court kept too cold civilities with the House of *Hanover*, and did nothing that was tender or cordial looking that way : Nor were any employed, who had expressed a particular zeal for their interests. These things gave great jealousy : All that was said in excuse for trusting such persons, was, that it was fit once to try if good usage could soften them, and bring them entirely into the Queen's interests : And assurances were given, that, if, upon a trial, the effect hoped for did not follow, they should be again dismissed.

It is time now to turn to the operations of the war. The affairs at sea this year were ill designed, and worse executed. The making Prince *George* our Lord High-Admiral proved, in many instances, very unhappy to the Nation : Men of bad designs imposed on him, he understood those matters very little, and they sheltered themselves under his name, to which a great submission was paid ; but the complaints rose the higher for that : Our main fleet was ready to go out in *May*, but the *Dutch* fleet was not yet come over ; so *Rooke* was sent out, to alarm the coast of *France* ; he lingered long in port, pretending ill health ; upon that *Churchill* was sent to command the fleet ; but *Rooke*'s health returned happily for him, or he thought fit to lay aside that pretence, and went to sea, where he continued a month ; but in such a station, as if his design had been to keep far from meeting the *French* fleet, which failed out at that time ; and to do the enemy no harm, not so much as to disturb their quiet, by coming near their coast : at last he returned, without having attempted any thing.

In *March* 1702-3, Vice-Admiral *Graydon*, a man brutal in his way, and not well affected to the present state of affairs, was sent to the *West-Indies* with a squadron of men of war, consisting of the *Resolution*, the *Mountague*, *Nonfuch*, and *Blackwall*, and several transports, with Brigadier *Columbine*'s regiment, some store-ships and Merchant-men. The design was to gather all the forces, that were scattered throughout the Plantations, and with that strength to take *Placentia*, and drive the *French* out of the *Newfoundland* trade. But the secret of this was so ill kept, that it was commonly talked of before he sailed ; and the *French* had timely notice of it, and sent a greater force to defend the place, than he could bring together to attack it. He set sail from *Plymouth*, on the 13th of *March*, and, five days after, met with four *French* men of war under Monsieur *du Cassé*, sailing towards *Brest*, and visibly foul and in no condition to make any resistance. Captain *Cleland*,

1703.

Affairs at sea.
Barnet.Graydon's expedition to the West-Indies.
Barnet.
Barchet.

(1) Besides the act mentioned, there passed

1. Act for an additional excise on beer, ale, and other liquors.

2. Act for encouraging the importation of iron and pipe-slaves.

3. Act to prevent Popish Priests coming into the Kingdom.

4. Act for securing the liberty of the subject, and for prevention of imprisonment beyond the seas.

5. Act for naturalizing all Protestant strangers.

1703. Cleland, who commanded the *Mountague*, engaged the sternmost for some time; but, upon his first firing, the Vice-Admiral made a signal to call him off, 'being under orders not to lose any time in this passage by chacing or speaking with any ships whatsoever, the contrary winds having kept him in *Plymouth* much longer than was intended, and the service, upon which he was bound, very much requiring his presence, and the regiment, that was with him.' Upon this the French men of war got safe into *Brest*. They were afterwards known to be Monsieur du Cassé's Squadron, which had escaped *Benbue*, about seven Months before, and was now bringing treasure home from *Carthagena* and other parts of the *West-Indies*, reported to be four millions of pieces of eight. But, tho' by this means a rich booty was lost, yet so careful was the Prince of Denmark's Council to excuse every thing done by a man of war of their own party, that they ordered an advertisement to be inserted in the *Gazette*, to justify *Graydon*; in which it was declared, that, in pursuance of his orders, he had not engaged the French Squadron. The orders were indeed strangely given; but the Admirals had never thought themselves so limited by them, but that, upon great occasions, they might stretch beyond their private instructions, especially where the advantage was visible, as it was in this case; for, since they were out of the way of new orders, and new occasions might happen, which could not be known when their orders were given, the nature of the service seemed to give them a greater liberty, than was fit to be allowed in the land service. When the Vice-Admiral came to the Plantations, he acted in so savage a manner, as if he had been sent rather to terrify than to protect them. When he had drawn the forces together, that were in the Plantations, he went to attack *Placentia*; but he found it so well defended, that he did not think fit so much as to make any attempt upon it. Thus this expedition ended very ingloriously, and many complaints of *Graydon's* conduct were sent after him.

After Sir George Rooke's fruitless cruise, it was resolved to send a strong fleet into the *Mediterranean*. This fleet was not ready till the end of June, and the orders were to come out of the *Streights* by the end of September. Every thing was so ill laid in this expedition, as if it had been intended that nothing should be done by it, besides the convoying our Merchant-ships, which did not require the fourth part of such a force. Sir Cloudesly Shovel was to command, who, when he saw his instructions, represented to the Ministry, that nothing could be expected from this voyage. However, he was ordered to go, and he obeyed his orders. He sailed from *St Helen's*, the 1st of July, with a fleet of thirty-five English, and seventeen Dutch men of war. He had under him the Vice-Admirals Fairborne* and Lake†, and Rear-Admiral Bing‡. The Dutch were commanded by Admiral Allemonde, with two other flags. They had a great number of Merchant-ships of both Nations under their convoy. The fleet appearing off *Lisbon-Rock*, the 24th of July, dispelled the fears of the Portuguese, of being insulted by a French Squadron. Sir Cloudesly Shovel sent Sir Stafford Fairborne to *Lisbon*, with compliments to the

King of Portugal and the Queen-Dowager of 1703. England, by whom he was received with great marks of respect and esteem. After the fleet got through the *Streights*, on the 12th of August, and water began to be wanted, the Admiral having stretched over from *Cape de Gat* to *Cape Hone*, in *Barbary*, sent a boat with a flag of truce, to acquaint the Moors with his design of watering there; but they answered his message with a musket-shot, killed one of the boat's crew, and mortally wounded the Lieutenant of the *Tartar*, who commanded the boat, and died two days after. The want of water daily increasing, it was resolved in a Council of war to put into *Altea* on the coast of *Valentia* in Spain. The *Eagle*, commanded by the Lord Archibald Hamilton, and the *Hampton Court*, were sent before: But the Governor fired upon them with two guns planted on a Tower, which however were soon dismounted by these two men of war. In the mean time, the whole fleet came in sight of the place, on the 31st of August, and the *Flamborough* was sent close to the shore to cover the descent of the regiments of marines, who, to the number of two thousand five hundred men, landed under Brigadier Seymour without any manner of confusion, and were drawn up in order upon the shore, before half the fleet was come to their anchors. These land-forces formed a camp near the place, and a message was sent to the Governor, that they did not come as enemies, but friends; to which he answered, 'That he had a great esteem for the English; but, however, he was sorry, he was not in a condition to oppose their landing: That he would write to the Viceroy of Valentia, and if his orders were such, the Admiral must not take it ill, if he should fire upon his men.' At the same time the Admirals Shovel and Allemonde caused in their names a short Manifesto to be published and dispersed among the Spaniards, containing in substance, 'That, pursuant to the orders of her Majesty of Great-Britain and the States-General, they did not design to give the least disturbance to the good subjects of Spain, but to protect such of them, who, remembering their ancient obligations to the House of Austria, should swear allegiance to their lawful Monarch, the Archduke Charles, and endeavour to throw off the yoke of France. And, as they would give their assistance to those of the Spanish Nation, that should regard their duty and true interest; so they should destroy the persons, houses, and goods of such, as should oppose the efforts, which should be made for the deliverance of that valiant and glorious Nation from the tyranny and oppression of France.' This Manifesto had no other effect but that the Spaniards, seeing no injury was offered them, brought plenty of all refreshments and provisions, for which they were paid in ready money. They professed a great hatred to the French, appeared very well disposed to the House of Austria, and drank to the prosperity of the Archduke. The fleet being watered, sailed, on the 3d of September, for Leghorn, where they arrived on the 19th. Ten days before, Captain Jumper, with the *Lenox*, *Ipswich*, *Hamphire*, and *Dover*, sailed off *Formontera*, with the *Turkey* fleet under his convoy. As one design of this expedition was to endeavour to give some relief

* Of the Red
† Of the Blue
‡ Of the Red

1703. to the *Cevennois*, who, the last year, had raised an insurrection in *France*, it will be proper to insert here a brief account of that affair.

Insurrec-
tion of the
Cevennois
Hist. of
Europe.
Cavalier's
Memoirs. The *Cevennois*, or inhabitants of the *Cevennes*, a mountainous country in the South-part of *Languedoc* in *France*, were mostly of the Reformed Religion, before the general persecution in the year 1685, to the violence of which they were obliged to yield; but most of them had since thrown off the yoke of Popery, and returned to their former faith, by means of some zealous Ministers; who, notwithstanding the danger, to which they exposed themselves, had constantly preached amongst them. Their numbers, and the advantageous situation of their Country, giving the Court of *France* more jealousy than of all the other Protestants in the Kingdom, care was taken to curb and oppose them more than any of the rest, and, by continual vexations, to put it out of their power to recover their Liberty. Monsieur de *Basville*, Intendant of *Languedoc*, and Count *Broglio*, Commander of the troops in that Province, left no means untried to ruin them, by their extortions and military executions. The Protestants assembling often in the woods to perform their religious exercises, those two Persecutors posted troops in several places, with orders to fire upon all such as they should find in those Assemblies, and to burn the Houses of those, whom they could not seize. By this means a great part of the *Cevennois* were entirely ruined, and whole villages laid waste. The Abbot of *Cheilat*, Sub-delegate of the Intendant *Basville*, was likewise very severe against those, who attempted to escape out of the Kingdom for Religion, having invented a rack to torment them, which was a beam slit in two with vices at each end. Every morning he used to send for his prisoners, in order to examine them; and, if they refused to confess what he desired, he caused their legs to be put into the slit of the beam, and squeezed them till the bones cracked, and tied their toes with strings, and turned them with wheels till they were out of joint. But Monsieur *Esprit*, one of the Preachers among the Protestants, having heard of these cruelties, marched at the head of about sixty young men to the Abbot's house, and demanded the prisoners. Upon his ordering the Guard to fire upon them, by which two of them were killed, and others wounded, they forced the Guard, broke open the prison, released the prisoners, and, having wounded the Abbot in the thigh, as he was making his escape out at a window, allowed him a quarter of an hour to prepare for death, then shot him dead, and set fire to his house. This done, they form-

ed a design of greater importance, and going through the towns and villages, brandishing their swords, cried out, *Liberty, Liberty*; and, in a little time, drew a great many other young men after them, and formed a body of three or four hundred. The Attendant, being informed of what had happened to the Abbot of *Cheilat*, immediately sent orders for the seizing of the rioters; but, the troops, that were commanded upon that service, meeting with opposition, the Intendant thought this a favourable opportunity to enrich himself, by converting to his own use the pay of the troops, and quartering them at discretion upon the villages, where the murder had been committed; and, to carry on this scheme for his own profit the longer, he neglected to acquaint the *French* Court with this insurrection. The malecontents, having by this means gained time to strengthen themselves, increased to the number of two thousand, who divided themselves into four bodies, and became so formidable, that they began to make excursions into the plain, burnt Churches, and put to the sword the Popish Priests, and all their former Persecutors, leaving the rest unmolested. Upon this the Court of *France* dispatched Monsieur *Julian*, infamous for his Apostasy from the Protestant Religion, with eight regiments, to reduce the malecontents; but, these forces not being able to stem a torrent, which daily increased, Marshall *de Montrevel* was sent into *Languedoc* with an Army of ten or twelve thousand men, and directions to use all the methods he should think most effectual to quell the insurrection. The Marshall had not been long in *Languedoc*, before he published a declaration, whereby he committed all Priests, Ecclesiastics, and Churches, to the care of the new Converts and Communities; and declared, that, if any accident should befall them, the Communities should be answerable for them, and that they should be burnt and intirely destroyed. This impolitic declaration, together with several shocking cruelties exercised by that Commander, exasperated the malecontents, and increased their numbers, so that the *French* King's troops, after having been several times defeated, were obliged to keep within the walled towns. The repeated informations of the progress of the *Cevennois*, made the Sovereigns in alliance against *France* attentive to that insurrection; and the general concern, which the *English* Nation expressed for a people, who fought for the Protestant cause, together with the solicitations of the Marquis *de Miremont*, and other eminent *French* Refugees in their favour (1), moved the Queen, and Prince *George*, to propose the relieving of them in Council. The Earl of *Nottingham* assisted them.

(1) Colonel *Cavallier* in his *Memoirs of the wars of the Cevennes*, p. 172. tells us, that the Marquis wrote them a letter, wherein he observed, "That the Queen being informed of their deplorable condition, was resolved to send them some succours, and that he would come himself to help them; desiring them in the mean time to behave themselves with prudence till his arrival." Upon this they sent him an account of the state of their affairs, and in a short time after they received a second letter, which confirmed what he had written before; and afterwards sent them an express, called *Flutar*, to know what measure he could take to come and succour them. Having conferred together, they sent back the express

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with all the necessary instructions, who arrived safe in *England*, and gave the Queen an exact account of his journey; and they were assured by a third letter of speedy relief, which proved very prejudicial to them afterwards; for it was then they were beginning to get ground, and their remissness gave their enemies time to take measures to stop their progress: "I do not pretend," says Colonel *Cavallier*, to blame the Marquis's slowness; for I believe it was not his fault, he being much inclined to come and succour us; but, being unexperienced in such affairs, and under a necessity of taking advice, it was very difficult for him to know what to resolve upon. He had persons about him, who acted with more regard to

1703. *tingham* represented the dangerous consequence of afflicting rebels against their natural Prince; but the result of several consultations was, that, since all ways to relieve the *Cevennois* were shut up by land, the fleet, that was to go into the *Mediterranean*, under the command of Admiral *Shovel*, should endeavour to carry them a supply of arms, ammunition, and money: Which resolution was no sooner known, than universally applauded. And indeed, though it be neither lawful nor safe for Princes to encourage insurrections in one another's Dominions; yet this maxim cannot take place in time of war, when any way, by which the enemy can be annoyed, is allowable; nor, in particular, with regard to the *French* King, who at this very juncture, had armed part of the Empire against the Empire itself, and countenanced a design of an insurrection in *Scotland*, and other ill practices in *England*; which, in the Month of *May*, were discovered, by the seizing in *Kent* of two or three persons coming from *France*, and having about them several letters directed to *Papists* and disaffected persons.

The better to succeed in the enterprize of relieving the *Cevennois*, who were also called *Camisars*, several *French* Refugees were sent by land into *France*, to acquaint them, both with the Queen's good intentions, and with the signals, which the *English* ships would make, that they might answer them by other signals, and concur in the endeavours that should be used towards their relief. The only person, who had the good fortune, either to penetrate into, or return from the *Cevennes*, was Mr. *David Flatan*, who was sent by the *Marquis de Miremont*. The others were taken at the passage of *Pont St. Esprit*, and others broke alive upon the wheel, or made gally-slaves. Besides the persons sent by land to the *Cevennois*, there were three other *French* Refugees, Mr. *Portales*, Captain *la Billiere*, and Mr. *Tennie*, commissioned to go on board the *English* fleet, to assist in this undertaking, and be witnesses of all that passed. The first of these Gentlemen, being sent for to a Council of war of all the *English* and *Dutch* Flag-officers, held on board the *Triumph*, on the 29th of *August*, when the fleet was at *Altea*, wherein, among other things, it was debated,

how to put that enterprize in execution, Sir *Cloudesly Shovel* told him, "That, the season being so far advanced, and the Gulphs of *Narbonne* and *Lyons* so dangerous, they did not think it prudence to hazard her Majesty's fleet in a coast unknown, and which had ever been so dreadful to the *English* seamen, that in order to avoid it, they often chose to go an hundred leagues out of their way: That he was very sorry he could not perform himself so great a service to the brave *Cevennois*; but that, pursuant to the result of their consultation, he would order two men of war to go upon that attempt, with a good quantity of arms, ammunition, and money; and that, if they had the good fortune to speak with their friends, and to deliver them those things, it would be easy for them to concert measures with the *Cevennois* for their farther supply and relief." Accordingly, the day *Shovel* sailed from *Altea*, he dispatched the *Pembroke*, Sept. 3. Captain *Harris*, and the *Tartar*, Captain *Cooper*, to enter the gulph of *Narbonne*, having the three Refugee Gentlemen on board, and two *French* Pilots besides. The next day they took a *French* Tartane, by the master of which they understood, that *Marshall de Montrevel*, having intelligence of their design, had already taken the necessary measures to disappoint it. The *Pembroke* and *Tartar* entered the gulph of *Narbonne*, and, being come between *Port Ceste* and Sept. 17. *Pequai*, they made the signals, as directed from Court under the Earl of *Nottingham's* own hand; but, not being answered from the shore, they did not think it safe to continue in that dangerous sea any longer, and so made the best of their way to the general rendezvous at *Leghorn*-road, where they arrived, the 23d of *September*, four days after the fleet (1)

Count *Lamberg*, the Imperial Ambassador at *The Archduke proclaimed King of Spain* *Rome*, came on board the Admiral in the road of *Leghorn*, on the 28th of *September*, and acquainted him with the *Archduke of Austria's* having been declared and proclaimed King of *Spain* at *Vienna*, by the name of *Charles III.* on the 12th of that month, *N. S.* Upon this every ship in the *English* Squadron fired fifteen guns, and his Catholic Majesty's health was drank. Count *Lamberg* having sent a Gentleman,

"their own interest than the public good. They talked of nothing in the Court of *France* but the great preparations *England* was making for our assistance, as if I should desire a man to take care of himself, that I had a mind to kill, and in the mean time bid him not be afraid; that I would do him no hurt. For all the projects of Monsieur *Miremont* were as well known in the Court of *France* as in *England*; and all this by means of the persons, whom the *Marquis* had chosen to be his advisers. This generally happens to Princes, who communicate their secrets to several persons. For the Court of *France*, being well informed of every thing, took such effectual measures, that it was impossible for us afterwards to have any correspondence with foreign Countries, so that all our hopes of the fair promises, the *Marquis* made us from the Queen, vanished after a delay of eighteen months. I believe it was not his fault, as I said before; for, had he been able to fly with ten thousand men to the place we were in, I am sure he would have no quarter to his relation's troop. The truth is, I believe *France* had then emissaries in *England*, as it usually has, which put a stop to the project of

"Monsieur *Miremont*, and prevented the Queen and her Allies from making use of so favourable an occasion to ruin *France*, which might have been effected in less than two years; for, being masters of the sea, they might easily have sent us succours, at least some arms and money. For, had they sent us but twenty thousand pounds Sterling, we would soon have made up a body of fifty thousand men. But, as I said before, they looked on this war as a sudden blaze, which soon vanishes away, and therefore neglected to send us any relief. It is wonderful how we could resist for so long a time twenty thousand men, and two *Marshals of France*. If the Reader will seriously consider the advantage the Allies had by our war, he will soon be persuaded, that, if the twenty thousand men, who were sent directly against us, had been employed, either in *Italy*, *Germany*, or *Spain*, they would have put a stop to the progress of the Allies, especially against his Royal Highness the Duke of *Savoy*, or in *Spain* against the *Portuguese*."

(1) The next morning after Sir *Cloudesly's* arrival, the town saluted him with five guns, of which he took no notice, as not being a sufficient salute for a Royal fleet.

1703. man, with one of Sir Cloudesly Shovel's Secretaries, to notify the Archduke's accession to the Spanish Throne to the Dutch Admiral *Almonde*, was somewhat surprized, that the Imperial Minister should not pay him a visit on that account, as he had done the English Admiral. However he ordered all his ships to fire also fifteen guns some hours after, and then Count *Lamberg* went to see him on board.

Burnet.

The arrival of the fleet at *Leghorn* seemed to be of great consequence, and the Allies began to take courage; but they were soon disappointed of their hopes, when they understood, that by Sir Cloudesly's orders he could only stay a few days there. Nor was it easy to imagine, what the design of so great an expedition could be, or why so much money was thrown away on such a project, which made us despised by our enemies, while it provoked our friends, who might justly think they could not depend upon such an Ally, who managed so great a force with so wretched a conduct, as neither to hurt their enemies, nor protect their friends by it. The fleet, pursuant to orders, sailed from *Leghorn*, the 2d of *October*. On the 6th, the *Pembroke*, *Exeter*, *Tartar*, *Flamborough*, and one fireship, were detached to go to *Tunis* and *Tri-polis*, to renew the peace with those Governments, and thence to proceed to *Scanderoon* to join Captain *Jumper*. On the 18th, Rear-Admiral *Byng* was sent with another squadron to *Algiers*, to renew the peace with that Regency; and, on the 12th, the fleet met with a dreadful storm, but did not suffer much damage, by reason it did not last long. Ten days after, Sir Cloudesly, with the remainder of the fleet, came into *Altea-bay*, where several Spaniards openly declared for *Charles III.* King of *Spain*, and offered themselves to serve on board the fleet, which was accepted. Having, on the 27th, passed the *Straits*-mouth, the Admiral ordered Sir *Thomas Hardy*, with the *Bedford*, *Somerjet*, and *Lizard*, to *Tangier*; and, on the 30th, the Dutch parted from the English, making the best of their way home. The same day Sir Cloudesly sent five ships under the command of Sir *Andrew Lake* to *Lisbon*, and thence to *Oporto*, *Viana*, &c. to take under his convoy those Merchant-ships, which were bound for *England*; and, having a fair wind, and good weather in his passage, arrived in the *Douros* on the 17th of *November*. The *Orford*, *Warspight*, and *Lichfield*, which parted from him six days before, met soon after with a French man of war of fifty-two guns and five hundred men, coming from *Newfoundland*, whom they engaged and took, after an obstinate fight of nine hours.

Com-
plaints a-
bout the
fleet.
Burnet.

These fruitless as well as expensive sea-expeditions were not the only subject of complaint, with regard to the fleet. There were many other great complaints, particularly with respect

to the victualling; many seamen were lost, who, as was said, were poisoned by ill food; and, though the victuallers were most complained of before the fleet went out, yet there was not such care taken to look into it, as a matter of that consequence deserved: The Merchants did also complain, that they were ill-served with convoys, and so little care had been taken of the *Newcastle* fleet, that the price of coals rose very high: It was also said, that there was not a due care had of our seamen, that were taken by the privateers; many of them died by reason of their ill usage, while others, to deliver themselves from that, went into the French service. Thus all our marine affairs were much out of order, and these disorders were charged on those, who had the conduct of them; every thing was unprosperous, and that will always be laid heavily on those, who are in the management of affairs: It is certain, that, in the beginning of this Reign, all those, who hated the late King and his Government, or had been dismissed the service by him, were sought out, and invited into employments; so it was not to be expected, that they could be faithful or cordial in the war against *France*. It is time now to turn to the operations at land.

When the Session of Parliament was at an end, the Court was wholly taken up with the preparations for the campaign. Just as the Duke of *Marlborough* was going abroad, he had a great domestic affliction, the loss of his only son, the Marquis of *Blandford*, a graceful person, and a very promising youth. He died, February 20, 1702-3, at *Cambridge*, of the small-pox. This, as may be imagined, touched his father very deeply, and delayed his passing the seas some days longer than he had intended. Upon his arrival on the other side, the Dutch brought their armies into the field, and it was resolved to begin the campaign with the siege of *Benne*. In the mean time, all men's eyes were turned towards *Bavaria*. The Court of *Vienna* had given it out all the winter, that they would bring such a force upon the Elector, as would quickly put an end to that war, and seize his whole country. But the slowness of that Court appeared on this, as it had done on all other occasions; for, though they brought two armies into the field, they were not able to deal with the *Bavarian* forces. On the contrary, the French having promised the Elector of *Bavaria*, in whom they reposed great confidence, such powerful reinforcements, as would effectually break all the measures of the Imperial Court; Marshal *Villars*, who lay with an army of thirty thousand men at *Strasbourg*, had orders to join the Elector. He passed the *Rhine*, and invested *Fort Kehl*, over-against *Strasbourg* (1), which was defended by a numerous garrison, but not well provided with ammunition

1703.

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fleet, and refused to accept the ordinary present, that was sent him by the Governor. The latter having sent to know the reason of it, Sir Cloudesly made him sensible of his mistake, and at the same time sent a message to the Grand Duke of *Tuscany*, insinuating upon a Royal salute, as having the *Union-flag*, the most considerable in *England*. After some disputes, his Royal Highness was obliged to order, that the town should salute with eleven guns, which was accordingly performed, and which Sir Cloudesly answered, and was

afterwards complimented by several persons of distinction, and received the extraordinary presents, which had been prepared for the Count de *Toulouse*, Admiral of *France*, who was expected there before the English fleet, but who never durst come out of the harbour of *Toulon*, as long as the latter remained in the *Mediterranean*.

(1) *Kehl* is an important fort in *Germany*, upon the east-side of the *Rhine*, over-against *Strasbourg*. It was surrendered by the French to the Imperialists, by virtue

1703. munition and provision; so that, when, on the 9th of *March*, the *French* were preparing for a general storm, the *Sieur Ensbarg*, the Governor, desired to capitulate, and the place was surrendered upon honourable terms. In pursuance of the articles, the garrison, consisting of two thousand four hundred men, were conducted to *Philipsburgh*.

Stirum defeats the *Bavarians*.

takes Newmark,

and Amberg.

These proceedings alarming the Councils of war at *Vienna*, Count *Schlick* was ordered to enter *Bavaria* on the side of *Salzburg* with one army, and Count *Stirum*, on the side of *Newmark*, with another. *Stirum*, having defeated a party of *Bavarians*, marched on to *Newmark* (1), where the *Bavarian* Governor, with a garrison of fourteen hundred men, made a shew of sustaining a siege; but, the Citizens seeing Count *Stirum's* batteries ready to play upon them, they mutinied against the Governor, and obliged him to surrender. Upon this, the City of *Amberg* (2) sent their Deputies to Count *Stirum*, offering whatever he could reasonably exact from them, provided he would forbear attacking their City. But that General refused to accept the Regency's offer; and, as soon as he had ordered the town to be summoned in the Emperor's name, he caused the place to be invested, which surrendered after a very short resistance.

On the other hand, Count *Schlick*, having drawn together an army of twenty thousand men in the Upper *Austria*, broke into the *Bavarian* lines by way of *Salzburg*, defeated the militia that guarded them, and made himself master of *Riedt*, and several other small places. To put a stop to these proceedings, the Elector of *Bavaria* assembled his army near *Brenau*, and (to deceive Count *Schlick*) reported, that he was going to besiege *Passau*. General *Schlick*, considering the importance of that place, advanced with the greatest part of his infantry to cover it, leaving his cavalry and all his artillery behind him. The Elector, being informed of these motions, passed over *Scarding Bridge* with twelve thousand men, and advanced towards the village *Ipsbern*, where the regiments of *Schlick* and *Hanover* were posted. He attacked them, and drove them to their main body, where they ranged themselves together in order of battle, resolving to receive the Elector, who, taking the advantage of his superiority, renewed the charge, and, after a bloody engagement, forced them to quit the field of battle, and pursued them as far as the country would permit. Immediately after this, the Elector being informed, that the head-quarters of the *Saxon* troops, with the artillery, were not above two leagues further, he directly marched towards them, and attacked

Battle of Scarding

them so vigorously, that they quitted their cannon, and at length were entirely defeated. In this action, the Imperialists lost seventeen or eighteen standards, four pieces of heavy cannon, four mortars, and all their ammunition and baggage. The *Bavarians*, in a few days after, took *Newburg* on the *Imn*, by capitulation, and the garrison was conducted to *Passau*.

Notwithstanding these disadvantages, General *Schlick* was resolved to penetrate into *Bavaria*; and, having overcome some of the enemy's troops, that guarded the woods and passes near *Passau*, he made himself master of *Wiltzboven*, and possessed himself of the country adjacent. Count *Stirum* was also in motion, and took *Vryshadt*, *Newscassel*, and several other small places in the Upper *Palatinate*. The Elector, observing the progress of that General, marched with a design to make himself master of *Ratisbon*. Upon that, the Count incamped between *Newmark* and *Amberg*, resolving to give the Elector battle the first opportunity. In order to this, he sent the young Prince of *Brandenburg Anspach* with eight hundred horse, to open the pass of *Wiltz*, which was guarded by the *Bavarians*. He very courageously effected the design, and dispossessed them of a very important post; but, being willing to pursue them, he was attacked by the Elector in person near *Burghenfeldt*, with a body of four thousand men, where, after making a glorious resistance for some hours, he was at last unfortunately wounded by a musket-shot, of which he died the next day, much lamented for his great bravery, and other extraordinary qualifications. The Imperialists hereupon thought fit to retreat, which was performed in very good order.

Though the Elector of *Bavaria* gave the most solemn assurances, that he would not leave the City and Dyet of *Ratisbon* (3), yet, contrary to all expectations, on the 6th of *April*, having taken up his quarters in the castle of *Welks* very near that City, and posted his army on both sides the river *Danau*, he gave notice by his Minister to the Director of *Mentz*, that he would have the bridge over the *Danube*, and the gate, which leads to it, delivered up to him, provided Count *Stirum's* declaration, that he would conform himself to the conclusion of the dyet, in not attempting to pass through the town, did not arrive in twenty-four hours. The next morning the dyet assembled, but, not immediately complying with his demands, he posted his army near *St. Emeran's* gate, where he began to raise a battery. The Burghers took up arms, planted their cannon upon the ramparts, and put themselves in a posture of defence.

tue of the treaty of *Ryswick* in 1697, and retook by the *French* this present campaign.

(1) *Newmark* is a City of *Germany*, in the Circle of *Bavaria*, and Territory of *Nortgow*. It stands on the river *Sultz*, near the confines of *Franconia*, subject to the Elector of *Bavaria*, but taken by the Imperialists this present campaign. It stands twenty-one miles South-east of *Nuremberg*, and thirty-three North-west of *Ratisbon*.

(2) *Amberg* is a fine City of *Germany*, in the Circle and Upper *Palatinate* of *Bavaria* (or *Nortgow*) subject to the Elector of *Bavaria*, but taken by the Imperialists this campaign. It stands on the river *Wills*, thirty-two miles East of *Nuremberg*, and twenty-eight North of *Ratisbon*.

(3) *Ratisbon* is a very large, rich, and strong City of *Germany*, in the Circle and Dukedom of *Bavaria*. A Bishoprick under the Archbishop of *Salzburg*. It is free and Imperial, famous for the general dyets of the Empire; although it was seized by the Elector of *Bavaria* this campaign, he lost it (as well as his own dominions) in 1704, soon after the action of *Schellenberg* near *Donauwert*. It has a very fair stone-bridge over the *Danube*, one thousand and ninety-one feet long, and thirty-two feet broad, supported by pillars, and adorned with three towers. Here is also a magnificent old Cathedral, and stately Castle, where the Imperial dyets are commonly held.

1703. fence. But, the *Bavarians* advancing as far as the moat of the town, in order to bombard the place, the Cardinal and the other Ministers, thinking it not prudent to stay till the utmost extremity, desired, that they might treat with the Elector about the bridge the next morning; and, at the same time, the Burglers were expressly forbid to fire a gun upon the *Bavarians*, so that all things were quiet that night. At the time appointed, the Magistracy sent some of their own number to wait on the Elector, but were informed, that he not only demanded possession of the bridge, but that two battalions of his men should be admitted into the City, and that he allowed them but three hours to consider of it. This caused an extraordinary debate; but they, imagining that the City was not in a condition to make a long defence, and that they could not obtain any seasonable relief, at last agreed, that the bridge and gate should be delivered up to the *Bavarians*, which was done, on the 8th of April, at night. In return, the Elector signed an Instrument, whereby he obliged himself effectually to withdraw his battalions, as soon as the Emperor's ratification of the conclusion of the dyet for the neutrality of the City, and his General's declaration in that matter, should arrive; and, in the mean time, to leave all things in the same condition as he found them; and that the public Ministers, with their families, should enjoy all possible freedom and security. Having thus secured that post, he decamped with his army, and marched to oppose General *Schlick*, who, being informed thereof, quitted *Wiltshoven*, and retired to the woods, expecting a reinforcement of three thousand *Hungarians*, who were arrived in the Upper *Austria*.

Villars attacks the Imperial lines, and is repulsed. The Empire being thus in a declining condition, the *French King* sent positive orders to the Marshall *de Villars* to break through the Prince *Lewis of Baden's* lines at *Stolhoffen*, and join the Elector of *Bavaria* at all events; and Count *Tallard* was likewise commanded to reinforce him with his flying camp. Prince *Lewis* (the best part of whose army had been called away to the war in *Bavaria*) foreseeing the danger he was in, wrote a letter to the *States-General*, wherein he informed them, that he had neither men nor cannon sufficient to withstand so numerous an army, or to oppose so large an artillery, as *Villars* and *Tallard* were bringing against him. The *States*, upon this intelligence, immediately sent him a reinforcement of eight regiments, under the command of Major-General *Geor*; who, marching with all possible expedition, reached the lines at the same time that *Villars* appeared before them.

The *French* attacked the Prince with an army more than double his number; but his men, chiefly the *Dutch* battalions, received them with so much courage, that the *French* were obliged to retreat with great loss, and bent their march towards *Offingen*.

Villars, notwithstanding this unsuccessful at-

tempt, upon repeated orders resolved not to abandon the Elector, who, after all his advantages, was like to be overpowered with numbers, if not timely relieved. The *Black Forest* was thought impracticable in that wet season. This was too much trusted to, so that the passes were ill guarded; and therefore *Villars* overcame all difficulties, and at last joined the Elector near *Dulding*. Upon this junction Count *Stirum* decamped, in order to march to Prince *Lewis of Baden*; but, being attacked near *Schwemmingen*, he retired under the cannon of *Norlingen*.

Whilst the *French* succeeded thus in *Germany*, *Bonne* the affairs of the Confederates upon the Lower *Rhine*, and in *Flanders*, were in a more prosperous situation. *Rhinburg*, which had been blockaded up by Count *Leitum*, General of the *Prussian* forces, surrendered. After this, Count *Leitum* blocked up *Guedres*; and the Duke of *Marlborough* caused *Bonne* (1) to be invested by the April 24.

Prussian and *Lunenburgh* cavalry, under Lieutenant-General *Bouleau*. The next day, General *Fagel* arrived with the foot; after him, the Duke of *Marlborough* and Baron *Obdam*; and the day following, Lieutenant-General *Coeborn*. The Generals, having held a Council of war, ordered the town to be attacked in three places; one was against the Fort on the other side of the *Rhine*, and the other two against the City and the outworks, that secured it. The first of these attacks was commanded by General *Coeborn*; the second by the Hereditary Prince of *Hesse-Cassel*; and the third by Lieutenant-General *Fagel*. Twelve regiments were ordered to each of these attacks, who took their posts accordingly. On the 3d of May, the trenches were opened in all the three attacks, and the Besiegers continued their approaches with extraordinary diligence and inconsiderable loss. On the 8th, the batteries being ready, the cannon and mortars played vigorously against the town and fort; and the same day the chain, which held the flying bridge (by means of which the fort communicated with the town) was broke by a cannon-shot, and the bridge carried away, notwithstanding the enemy used their utmost endeavours to save it with the loss of several men killed and wounded. But, in the evening, a very unhappy accident happened in Major-General *Dedem's* attack, where an hundred and fifty bombs, and as many grenades, took fire and were destroyed, together with a Lieutenant and five workmen. However the batteries at that attack, as well as those at the other two, began to play, on the 9th, in the morning; and, the Besiegers having intelligence that the garrison of that fort was not numerous, and the battery, which played upon it, making a very wide breach, they resolved to storm it in the evening, which was executed by four hundred grenadiers, supported by four battalions. During this attack, the enemy set fire to all the barracks and other buildings, that they might retire into the City by favour of the smoke; but most of them were so closely pursued into the

(1) *Bonne* is an ancient and very strong City of *Germany*, in the Circle of the Lower *Rhine*, and Archbishopric of *Cologne*, anciently *Imperial*, and now subject to this Prince, and his usual Seat: Taken from the *French* in the year 1689; but, in the beginning of the present war, it stood by its Elector for the *French* interest. No. 40. VOL. III.

rest; and was reduced by the Confederate army this Campaign, under the command of the Duke of *Marlborough*. It stands on the river *Rhine*, fourteen miles almost South of *Cologne*, twenty-four South east of *Triers*, fifty-five almost North-east of *Triers*, and sixty North-west of *Mentz*.

1703. the ravelin, that they had not time to effect their design. Some, who were taken prisoners upon this occasion, reported, that fifty men remained in a redoubt within the fort; whereupon the Besiegers immediately scaled the ramparts, and took that redoubt sword in hand after a short resistance; most of those, who defended it, being killed on the spot, and several made prisoners, as they were endeavouring to escape in a boat. The Commander of the fort and three other Officers were also taken prisoners, while on our side there were but three soldiers killed and five wounded.

The Confederates having thus made themselves masters of the fort, they soon after caused a new battery to be erected against the town of seventy pieces of heavy cannon and eighteen mortars, which began to play, on the 12th, in order to make two breaches, with a design to assault the place. On the 13th about noon, the Besieged, with about a thousand foot, supported by all their horse and dragoons, made a sally upon General *Didem's* attack, who at first were put into disorder; but, after some resistance, the enemy were repulied with the loss of about an hundred men killed, and as many wounded, besides a Major and three Captains taken prisoners; whereas the loss on the side of the Confederates did not amount to above half that number. All things being now ready for assaulting the first counterescarp on the Prince of *Hesse's* side, in order to make a lodgment, the attack was begun the same evening; and the Prince, being there in person, animated the soldiers with so much courage and resolution, that, in less than an hour's time, they drove the enemy from their works, and made their lodgment. In this action Major-General *Tettau*, who commanded, was wounded, with seven or eight inferior Officers, and one hundred and fifty soldiers killed and wounded, together with the Engineer, who commanded in the works. The next day, *May* the 14th, the Besiegers made such a terrible fire from their artillery, that, at three in the Afternoon, the Marquis *d'Alegre*, the Governor, caused a parley to be beat, and at six the hostages were exchanged. The next day, the Duke of *Marlborough* having agreed to the capitulation, it was signed and exchanged on the 16th, and three days after the garrison marched out, and were conducted to *Luxemburg*.

Whilst the greatest part of the Confederate army was employed at *Bonne*, the French King, reckoning that City would make a longer resistance, sent orders to the Marshals *Boufflers* and *Villeroy* to undertake the siege of the town and castle of *Liège*. But the Marquis *d'Alegre* having acquainted those Generals, that he could not defend *Bonne* many days longer, they made a motion towards *Maastricht*, pretending to surprise the Confederate troops, that were assembled there, and to bombard the town. So that, on the 5th of *May*, they advanced on a sudden into the Neighbourhood of *Tongeren* with an ar-

my of forty thousand men. The Confederates, 1703: who were marching with a design to have posted themselves in that place, were, upon this motion, obliged to retreat with speed under the cannon of *Maastricht*. In the mean time, the *Tongeren* enemy fell upon *Tongeren* (1), where the batra-^{taken by the} French, lions of *Elliot* and *Portmore* were quartered, who, having made a resistance of twenty-eight hours with extraordinary bravery, were forced at last to surrender at discretion. After this, the enemy advanced forwards, with a design to have forced the Confederate cavalry to repuls the *Maeße* at *Nimeguen*, and the foot to retire under the outworks of *Maastricht*, and there to have played upon them with their bombs; but, contrary to their expectations, they found the Confederate army drawn up in order of battle, under the command of Monsieur *Overkirk*, advantageously posted, and ready to receive them, though they were much superior in number. The two Marshals being frustrated in their designs, and having made several motions to no purpose, they thought it not proper to attack the Confederates, and so marched back the same way they came to *Tongeren*, leaving to Monsieur *Overkirk* all the honour of that day.

Soon after the surrender of *Bonne*, the Duke of *Marlborough* returned to the Confederate army in the *Netherlands*, consisting of a hundred and thirty squadrons, and fifty-nine battalions, and set forwards towards *Liège*, with a design, not only to secure that place, but to force the enemy to decamp from *Tongeren*, where they seemed to be very advantageously posted. This gave a new face to the affairs of the French army, and altered the plan of their designs; for the Allies having then a powerful army, being reinforced with the troops, that had formed the siege of *Bonne*, made several motions, in order oblige *Villeroy* to a battle, who constantly declined it: So that, on the 25th of *May*, the Duke of *Marlborough* having passed the river *Jecker*, advanced to *Hautin*, where the enemy intended to have foraged that morning; but, upon notice of the Confederates approach, they marched with great precipitation to *Bochtewern*, not thinking fit to stand the hazard of a battle. They likewise abandoned *Tongeren*, after they ^{who abandon it at} had blown up the walls and the tower. The Duke pursued them with all possible diligence, ^{the approach of} and advanced within half a league of their camp; ^{the Duke} and although the *Jecker* parted the two armies, ^{of Marlborough.} and the enemy had secured all the bridges and passes of the river, yet they imagined themselves not secure enough, but retreated to *Hannuye*, so that the Allies marched to *Thys*, and there incamped. The French drew up in order of battle, and sent away their baggage, as if they intended to have come to an engagement; but their courage failed them, and they immediately retired before the Confederates.

The Duke of *Marlborough*, finding it im-^{The Allies} possible to bring the French to a battle, took a^{force the} resolution to force them in their intrenchments, ^{French} in order to which Baron *Spaar* was appointed ^{lines.} to

(1) *Tongeren* is a town of the Low-Countries, in the Bishoprick of *Liège*, and County of *Lertz*, subject to this Prince, and possessed by the Confederates in 1702. The French (after a sharp engagement) took it this campaign; but soon after abandoned it. It was here, that the Duke of *Marlborough* joined the army

of the States, *May* 13, 1706, being just ten days before the glorious victory of *Ramillies*; to which the Confederates owe the reduction of the *Netherlands*. It stands on the river *Jecker*, eight miles almost West of *Maastricht*, and thirteen North-west of *Liège*.

(1) *Eskeren*

1703. to command some troops, that were to act near *Steken*; and General *Coeboorn*, with another detachment, passed over the *Scheld*, to make an attack near *Liefkenshoek*; and General *Obdam*, with the rest of the army, staid on this side the *Scheld*, to make an attempt on the lines before *Antwerp*. The French had at that time two flying camps; one commanded by the Marquiss of *Bedmar*, and another about *Bruges* by Count de la Motte. Baron *Spaar*, on the 27th of June, in the morning, perceiving, that the Count observed him diligently, to deceive him, feigned a march towards *Bruges*; but, returning, advanced directly to the lines, and attacked them in the country of *Waas* near *Steken*; where, after a very bloody and obstinate dispute, he forced them sword in hand. Upon this occasion, twelve hundred men of Baron *Spaar*'s detachment were killed and wounded, among whom were several Officers of distinction, particularly two Brigadier-Generals wounded, and Monsieur de *Vassij*, Governor of *Sar-Van-Ghent*, killed. Baron *Spaar* had also a slight wound, and his purse, which had only one pistole in it, saved his thigh. About the same time, General *Coeboorn* attacked the enemy's lines at the point of *Callo*, which were, after a short resistance, forced; the redoubt on the point of *St. Anthony* was also attacked, which the enemy seemed at first resolved to defend; but at last they surrendered at discretion.

The battle
of Ecker-
en.

The forcing of the French lines occasioned no small joy at the *Hague*, and in the Confederate army, who imagined, that *Antwerp* would soon fall into their hands. For, on the 28th of June, at two in the morning, the troops commanded by General *Obdam* broke up, and marched towards *Eckeren* (1), which was intended for their head-quarters, with a design to shew themselves that day before the lines of *Antwerp*, to alarm the enemy on that side, and hinder them from sending any detachment over the bridge of *Antwerp* into *Flanders*. But their expectations soon vanished, upon receiving an account from General *Obdam* from *Breda*, wherein he acquainted the *States-General*, that the French had surrounded the body of the forces under his command, and, having marched from *Lillo* to *Eckeren*, had put them to a total rout; and that himself had made his escape to *Breda* with only thirty horse, and could give no further account of their army. This threw the *States* into a very great consternation; they met immediately, and after they had fate in consultation till one in the morning, dispatched away Monsieur *Geldermanzen*, with two Deputies more, with money and instructions, to prevent, as much as might be, the ill consequences of this supposed disaster. But these Commissioners, in their way towards the frontiers, met with a Courier dispatched by Monsieur *Hop*, Treasurer-General to the *States*, and their Deputy in that army, with a letter to the *States*, which they opened; and, finding in it a quite contrary account, they immediately returned to the *Hague*. It seems, after *Obdam*'s flight, the Dutch ral-

lied again, and maintained their ground with such firmness, that the French retired little to their honour; for, though they were much superior in number, yet they let the Dutch recover out of their first surprize, and keep their ground, though forsaken by their General.

Hop's account was, the next day, confirmed by another letter from Count *Slangenburg* to the *States-General*; both which agreed, in the main, with a relation printed by the French themselves at *Namur*. But though it is certain, that the loss was pretty equal on both sides, and amounted to about three thousand men killed and wounded on each; yet the French King was by his Flatterers persuaded, that his troops had gained the victory; upon which he caused *Te Deum* to be sung in the Cathedral Church of *Paris*. The pretence, which the French had for their triumph, was the flight of General *Obdam*; to excuse which, he wrote a letter to the *States* from *Lillo*, wherein he acknowledged, "That he made too hasty a judgment upon the imminent danger the whole army was in; and that the enemy, pressing on with an irresistible superiority, within pistol-shot of the place where he was present, and where no succour could come up to enable him to keep his ground, induced him to retire; adding, that he would have reassumed the command of the army, and that the Generals and other Officers made no scruple to obey his orders; but that, finding himself lessened in the general esteem, and looked upon as unworthy to command the forces of the *States*, he had begged leave of their Deputies to go to the *Hague* for a few days, in order to clear himself before their High Mightinesses, from the imputations he lay under." Accordingly, General *Obdam* arrived at the *Hague*; and shortly after, by command of the *States-General*, he delivered to them in writing his Apology for himself, which was much to the same purpose with his letter, and turned upon this distinction, "That he did not what he would have done, but the best he could do." On the 12th of August, several Officers of that army, which was now commanded by *Slangenburg*, wrote a letter to *Obdam*, importing, "That understanding there was a report in *Holland*, that since the accident, that befell him of being intercepted from the army at the battle of *Eckeren*, they had scrupled to serve under his orders, which was far from their thoughts; they therefore took a resolution to assure him, that they should be extremely glad to see him at the head of the army again." On the other hand, Marshal *Boufflers*'s conduct, in this action, was likewise so much censured, that it was thought this finished his disgrace, for he was no more put at the head of the French armies. Nor was the Duke of *Marborough* without some share of censure on this occasion; since, it was pretended, that he ought to have sent a force to support *Obdam*, or have made an attempt upon *Villeroi*'s army, when it was weakened by the detachment sent with *Boufflers*. But whoever

was

(1) *Eckeren* is a village in the Netherlands, in Spanish *Brabant*, in the County of *Ryem*, at which there was a sharp and bloody battle between the French and the Confederate troops under General *Obdam* in 1703.

It lies six miles and a half almost East of *Lisse*, four miles North of *Antwerp*, twenty-three miles South South-west of *Breda*, and sixteen South South-east of *Bergen-Op-Zoom*.

(1) *Hoy*

1703. was in the fault; the *States* thought proper to cover the disgrace with rewards and thanks to the Officers and Soldiers, as well as to General *Slangenburg*; but, by reason of a misunderstanding, that arose on this occasion, between the Duke of *Marlborough* and that General, *Slangenburg* was dismissed, some time after, from his attendance on the camp.

The Allies, being willing to repair the disadvantages they sustained in the action at *Eckeren*, joined all their forces together, with a design to come to an engagement with *Villeroy*, who, in-camping near *St. Jeb*, gave out, that he resolved to stay there for the Duke of *Marlborough*. The Duke and General *Overkirk*, in expectation of this, marched with the army under their command to *Hoogstraet*, about half a league from the enemy's camp, who, to all appearance, made great preparation for a vigorous action. *Slangenburg*, decamping from *Lillo*, marched all night, and arrived early in the morning between *Eckeren* and *Capelle* to attack them on that side; and the Duke of *Marlborough*, with his army, advanced in a great plain over-against the enemy, and caused four pieces of cannon to be discharged for a signal to *Slangenburg* to be-

The Confederates view the French lines July 27. N. S.

gin the attack. But, as he advanced, Marshal *Villeroy* declined the engagement, and, having set fire to his camp, ordered his army to retire within their lines. The Duke, thus finding it impossible to bring the French to an engagement, marched with a considerable guard to view the enemy's lines; in which motion a detachment of the *English* Royal regiment of dragoons happened to fall in with one of the enemy's out-guards of forty horse, who, after one discharge, retired, and were chased by the *English* to the very barrier of their intrenchments; which afforded a very seasonable opportunity to the Confederate-Generals to have a perfect view of the enemy's lines. From that day the Duke of *Marlborough* laid a scheme to force the French lines; and accordingly, after having invested *Huy* (1), he held a grand Council of war, where the question in debate was, What would be most proper to be done, after *Huy* should be in their possession? The siege of *Limburg* being proposed, the Duke of *Marlborough*, and some other Generals, were of opinion; that attacking the enemy's lines between the *Mesneigne* and the *Leuwe* might be an enterprise, that would contribute much more to the glory and advantage of the Confederate arms. But this proposal, though supported by very strong reasons, was opposed by the Deputies of the *States* and the *Dutch* Generals, who would not consent to hazard their troops in an action, which, they said, was at best very dubious, and, if attended with success, would yield no further advantage, than to find the enemy retired into their fortified towns; whereas, on the

contrary, should the French get the victory, the *United Provinces* would remain exposed to their incursions. Upon this the project for attacking their lines was laid aside, and a resolution taken to proceed to the siege of *Limburg*, as soon as *Huy* should surrender. *Huy* was taken three days after, and *Limburg* (2) was accordingly in-vested, which the Duke of *Marlborough* took, with no loss, but that of so much time as was necessary to bring up a train of artillery. For, having made a wide breach, the Confederates intended a general storm the next day, which the enemy perceiving, surrendered themselves prisoners of war to the number of one thousand four hundred men. *Guel-ders*, which had been blocked up by the *Prussians*, surrendered also, on the 17th of December.

After the taking these places, the Duke of *Marlborough* held daily consultations, and used all possible stratagems to bring them to a decisive battle; but they were contented to stand upon the defensive. Thus the *Lower Rhine* was secured, and all that Country, called the *Cou-dras*, was intirely reduced: This was all that our troops, in conjunction with the *Dutch*, could do in *Flanders*: We had the superior army, but what by reason of the cautious maxims of the *States*, what by reason of the factions among them, which were rising very high, between those, who had been of the late King's party, and were now for having a Captain-General, and those of the *Lovestein* party, who were for governing all by a deputation from the *States*, no great design could be undertaken by an army so much distracted.

In the Upper Rhine matters went much worse. *Villars*, after his junction with the Elector of *Bavaria*; lay for some time on the *Danube*, while the Elector marched into *Tirol*, and possessed himself of *Innsbruck*, the capital of that Country. The Emperor's forces were so broken into small armies, that he had not one good army any where. He had none in *Tirol*, and all that the Prince of *Baden* could do, was to watch *Villars*'s motion; but he did not venture on attacking him, during this separation. Many blamed his conduct: Some called his courage, and others his fidelity in question; while many excused him, since his army was both weak, and ill furnished in all respects. The Duke of *Vendome* had orders to march from the *Milanese* to *Tirol*, there to join the Elector of *Bavaria*: Upon which junction, the ruin of the House of *Austria* would have probably followed: But the Boors in *Tirol* rose, and attacked the Elector with so much resolution, that he was forced to retire out of the Country with considerable loss, and was driven out before the Duke of *Vendome* could join him, so that he came too late. *Vendome* seemed to have a design on *Trent*, but the Boors were now so animated with their suc-cesses,

(1) *Huy* is a considerable town in the *Low Countries*, with four Churches and a Castle. It was garrisoned by the French in 1702, and taken by the Confederate army under the Duke of *Marlborough* this campaign. It was re-taken by the French in 1705, and again re-possessed by the Confederates that same year, in whose hands it now continues. It stands on the river *Maese*, fourteen miles almost South of *Liege*, and seventeen almost North-east of *Namur*.

(2) *Limburg* is a strong, but no very large City of the *Low Countries*, the Marquifate of the Dukedom and Territory of *Limburg*, taken by the Confederates this campaign, on the behalf of King *Charles III*. It is situated upon a rock, among shady woods on the river *Wesdre*, sixteen miles South-west of *Aix la Chapelle*, nineteen almost East of *Liege*, forty-three almost South-west of *Cologne*, fifty-four North of *Luxemburg*, and seventy almost East of *Brussels*.

(1) *Barfello*

1703. fes, and were so conducted and supported by officers and troops sent them by the Emperor, that he was forced to return back, without being able to effect any thing.

Little done in Italy. Nothing passed this summer in Italy: The Imperialists were too weak, and too ill supplied from Germany, to be able to act offensively: And the miscarriage of the design upon Tirol lost the French so much time, that they undertook nothing, unless it were the siege of Ofaglia, in which they failed. The strong fortrefs of Barfello (1), after a long blockade, was forced to capitulate, and, by that means, the French possessed themselves of the Duke of Modena's Country.

The Elector of Bavaria having been thus forced to quit his acquisitions in Tirol, except Kuffstein, retired into his own Country, upon information that General Ravenstein had entered it by the way of Passau. Irritated at these disgraces, the Elector sent orders to General Santini to make himself absolute master of Ratibon, which, in great measure, was in his possession before. After this, to make himself amends for his ill success in Tirol, he resolved to seize the Imperial City of Augsburg (2), but was prevented by Prince Lewis of Baden, who, upon information of the Elector's design, marched with the utmost speed, and incamped near the City. Upon which the Bavarians divided themselves in two bodies, the Elector and Marshal Villars marching towards Donawert, and Count d'Arco, General of the Elector's forces, retreating over the Lech to Friedburg; which place was soon after surrendered to the Imperialists.

Battle between Stirum and d'Uffon. While these things were in agitation, Prince Lewis of Baden ordered Count Stirum to pass the Danube, and endeavour to oblige the Elector to quit an advantageous post, which he possessed upon the left. The Elector and Marshal Villars, having intelligence of Count Stirum's motions, resolved to attack him; and, to that end, sent to the Marquis d'Uffon, who was left in the camp at Lavingen, to come forth on a certain signal, and fall upon the Imperialists in the rear, whilst they charged them both in front and flank. The preliminaries to the action being thus adjusted, the Elector and the Marshal passed the Danube at Donawert, and, discharging six guns, were answered with two from the Marquis. Count Stirum, who knew the meaning of the signal, instantly marched and attacked the Marquis before the Elector and Marshal could come up. And, observing that the Marquis's horse were separated from the foot, he advanced with some select squa-

drons, and charged the enemy so well, that they were intirely broken and defeated, having lost twenty standards, and several hundreds slain. The Marquis d'Uffon, finding his cavalry totally defeated, marched with his foot with great precipitation to his camp at Lavingen, so that all his men were in danger of being either killed or taken prisoners, had not the Elector and Marshal come up seasonably, and charged the Imperialists at the same time. General Scuytemberg, Commander of the Saxons, stood the first shock with admirable bravery and resolution; but, a regiment of Bareith giving ground, and the enemy being much superior in number, Count Stirum retreated in good order to Nordlingen. The fight continued from six in the morning till four in the afternoon, when the French and Bavarians, being no less weary of an obstinate resistance, gave over the combat, and let the Imperialists march off without much molestation, who had lost in the battle, besides their cannon and baggage, above twelve thousand men.

The Imperialists, being thus employed in driving the Elector of Bavaria out of his dominions, and watching the motions of Villars, Count Tallard and the Duke of Burgundy projected the siege of Old Brisac (3), wherein Vauuban, the famous Engineer, assisted. Upon the 22d of August, N. S. at night, the line of circumvallation being finished, the trenches were opened, and the Besieged made a very vigorous defence, though with the loss of a considerable number of men. But, the Besiegers being provided with a train of an hundred pieces of cannon and thirty mortars, with plenty of all other materials, and the Confederates not having a sufficient number of men to attempt the relief of the place, the Governor thought fit to surrender it after a siege of fourteen or fifteen days. For which slender defence the Governor was condemned by a Council of war to be beheaded, and all the other Officers, who signed the capitulation, were punished.

The Duke of Burgundy, having left a numerous garrison to secure this conquest, returned triumphantly to Versailles; and, the Emperor's affairs being in a declining condition since Count Stirum's defeat, Tallard was ordered to besiege Landau *. The Confederates, knowing of what importance the preservation of that place would be to the common cause, ordered the Hereditary Prince of Hesse-Cassel to attempt the raising of the siege. He set forwards from the Neiberlands, and having joined the Count of Nassau Weilburg, General of the Palatine forces, near Spire, within four leagues of Landau, they concerted measures

1703.

Brisac taken by the French.

Landau taken also by the French.

Oct. 17.
* See p. 561.

(1) Barfello is a fortrefs of very good strength, in the Duchy of Reggio, and properly subject to the Duke of Modena. It received a German garrison in 1701, and stands at the confux of the Lenza and the Po, twenty-eight miles West of Mirandola, twenty-eight South-west of Mantua, and thirteen North of Reggio.

(2) Augsburg is a large, and one of the most celebrated Cities of Germany, adorned with magnificent Churches, Palaces, Magazines admirably well provided, and several excellent Hospitals. It is famous for several Imperial dyets that are usually held in it; and it was here, that the present King of the Romans was chosen and crowned, Anno 1689. The Elector of Bavaria in vain attempted the taking of it, in August 1703; but made himself master of it, the latter end of No. 40. Vol. III.

the same year. Though he was forced to abandon it, after the glorious battle of Hockstet, in August 1704. It stands on the river Lech by the borders of Bavaria.

(3) Brisac is a very considerable City and Castle of Germany, and esteemed one of the strongest places in Europe; whether its situation upon a high hill be considered, or what art has contributed to render it regular. The fortification is a French league in compass, the bastions are filled with earth, faced with brick, and secured by a large broad ditch full of water: And, it will require (in time of war) eight or ten thousand men to defend it. It stands on the river Rhine, twenty-six miles North of Basle, and thirty South of Strasbourg.

1703. measures for relieving the place. The *French*, having intelligence of their proceedings, ordered Monsieur *Pracontal*, with a body of ten thousand men, to follow the Prince with all possible expedition; and he was so diligent in his march, that he joined Marshal *Tallard* before the Confederates had any notice of it. All things being prepared to attack the *French* in their lines, Count *Nassau* came riding to the Prince of *Hesse's* quarters, and told him, that the enemy was very near, marching directly to attack him, and desired him to command the right wing to their arms. This was very surprising news to the Prince, because the Count had constantly assured him, that *Tallard* was not in a condition to come out of his lines. However he mounted immediately, and, observing that the *Palatine* Quarter master General had ranged the army in a very disadvantageous place, where they lay exposed in flank to the enemy, he dispatched his Aid-de-camp to the Count, to desire him to march slowly, that he might join him with his right wing. But, before the messenger could return, Count *Nassau* had engaged the enemy, and at first had the advantage; but the enemy, renewing the charge, fell on with so much fury upon the foot, that they were forced to retire in great disorder, before the right wing, commanded by the Prince of *Hesse*, could come up to their relief. By this means, the left wing being in great confusion, the enemy poured all their force upon the right wing, which was defended for some time with a great deal of bravery. But, the defeat of the left having opened a way for the enemy to attack the *Hessian* foot in front and flank, they were forced to retreat, after an obstinate and bloody resistance, which continued from one in the afternoon till night. The Prince of *Hesse*, during the whole action, performed all that could be expected from a brave and experienced Commander, having three horses killed under him, and slew a *French* Officer with his own hand. In this action several persons of distinction fell on both sides, particularly Monsieur *Pracontal*, who commanded the *French*, besides some thousands of private men. But that, which was the greatest consequence of this victory, was the enemy's returning to the camp before *Landau*, where the Count de *Frize*, Governor of the place, despairing of any farther relief, surrendered that important fortress upon the same conditions, that were granted the year before to Monsieur de *Melac*, the *French* Governor. The enemy valued themselves very much upon the success both of the battle and the siege; and Count *Tallard* could not have concluded the campaign with more glory on the *French* side, and with greater disgrace to the Allies, whose Officers were many of them drinking and celebrating the Emperor's birth-day at *Spire*, when the enemy unexpectedly surprized them, which unfortunately occasioned the loss of the battle, and the surrender of the town.

Ausburg
taken by
the Elector
of Bavaria.

There was nothing more this year very remarkable in Germany, but the taking of *Ausburg* by the Elector of *Bavaria*, which was invested on the 6th of December. During the siege, a letter, directed to General *Bribrack*, the Governor, was intercepted. The Elector, finding by the contents of it, that the Governor was advised to take such measures, as he should think most expedient for the preservation of the

Garrison, and the City from being destroyed, 1703. but that there was no probability of his being relieved, sent the letter by the same messenger, from whom he had taken it, and ordered him, to let the Governor know, that if he did not immediately deliver up the place, he would lay it in ashes, and put all the garrison to the sword. Whereupon a capitulation was agreed on, and they were allowed to march out with four pieces of cannon, and other marks of honour, to be conducted to *Nordlingen*.

The Emperor's misfortunes were not occasioned alone by the junction of the *French* and *Bavarians*, but were heightened by an insurrection in *Hungary*, where Cardinal *Calonitz* and *Eslerbasi* had the Government intrusted chiefly with them. *Calonitz* was so cruel, and the other so ravenous, that the *Hungarians* took advantage of this distraction in the Emperor's affairs, to run together in great bodies, and in many places, setting Prince *Ragotzki* at their head. They demanded, that their grievances should be redressed, and their privileges restored. They were animated in this by the practices of the *French* and the Elector of *Bavaria's* Agents. Some small assistance was sent them by the way of *Poland*. They were encouraged to enter upon no treaty, but to unite and fortify themselves; assurances being given them, that no peace should be concluded, unless they were fully restored to all their ancient liberties.

The Court of *Vienna* was greatly alarmed at this, fearing it might be secretly set on by the *Turks*; though that Court gave all possible assurances, that they would maintain the peace of *Carlowitz* most religiously, and that they would in no fort encourage or assist the malecontents. A Revolution happening in the *Ottoman* Empire, in which a new Sultan was set up, raised fresh apprehensions of a breach on that side; but the Sultan renewed the assurances of maintaining the peace so solemnly that all those fears were soon dissipated. There was a great faction at the Emperor's Court, and among his Ministers; and it did not appear, that he had strength of genius enough to govern them. Count *Mansfield* was much suspected of being in the interests of *France*. The Prince of *Baden* and Prince *Eugene* both agreed in charging his conduct, though they differed almost in every thing else; yet *Mansfield* was so possessed of the Emperor's favour and confidence, that it was not easy to get him set aside. At last, he was advanced to an high post in the Emperor's Household, and Prince *Eugene* was made President of the Council of war.

During these proceedings, the *French* King had discovered the Duke of *Savoy's* inclinations of *Savoy* to the Confederacy. The Duke began to see his own danger, if the two Crowns of *France* and *Spain* should come to be united. He saw also, that, if the *French* King drove the Imperialists out of *Italy*, and became master of the *Milanese*, he must lie exposed to his mercy. His Alliance with *France* was only for one year, which he had renewed from year to year; so he offered now to enter into the Grand Alliance. His leaving the Allies, as he did in the former war*, shewed, that he maintained the character of his family, of changing sides, as often as he could expect better terms by the new turn; yet his interest lay so visibly now on the side of the Grand Alliance, that it was very reasonable

1703. to believe, he was resolved to adhere firmly to it. And therefore, all his demands were granted, as will hereafter appear. The Duke, having thus secretly agreed to enter into the Alliance, did not declare it, but continued still to deny it to the *French*, that, when the Duke of *Vendôme* should send back his troops at the end of the campaign, he might more safely own it. But his designs are said to be discovered by an intercepted letter. The *French* had reason to suspect a secret negotiation, but could not penetrate into it, so they took an effectual, though a very fraudulent method to discover it, which was told Bishop *Burnet* soon after by the Earl of *Pembroke*. They got the Elector of *Bavaria* to write to him, with all seeming sincerity, and with great secrecy, for he sent it to him by a subject of his own, so well disguised and directed, that the Duke of *Savoy* was imposed on by this management. In this letter, the Elector complained bitterly of the infolence and perfidiousness of the *French*, into whose hands he had put himself: He said, he saw his error now, when it was too late to see how he could correct it; yet, if the Duke of *Savoy*, who was almost in as bad a state as himself, would join with him, so that they might act by concert, they might yet not only recover themselves, but procure a happy peace to all the rest of *Europe*. The Duke of *Savoy*, mistrusting nothing, wrote him a frank answer, in which he owned his own designs, and encouraged the Elector to go on, and offered all offices of friendship on his behalf, with the rest of the Allies: The *French*, who knew by what ways the *Savoyard* was to return, seized him, without so much as acquainting the Elector with the discovery they had made. Upon this, the *French* King ordered the Duke of *Vendôme* to seize and disarm the troops of *Savoy* (being twenty-two thousand men) that were in his army; to demand withal the fortresses of *Verceil*, *Verjur*, and *Susa*, and other places; and, to insist, that the Duke of *Savoy* should reduce the number of his troops to the Establishment stipulated in the treaty of 1696, that his most Christian Majesty might secure the communication of his territories with those belonging to the Crown of *Spain* in *Italy*, and restrain the Duke of *Savoy* from giving him any disturbance. The Duke, provoked at these demands and insults, immediately commanded several *French* Officers, who happened then to be in *Turin*, and even the *French* Ambassador himself, to be put under confinement. That Minister, surprized at this order, arrogantly told the Captain of the guard, who was sent to seize him, "That the Duke being in the King his Master's pay, his Majesty might as lawfully, and of right, not only seize his forces, but also the person of the Duke himself, for his treachery." "That his Master would also be revenged, and not only harrahs him with a foreign war, but raise intestine broils in the heart of his dominions." These haughty expressions being reported by the Officer to the Duke, he went with him into his anti-chamber, which was crouded with Nobility and Gentry, and made him repeat these insulting words two or three times. The whole Court resented the affront to that degree, that they unanimously promised to live and die with their Sovereign. On the other hand, the *French* King ordered the Duke

of *Vendôme* to invade the frontiers of *Savoy*, 1703. and to send the following letter to the Duke:

S I R,

"S I N C E neither Religion, Honour, Interest, Alliances, nor even your own Handwriting, are of any force between us; I send my cousin, the Duke of *Vendôme*, at the head of my armies, to make known to you my intentions. He will allow you but four and twenty hours to resolve what you have to do."

The Duke of *Savoy* remained unmoved by this menacing letter, which he soon after answered by a *Manifesto* against *France*. In the mean time he sent the Count *de Tarini* to *Vienno*, with the treaty concluded between him and Count *d'Aversberg*, (who was come to *Turin incognito* for that purpose) and, having acknowledged the Archduke as King of *Spain* by the name of *Charles III*, gave notice of all his proceedings to the Queen of *Great-Britain* and the States of the *United-Provinces*; and soon after sent Envoys into *England* and *Holland*, to solicit the assistance of those two main supports of the Confederacy. Queen *Anne*, well knowing of what importance the Duke might prove towards the reducing the exorbitant power of *France*, immediately assured him of her friendship and protection; and, soon after, sent Mr. *Hill* to *Turin*, to concert measures with him against the common enemy. The States, to second the Queen's good intentions in favour of the Duke, dispatched *Vandermeer* to him; and both these Ministers set out together on their embassy.

Count *Staremberg*, being sensible of the disadvantages, which the Duke of *Savoy* must necessarily be under at this time, sent him a detachment of fifteen hundred horse, commanded by *Visconti*; who, notwithstanding all the diligence and secrecy he could use in his march, was attacked by a body of the *French* under the Duke of *Vendôme*, in the mountains of *St. Sebastian*; and, after a sharp engagement, escaped with the loss of his baggage, about a hundred and fifty men, and several horses. Soon after *Staremberg* himself (according to the positive orders he had received from the Imperial Court, to attempt a junction with the Duke of *Savoy*) began his march for *Piedmont*, with an army of fifteen thousand men from the *Secchia* through the enemy's country. This march is, by military men, said to be the best laid, and the best executed, of any in the whole war: He marched from the *Modenes*, in the worst season of the year, thro' ways that, by reason of the rains that had fallen, seemed impracticable, having in many places the *French* both before and behind him: He broke through all, and, in conclusion, joined the Duke of *Savoy* at *Canelli*, by which means the Duke was safe in *Piedmont*. The *French* King, perceiving that the breach between him and the Duke of *Savoy* was irreconcilable, resolved to declare war against him, which was accordingly published on the 4th of *December*.

Since the beginning of the war, all the Confederates had solicited the King of *Portugal* to enter into the Grand Alliance, as his own interest led him, it being evident, that, as soon as

Remarkable march of Staremberg.
A treaty federates had solicited the King of *Portugal* to enter into the Grand Alliance, as his own interest led him, it being evident, that, as soon as

1703. Spain was once united to the Crown of France, he could not hope to continue long in Portugal. The *Almirante* of *Castile* was believed to be in the interests of the House of *Austria*; and therefore, to send him out of the way, he was appointed to go Ambassador to France. He seemed to undertake it, and made the necessary preparations; but he saw this embassy was intended for an exile, and that it put him in the power of his enemies. After he had therefore raised what was necessary to defray his expences, he secretly changed his course, and escaped with the wealth he had in his hands, to *Lisbon*, where he entered into secret negotiations with the King of Portugal and the Emperor; and gave great assurances of the good dispositions, in which both the People and Grantees of Spain were, who were grown weary of their new Masters. The risk, which he himself ran, seemed a very full credential. He affirmed, that the new King was despised, and the French about him universally hated; and that the Spaniards would not bear the being made a province, either to France or to the Emperor. He therefore proposed, that the Emperor and the King of the Romans should renounce all their pretensions, and transfer them to the Archduke, and declare him King of Spain; and that he should be immediately sent thither; for he assured them, that the Spaniards would not revolt from the King, who was in possession, till they saw another King, who claimed his right; and, in that case, they would think they had a right to adhere to the King they liked best. The King of Portugal likewise demanded an enlargement of his frontiers, and some new accessions to his Crown, which were reasonable, but could not be stipulated but by a King of Spain.

In the treaty, which the Emperor had made with King William and the States-General, one article was, that they should be at liberty to possess themselves of the Dominions, which the Crown of Spain had in the *West-Indies*; and he vested in them the right, which their arms should give them in these acquisitions: Upon which the King had designed to send a great fleet, with a land-army, into the Bay of *Mexico*, to seize some important places there, with a design of restoring them to the Crown of Spain, upon advantageous articles for a free trade, as soon as the Spaniards should receive a King of the House of *Austria*. This design was now laid aside, and the reason, which the Ministers gave for it, was, that the *Almirante* had assured them, that, if we possessed ourselves of any of the places in the *West-Indies*, the whole Nation would by that means become intirely French; they would never believe our promises of restoring them; and, seeing they had no naval power of their own to recover them, they would go into the French interest very cordially, as the only way left to recover these places. An intire

credit was given to the *Almirante*; upon which 1703. Queen Anne and the States-General agreed to send over a great fleet, with a land-army of twelve thousand men, together with a great supply of money and arms, to Portugal; that King undertaking to have an army of twenty-eight thousand men ready to join them. In this treaty between the Emperor, the Queen of Great-Britain, the King of Portugal, and the States-General (which was signed at *Lisbon*, and brought to London on the 24th of May, and of which the ratifications passed the Great-Seal on the 14th of July) an incident happened, that had almost spoiled the whole. The King of Portugal insisted on demanding the flag, and the other respects to be paid by the English Admiral, when he was in his ports. The Earl of Nottingham declared, that it was a dishonour to England to strike even in another King's ports. This was not demanded of the fleet, which was sent to bring over Queen *Katherine*; so that, though *Matbuen*, the English Ambassador, had agreed to this article, he pressed the Queen not to ratify it. *Matbuen*, in his own justification, said, that he had consented to the article, because he saw it was insisted on so much, that no treaty could be concluded, unless that point were yielded. The low state of affairs in Portugal in the year 1662, when the protection of England was all they had in view for their preservation, made such a difference between that and the present time, that the one was not to be set up for a precedent to govern the other. Besides, even then, the matter was much contested in their Councils, though the extremities, to which they were reduced, made them yield it. The Lord *Godolphin* looked on this as too inconsiderable to be insisted upon; all the affairs of Europe seemed to turn upon this treaty, and so important a matter ought not to be retarded a day for such punctilio's, as a salute, or striking the flag; and it seemed reasonable, that every Sovereign should claim this acknowledgment, unless where it was otherwise stipulated by express treaties. The laying so much weight on such matters greatly heightened jealousies; and it was said, that the Earl of Nottingham and the Tories seemed to lay hold on every thing, that could obstruct the progress of the war, while the round proceeding of the Lord *Godolphin* reconciled many to him. The Queen confirmed the treaty, upon which the Court of Vienna was desired to do their part. But that Court proceeded with its ordinary slowness. The mildest censure passed on these delays was, that they proceeded from an unreasonable affectation of magnificence in the ceremony, which could not be performed soon nor easily in a poor but haughty Court. It was done at last, but so late in the year, that the new-declared King of Spain could not reach Holland before the end of October (1). A Squadron of our fleet under Sir

(1) In his journey from Vienna to the Hague, when he came to *Dusseldorp*, he was met by the Duke of Marlborough, who, in the name of the Queen, congratulated him on his Accession to the Spanish Crown. The King, having had notice of the Duke's coming, put on a fine rich sword, with which he presented his Grace in a very obliging manner; for, while they were both in discourse, his Majesty took it from his side,

and, giving it into the Duke's hand with a graceful air, said in French, *I am not ashamed to say, I am but a poor Prince. Je n'ay que la Cape & l'Epee, I have only my cloak, and my sword; the latter may be of use to your Grace, and I hope you will not think it the worse for my wearing it one day.* The King arrived at the Hague the 3d of November.

1703. Sir George Rooke (who was appointed to conduct him to *Lisbon*) was lying there to bring him over, such as used to convoy King William, when he crossed the seas. But the Ministers of the King of Spain thought it was not strong enough, pretending, that they had advertisements, that the French had a stronger Squadron in *Dunkirk*, which might be sent out to intercept him, so that an additional strength was sent. This lost some time and a fair wind. It had like to have been more fatal, for, about the end of November, the weather grew very boisterous, and broke out, on the 27th, in the most violent storm, both by sea and land, that had ever been known in the memory of man. The City of London was so shaken with it, that people were generally afraid of being buried in the ruins of their houses, some of which fell and crushed their masters to death (1). Great hurt was done in the southern parts of England, little happening in the North, where the storm was not so violent. The best part of our navy was at that time upon the sea, which filled all people with great apprehensions of an irreparable loss. And indeed, if the storm had not been at its height at full flood and in a spring tide, the loss might have proved fatal to the Nation. It was so considerable, that fourteen or fifteen men of war were cast away, in which one thousand five hundred seamen perished. Few Merchant-men were lost; such as were driven to sea were safe; some few only were overset. Our Squadron, which was then in the *Maele*, suffered but little, and the ships were soon refitted, and ready to sail (2). The Parliament being then sitting, the Commons, on this dif-

The great storm.
Nov. 27.

mal occasion, presented an address to the Queen, 1703.
“expressing the great sense the House had of
“the calamity fallen upon the Kingdom by the
“late violent storm, and that they could not
“see any diminution of her Majesty’s navy,
“without making provision to repair the same:
“Wherefore they besought her Majesty, that
“she would immediately give directions for re-
“pairing this loss, and for building such capital
“ships as her Majesty should think fit; and
“to assure her Majesty, that, at their next
“meeting, the House would effectually make
“good that expence; and would give dispatch
“in raising the supplies already voted, for
“making good her Majesty’s treaties with the
“King of Portugal, and all her Majesty’s other
“Allies, and would consider of effectual ways
“for promoting of trade, for managing her
“Majesty’s navy Royal, and for encouraging
“the seamen.” The Queen’s answer was suitable
to the address, and two or three days after
was issued a proclamation for a general fast,
which was observed throughout England on the
19th of January ensuing, with great signs of
devotion and sincerity; the terror, the tempest
had left on the people’s minds, contributing much
to their affectionate discharge of that religious
duty.

About the end of December, the King of Spain landed at *Portsmouth*. The Dukes of *Sa- King of*
merjet and *Mariborough* were sent by the Queen Spain
to receive him, and bring him to an interview, *comes to*
which was to be at *Windsor*. Prince George went Dec 26, England.
and met him on the way, and the King was Burnet.
treated with great magnificence. The Court,
was very splendid and much thronged. The
Queen’s

(1) Dr. Richard Kiddy, Bishop of Bath and Wells, and his wife were killed by the fall of part of the Episcopal palace at *Wells*. In like manner was killed at *Horley* in *Suffex*, the Bishop of London’s sister, the Lady *Penelope Nicholas*. The damage in the City of London only was computed at near two millions; and at *Bristol*, at about two hundred thousand pounds.

(2) Sir *Claudefly Shovel*, just returned from the *Mediterranean*, was at anchor in the *Gulf* with two second rate, and six third rate men of war, four of which drove from their anchors, and were in the utmost danger. One of them, the *Affliction*, on board of which Sir *Stafford Fairborne* had his flag flying, got into *Gottenburgh* on the 11th of December. It fared much worse with the ships in the *Dowms*, where Rear-Admiral *Beaumont*, whose flag was flying in the *Mary*, perished with his own and several other ships.

The List of all that were lost there and elsewhere is as follows:

Vanguard, A second rate, ninety guns, six hundred and forty men, lost in *Chatham* harbour, no men nor guns aboard.

Northumberland, Captain *Greenway*, A third rate, four hundred and forty-six men, seventy guns, lost on the *Goodwin-Sands*, no men faved.

Sterling-Castle, Captain *Johnson*, A third rate, four hundred and forty-six men, seventy guns, lost on the *Goodwin-Sands*, sixty-three men faved, with the Captain, three Lieutenants, and Chaplain.

Restoration, Captain *Emms*, A third rate, four hundred and forty-six men, seventy guns, lost on the *Goodwin-Sands*, no men faved.

Resolution, Captain *Lisle*, A third rate, four hundred and forty-six men, seventy guns, lost on the coast of *Suffex*, all the men faved.

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Mary, Rear-Admiral *Beaumont*, Captain *Edward Hopson*, A fourth rate, three hundred and forty-six men, sixty-four guns, lost on the *Goodwin-Sands*, Captain and Purser ashore, and but one man more faved.

Tork, Captain *Smith*, A fourth rate, three hundred and thirty-two men, sixty guns, lost at *Harwich*, all the men faved but four.

Newcastle, Captain *Carter*, A fourth rate, two hundred and seventy-four men, fifty-four guns, lost at *Spithead*, the Carpenter and twenty-three men more faved.

Reserve, Captain *Anderson*, A fourth rate, two hundred and twenty-six men, forty-eight guns, lost at *Yarmouth*, the Captain, Surgeon, and twenty-one more faved.

Litchfield Prize, Captain *Chamberlain*, A fifth rate, a hundred and fifty-five men, thirty-two guns, lost on the coast of *Suffex*, all the men faved.

Arundel, Captain *Deering*, A fifth rate, a hundred and forty-five men, thirty-two guns, lost at *Bristol*, all the men faved.

Mortar Bomb-Ship, Captain *Raymond*, A sixth rate, sixty-five men, twelve guns, lost on the *Goodwin-Sands*, all the men drowned.

Suffolk, Hospital, Captain *Watkins*, A sixth rate, eighty men, ten guns, lost at *Bristol*, all the men faved.

Eagle, Advice-Boat, Captain *Bislock*, A sixth rate, fifty-four men, ten guns, lost on the coast of *Suffex*, all the men faved.

Vesuvius, Fire-Ship, Captain *Paddon*, A sixth rate, forty-five men, eight guns, lost at *Spithead*, all the men faved.

Canterbury Store-ship, Captain *Blake*, A sixth rate, forty men, eight guns, lost at *Bristol*, thirteen men faved.

1703. Queen's behaviour towards him was very noble and obliging. The young King charmed all who were present. He had a gravity beyond his age tempered with much modesty. His behaviour was in all points so exact, that there was not a circumstance in his whole deportment, that was liable to censure. He paid an extraordinary respect to the Queen, and yet maintained a due greatness in it. He had an art of seeming well pleased with every thing, without so much as smiling once all the while he was at Court, which was only three days. He spoke but little, and all he said was judicious and obliging. All possible haste was made in fitting out the fleet, so that he set sail in the beginning of January, and for five days he had a fair wind with good weather; but then the wind changed, and he was driven back to Portsmouth, where he lay above three weeks, and then he had a very prosperous navigation. The forces, which were ordered to go over to his assistance, were by this time got ready to attend on him, so that he sailed, on the 4th of January, with a great fleet, both of men of war and transport-ships. The fleet was commanded by Sir George Rooke, and the land-forces by the Duke of Schomberg, lately made Knight of the Garter. When they came within sixty leagues of Cape Finisterre, a violent storm ensued, which so damaged the ships, that Sir George was forced to return to Spithead. He could not fail again till the 12th of February, when the wind was so favourable, that in ten days the King of Spain happily arrived at Lisbon, where he was received with all the outward expressions of joy and welcome, and at an expence, in a vain magnificence, which that Court could not well bear; but a national vanity prevailed to carry this too far, by which other things, that were more necessary, were neglected. That Court was then very melancholy; for the young Infanta, whom the King of Spain was to have married, as had been agreed, died a few days before his arrival.

The affairs
of Poland.
Burnet.

In Poland the scene was now more embroiled than ever. There was some appearance of peace this summer, but it went off in the winter. The old fierce Cardinal assembled a Dyet at Warsaw, wherein it was declared, that their King had broken all their laws. Upon which they, by a formal sentence, deposed him, and declared the Throne vacant. This was done in concert with the King of Sweden, who lay with his army at some distance from them in the neighbourhood of Dantzick, which alarmed the citizens extremely. It was believed, that the Dyet designed to chuse Sobieski, the eldest son of the late King, who then lived at Breslaw in Sillesia, and, being in the Emperor's Dominions, he thought himself safer than he proved to be. The King of Poland retired into Saxony in some haste, which made many conclude, that he resolved to abandon Poland; but he laid another design; which was executed to his mind, though in the sequel it proved not much to his advantage. Sobieski and his brother were in a correspondence with the party in Poland, that opposed King Augustus; upon which they ought to have looked to their own security with more precaution. But they seemed to apprehend nothing, where they then were, and so diverted themselves at hunting and otherwise in their usual manner. Upon this, some persons, sent by the King of Poland, took them both prisoners, and brought

them to Dresden, where they were safely kept; and all the remonstrances, which the Emperor could make upon such an act of hostility, had no effect. This for some time broke their measures at Warsaw; many forsook them, while the King of Sweden seemed implacable in his opposition to King Augustus, whose chief confidence was in the Czar. It was suspected, that the French had a management in this matter; since it was certain, that, by the war in Poland, a great part of that force was diverted, which might otherwise have been engaged in the common cause of the Grand Alliance.

The Duke of Marlborough, at the end of the campaign in Flanders, returned to England, the 30th of October. The Queen and Prince, having been at the Bath seven weeks, came back to Windsor, the 9th of the same month.

Thus stood affairs both at home and abroad, when a new Session of Parliament was opened by the Queen, with the following speech:

"My Lords and Gentlemen,

"I HAVE called you together as soon as I thought you could conveniently come out of your countries, that no time might be lost in making our preparations for carrying on the present war, in which I do not doubt of your cheerful concurrence, since you cannot but be sensible, that on the success of it depends our own safety and happiness, and that of all Europe.

"I hope I have improved the confidence you reposed in me, last year, to your satisfaction, and the advantage of Us and our Allies, by the treaty with the King of Portugal, and the declaration of the Duke of Savoy, which, in great measure, may be imputed to the cheerfulness, with which you supported me in this war, and the assurance, with which you trusted me in the conduct of it. And we cannot sufficiently acknowledge the goodness of Almighty God, who is pleased to afford us so fair a prospect, as we now have, of bringing it to a glorious and speedy conclusion.

"I must therefore desire you, Gentlemen of the House of Commons, to grant me such supplies, as shall be requisite to defray the necessary charge of the war in the next year, with regard not only to all our former engagements, but particularly to our Alliance lately made with the King of Portugal, for recovering the Monarchy of Spain from the House of Bourbon, and restoring it to the House of Austria; which treaty, being in itself of the highest importance imaginable, and requiring all possible dispatch in the execution of it, has necessarily occasioned a great expence, even in this present year; though not so much as it will require, and for which, I hope, we shall be amply recompensed in the next.

"The subsidies, which will now be immediately required for the assistance of the Duke of Savoy, will likewise occasion a farther necessary charge.

"I must take notice to you, that no particular provision was made in the last Session, either for the charge of our present expedition to Portugal, or for that of the augmentation troops desired by the States-General; yet the funds given by Parliament have held out so well, and the produce of the prizes has proved so considerable,

1 rable,

1703. " rable, that you will find the public will not be
" in debt by reason of either of these addi-
" tional services.

" I may further observe to you, that, though
" the funds for the Civil Government are dimi-
" nished by the War, I have, in conjunction
" with the *States-General*, contributed out of
" my own revenue towards some publick ser-
" vices, and particularly the support of the
" Circle of *Swabia*, whose firm adherence to
" the interest of the Allies, under the greatest
" pressures, did very well deserve our seasonable
" assistance. And I shall still be careful not to
" engage myself in any unnecessary expence of
" my own, that I may have the more to spare
" towards the ease of my subjects.

My Lords and Gentlemen,

" I heartily wish some easy and less charge-
" able method could be found out for the
" speedy and effectual manning of the fleet.

" I must also recommend to you, to make
" some regulation for preventing the excessive
" price of coals. I have examined this matter,
" and taken particular care to appoint convoys
" for that service; but the price has not been
" in the least abated, notwithstanding a very
" considerable quantity has been imported since
" that time. This gives great ground of sus-
" picion, there may be a combination of some
" persons to enrich themselves by a general
" oppression of others, and particularly the
" poor. It will deserve your consideration, how
" to remedy this great inconvenience.

" And, in all your affairs, I must recommend
" as much dispatch, as the nature of them will
" admit. This is necessary to make our pre-
" parations early; on which, in great measure,
" depends the good success of all our enter-
" prizes. I want words to express to you my
" earnest desires of seeing all my subjects in
" perfect peace and union among themselves.
" I have nothing so much at heart, as their
" general welfare and happiness. Let me there-
" fore desire you all, that you would carefully
" avoid any heats or divisions, that may disap-
" point me of that satisfaction, and give en-
" couragement to the common enemies of our
" Church and State."

The conclusion of the Queen's speech, where-
in she so strongly recommended peace and union
to all her people, was understood as an intimation
of her desire, that there should be no further
proceeding in the bill against Occasional Confor-
mity. Addressees, full of respect, were made to
the Queen, in return to her speech. The Com-
mons, indeed, to the Queen's earnest desire of
union, said only, they would carefully avoid
any heats or divisions, that might give encou-
ragement to the common enemies of the Church
and State: But the Lords, in their addressees, ex-
pressed themselves more fully, and assured her
Majesty, in the most solemn manner, that, pur-
suant to her most earnest desire, they would not
only avoid, but oppose whatever might tend to
create any disquiet or dissension among her sub-
jects. However, nothing could lay the heat of
a party, which was wrought on by some who had
designs that were to be denied or disguised, till
a proper time for owning them should appear.
And therefore, notwithstanding the Queen (who
had been informed that the Occasional bill had
alarmed a great part of her subjects, who were
otherwise well-affected to her Government, and
no less able than zealous to assist her in carrying
on the war) had endeavoured, by the warmest
expressions, to dissuade the Parliament from this
measure, yet that bill was again revived (1).
As this had been foreseen by the moderate
party, Dr. *Davenant* (who now seemed to have
forsaken his party, by the encouragement, and
with the approbation of the Lord *Hallifax*, pub-
lished a book, entitled, *Essays upon peace at home
and war abroad*, wherein he enforced what her
Majesty had lately recommended from the
Throne; and endeavoured to bring all sorts of
men to lay aside their heats and animosities,
and to unite in their own defence, against
the common danger, with design to dissuade
the bringing in of the Occasional bill. At the
same time Sir *Humphry Mackworth* published
a small treatise, in defence of the proceedings
of the Commons in relation to the Conformity
bill; which pamphlet, however, contained
little besides the arguments used a year be-
fore on the same subject. At length, about a
fortnight after the meeting of the Parlia-
ment, a motion was made in the House of
Commons, for bringing in a bill against Occa-
sional Conformity.

The bill
as against oc-
casional
Conformity
repealed.
Barnet.
sional bill, of
Europe.

(1) It is observable, that though the Queen had
been prevailed with to express a desire, that the Parlia-
ment would avoid measures tending to create divisions
(meaning the Occasional Conformity-bill) yet it ap-
pears, by the following letter, how much she leaned
to the Tories, and even to those measures she would
have dissuaded them from, and which she only thought
unseasonable at that time.

Friday Morning,

" I give my dear Mrs. *Freeman* many thanks for
" her long letter, and am truly sensible of the sincere
" kindness you express in it; and in return, to ease
" your mind, I must tell you, Mr. *Bromley* will be
" disappointed, for the Prince does not intend to go to the
" House, when the bill of Occasional Conformity is brought
" in; but, at the same time, that I think him very
" much in the right not to vote in it, I shall not have
" the worse opinion of any of the Lords that are for
" it; for, though I should have been very glad, it had
" not been brought into the House of Commons, because I
" would not have had any pretence given for quarrel-

" ling; I cannot help thinking, now it is as good as
" past there, it will be better for the service to have it
" pass the House of Lords too. I must own to you,
" that I never cared to mention any thing on this sub-
" ject to you, because I knew you would not be of
" my mind; but, since you have given me this occa-
" sion, I cannot forbear saying, that I see nothing like
" persecution in this bill. You may think it is a notion
" Lord Nottingham has put into my head, but upon my
" word it is my own thought. I am in hopes I shall
" have one look before you go to St. Albans, and
" therefore will say no more now, but will answer
" your letter more at large some other time; and on-
" ly promise, my dear Mrs. *Freeman*, faithfully, I
" will read the book she sent me, and beg she would
" never let difference of opinion hinder us from living
" together, as we used to do. Nothing shall ever al-
" ter your poor, unfortunate, faithful *Morley*, who
" will live and die, with all truth and tenderness,
" yours." *Conduct of the Duchess of Marlborough*,
p. 154.

1703. *sonal Conformity.* Great opposition was made to it; the Court was against it; but it was carried by a great majority, that such a bill should be brought in. A new draught was accordingly formed. Though it was the same in substance, with the preamble, which was in the former bill, yet in several things it differed. The preamble against *persecution for conscience only*, was now left out. The former bill began with mentioning the *act of indulgence*, saying, *That that act ought invariably to be observed*; whereas, this takes not the least notice of it. This bill began with mentioning the Corporation and Test-acts, which it says, *manifestly intended that all persons to be admitted into such offices and employments, should be, and always remain conformable to the Church of England, as by law established; which acts, it says, have been notoriously eluded, &c.* And in the *enacting part*, whereas the former bill allowed but four besides the family where a conventicle was held, this allowed nine, and inflicted no punishment, unless there were ten or more, besides the family. The penalty in the former bill was one hundred and five pounds for every day that the persons concerned continued afterwards in office: But now it was brought down to a forfeiture of fifty pounds. There were also some other differences. These were artifices, by which it was hoped, upon such softening, to carry the bill on any terms; and when that point was gained, it would be easy afterwards to carry other bills of greater severity. There was now such a division upon this matter, that it was fairly debated in the House of Commons; whereas before it went there with such a torrent, that no opposition to it could be hearkened to. Those, who opposed the bill, went chiefly upon the ground, that the bill put the Dissenters in a worse condition than they were in before; and that it was a breach upon the Toleration, which ought not to be made, since they had not deserved it by any ill behaviour of their's, by which it could be pretended, that they had forfeited any of their benefits designed by that act. That things of this kind could have no effect, but to imbroil the Nation with new distractions, and to disgust persons well-affected to the Queen, and her Government. That it was necessary to continue the happy quiet, that the Nation now enjoyed, especially in this time of war, in which even the severest of persecutions made their stops, for fear of irritating ill humours too much. The old topics of hypocrisy, and of the danger the Church was in, were brought up again on behalf of the bill, which passed the Commons on the 7th of December, by a great majority, and was sent up to the House of Lords, where it occasioned a debate of many hours, whether the bill should be entertained or read a second time, or thrown out. The Prince of Denmark appeared no more for it, nor did he come to the House upon this occasion. Some who had voted for it in the former Session, kept out of the House; and others owned, that they saw farther into the design of the bill, and so voted against it. The Bishops were almost equally divided: There were two more against it than for it. Bishop Burnet distinguished himself by his speech against the Bill: He gave the Lords an account how the Test-act had been carried, and mentioned the many practices of the Papists, in order to set the Church against the Dissenters, and the Dissenters against the

Church by turns, as it might serve their ends. 1703.

He ventured to say, that a man might lawfully communicate with a Church, which he thought had a worship and a doctrine uncorrupted, and yet communicate more frequently with a Church, which he thought more perfect; and that he himself had communicated with the Churches of Geneva and Holland, and yet at the same time communicated with the Church of England: So that, though the Dissenters were in a mistake as to their opinion, which was the more perfect Church, yet, allowing them a Toleration in that error, this practice might be justified. Several of the temporal Lords spoke also against the bill, particularly the Lord Heversham, the Duke of Devonshire, the Earl of Pembroke, the Lord Mohun, the Lord Ferrars, and the Lord Wharton. The last of these, to shew the unseasonableness of any thing, that led to persecuting their Protestant brethren, took notice of the distracted state of Scotland, and of the insolence of the Papists in Ireland; adding, that the House ought rather to imitate the Parliament of Ireland in their zeal against Popery, than to frame laws to increase divisions here. Nor did the Lord Mohun stick to say, "That if they" "passed this bill, they had as good tack the" "pretended Prince of Wales to it." Upon the whole matter, it was carried by a majority of twelve not to give it a second reading; but to reject it. The Clergy over England, who were generally inflamed in this matter, could hardly forgive the Queen and the Prince the coldness, which they expressed on this occasion. The Lord Godolphin did so positively declare, he thought the bill unseasonable, and had done all he could to hinder its being brought in, that, though he (as well as the Duke of Marlborough) not only voted for a second reading, but also entered their dissent against the rejecting it; the party were exasperated against him, and set up the Earl of Rochester, as the only man to be depended on, and who deserved to be the Prime Minister.

Notwithstanding these divisions, the Com-
mons gave all the supplies that were necessary
for carrying on the war. Some indeed tried to
tack the bill against occasional Conformity to
the bill of Supply; but they had not strength
to carry it. On the 19th of November, Mr. Secretary Hedges laid before the House the copies of such treaties, as were not laid before them the last Session of Parliament, among which was the *defensive and offensive treaty with Portugal*. These treaties having been examined in a Committee of the whole House, it was resolved, on the 27th, "That the forty thousand men, which were raised to act in conjunction with the forces of the Allies, and the additional troops, consisting of ten thousand men, should be continued for the year 1704. That the proportion of land-forces, to act in conjunction with the forces of Portugal, should be eight thousand men, consisting of one thousand horse and dragoons, and seven thousand foot. And, that the sum of one million eight hundred one thousand and six pounds, fifteen shillings, be granted for maintaining these forces, and the guards and garrisons of this Kingdom, the payment of invalids, and discharging the subsidies payable to her Majesty's Allies." Two days before the Commons resolved, "That forty thousand
1 men

1703. "men, including five thousand marines, be employed for sea-service for the year 1704; "and that a sum of four pounds a man per month, for thirteen months, be allowed for maintaining the forty thousand men, including the Ordnance for sea-service." The last day of that month, Mr. Secretary *Hedges* acquainted the House, "That their address, relating to the continuance of the stop of all correspondence with *France* and *Spain*, having been presented to the Queen, her Majesty was pleased to answer, that she thought the continuance of the stop of all posts, letters, trade, and all other correspondence with the enemies, so necessary for the public good, that she would forthwith give orders to her Minister at the Hague, to insist upon it, with the States-General, as the Commons desired." The same day, the Commons voted an address to her Majesty, assuring her, That they would provide for the making good such Alliances, as she had made, or should make with the Duke of *Savoy*.

A plot discovered
Fr. H. L.
II. 71.
Barnet.

The seasonable discovery about this time of the ill designs of the Jacobites and French emissaries in Scotland, justified the Lord *Wharton's* taking notice, in his speech against the Occasional Conformity-bill, of the distracted state of that Kingdom. The Court of *St. Germain's* perceiving the divisions in Scotland, and the great opposition made in the Parliament of that Kingdom, had been encouraged to set all their Agents there at work, in order to engage both the chief of the Nobility, and the several Tribes in the Highlands, to be ready to appear for them. *Simon Fraser* of *Beaufort*, Lord *Loval*, had gone through the Highlands the year before, and from thence went to *France*, where he pretended, that he had authority from the Highlanders to undertake to bring together a body of twelve thousand men, if they might be assisted by some force, together with officers, arms, ammunition, and money from *France*. After he had delivered this message to the Queen at *St. Germain's*, she recommended him to the French Ministers, of whom he had some audiences. He proposed, that five thousand men should be sent from *Dunkirk*, to land near *Dundee*, with arms for twenty thousand men; and that five hundred should be sent from *Brest*, to seize on *Fort William*, which commanded the great pass in the Highlands. The French hearkened to all this, but would not venture much upon slight grounds, and therefore sent him back, with some others, in whom they confided more, to see how much they might depend on, and what the strength of the Highlanders was. They were also ordered to try, whether any of the great Nobility of that Kingdom would engage in the design. When these came over, *Fraser* got himself secretly introduced to the Duke of *Queensberry*, to whom he discovered all that had been already transacted; and undertook to discover the whole correspondence between *St. Germain's* and the Jacobites. He named also many of the Lords, who opposed the Duke most in Parliament, and said, that they were already deeply engaged. The Duke hearkened very willingly to all this, and gave him a pass to go through the Highlands again, where he found some were still very forward, but others were more reserved. At his return, he resolved to go back to *France*, and promised to make a more intire discovery. He

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put one letter into the Duke of *Queensberry's* hands, from the Queen at *St. Germain's*, directed on the back; but by another hand, to the Marquis of *Atbol*. The letter was writ in such general terms, that it might have been directed to any of the great Nobility; and probably he, who was trusted with it, had power given him to direct it to any, to whom he found it would be most acceptable; for there was nothing in the letter, that was particular to any one person or family; it only mentioned the promises and assurances sent to her by that Lord. This *Fraser* had been accused of a rape, committed on a sister of the Marquis of *Atbol's*, for which he was convicted and outlawed; so that it might be supposed, that he, to be revenged on the Marquis, who prosecuted him for that crime, might put his name on the back of the letter. It is certain, that the others, who were more trusted than *Fraser*, and were sent over with him, avoided his company, so that he was not made acquainted with that proceeding. He came up to London in winter, and had some meetings with the practising Jacobites about the town, to whom he discovered his negotiation. He continued still to persuade the Duke of *Queensberry* of his fidelity to him. His name was not told the Queen; for, when the Duke wrote to her an account of the discovery, he added, that, unless she commanded it, he had promised not to name the person, for he was to go back to *St. Germain's* to compleat the discovery. The Queen did not ask his name, but had more regard to what he said, because, in the main, it agreed with the intelligence, that her Ministers had from their spies at *Paris*. The Duke of *Queensberry* procured a pass for him to go to *Holland*, but by another name, for he opened no part of this matter to the Earl of *Nottingham*, who gave the pass. The Jacobites in London suspected *Fraser's* correspondence with the Duke of *Queensberry*, and gave advertisement to the Marquis of *Atbol*, and by this means the whole matter broke out. About this time Sir *John Maclean*, a Papist, and head of that Tribe or Clan in the Highlands, and western Isles of Scotland, came over from *France* in a little boat, and landed secretly at *Folkstone* in *Kent*. He brought his Lady with him, though she had been delivered of a child but eleven days before. He was taken, and sent up to London; and it seemed, by all circumstances, that he came over upon some important design. He pretended, at first, that he came only to go through *England* into Scotland, to take the benefit of the Queen's general pardon there. But, when he was told, that the pardon in Scotland was not a good warrant to come into *England*, and that it was high-treason to come from *France* without a pass, he was not willing to expose himself to the severity of the law, and was prevailed upon to give an account of all that he knew concerning the negotiations between *France* and Scotland. Some others were at the same time taken up upon his information, and some upon suspicion. Amongst those there was one *Keith*, whose uncle was trusted by the Court of *St. Germain's*, and whom they had sent over with *Fraser*, to bring them an account of the temper the Scots were in, upon which they might depend. *Keith* had been long at that Court; he had free access both to that Queen and the pretended Prince of *Wales*, and hoped

1703. hoped they would have made him under Secretary for *Scotland*. For some time he denied, that he knew any thing; but afterwards he confessed, that he was made acquainted with *Frazer's* transactions, and he undertook to deal with his uncle, to come and discover all he knew, and pretended there was no other design among them, but to lay matters so, that the Prince of *Wales* should reign after the Queen. *Ferguson* offered himself to make great discoveries; he said, that *Frazer* was employed by the Duke of *Queensberry*, to decoy some into a plot, which he had framed and intended to discover, as soon as he had drawn many into the guilt. He affirmed, that there was no plot among the Jacobites, who were glad to see one of the race of the *Stuarts* upon the Throne; and they designed, when the state of the war might dispose the Queen to a treaty with *France*, to get such terms given her, as King *Stephen* and King *Henry VI.* had, to reign during her life. When Bishop *Burnet* heard this, he recollected what the Marquis of *Albion* had said to him, soon after the Queen's Accession to the Crown; when, upon the Bishop's saying, That he hoped none in *Scotland* thought of the Prince of *Wales*; the Marquis answered, He knew of none, that thought of him, as long as the Queen lived. The Bishop replied, That, if any thought of him after that, he was sure the Queen would live no longer, than till they thought their designs for him were well laid. But the Marquis seemed to have no apprehensions of that. The Bishop immediately told the Queen this, without naming the person; and she answered him very quick, There was no manner of doubt of that. But, though the Bishop could not but reflect often on that discourse, yet, since it was said to him in confidence, he never spoke of it to any one person, during all the inquiry that was now on foot. *Ferguson*, ever since he had left the place, which had been given him at the Revolution, had been the boldest and most active man of the Jacobite party. He pretended, that he was now for High-Church, but many believed him a Papist. There was matter of treason sworn both against him and *Keith*, but there was only one witness to it.

At the same time *Lindsay* was taken up, who had been Under Secretary, first to the Earl of *Melfort*, and then to the Earl of *Middleton*. He had carried over from *France* the letters and orders, that gave rise to the Earl of *Dundee's* breaking off the year after the Revolution; and he had been much trusted at *St. Germain's*. He had a small estate in *Scotland*, and he pretended, that he took the benefit of the Queen's pardon, and had gone to *Scotland* to save his estate; and, being secured by this pardon, he thought he might come from *Scotland* into *England*; but he could pretend no colour for his coming to *England*; and, therefore, it was not doubted, but that he came hither to manage their correspondence and intrigues. He pretended, that he knew of no designs against the Queen and her Government; and that the Court of *St. Germain's*, and the Earl of *Middleton* in particular, had no design against her. But, when he was shewed *Frazer's* Commission to be a Colonel, signed by the pretended King, and countersigned *Middleton*, he seemed amazed at it;

He did not pretend it was a forgery, but he said, 1703. that things of that kind were never communicated to him.

At the same time, that these were taken up, others were seized on the coast of *Suffex*. One of these, *Boucher*, was a chief Officer in the Duke of *Berwick's* family, who was then going to *Spain*; but it was suspected, that this was a blind to cover his going to *Scotland*.

During the height of the debates about the bill against *Occasional Conformity*, the Earl of *Scarborough* produced a letter from his brother, acquainting him, that several suspected persons, retainers to the Duke of *Berwick*, were come over, and seized. Upon this the Earl of *Nottingham*, Secretary of State, told the House, "That this matter was already before the Queen, and would, in few days, be laid before both Houses." Nevertheless, the majority of Lords, either out of zeal for the safety of the Queen's Person and Government, or because they did not think it prudent to leave the inquiry into so important an affair in the hands of a person, whose affection to the *Revolution Settlement* had been questioned, resolved to appoint a Committee of seven of their own Members to examine into it, and ordered, that Sir *John Maclean* be brought to their House the next day. The Lord Steward having, on that day, acquainted the House, by her Majesty's command, "That the examination, relating to Sir *John Maclean*, was a matter of that nicety and great importance, that she thought it would be inconvenient to take it out of the method of examination it was now in, and that her Majesty would, in a short time, communicate it to the House," their Lordships acquiesced, and ordered the Lords, with the White Staves, to attend the Queen, to desire her, that Sir *John Maclean* might be committed to such safe custody, as that no person be permitted to speak to him without her leave, and that he neither write nor receive any letters or papers from any person, without the like permission from her Majesty: Which was complied with.

On the 17th of *December*, the Queen came to the House of Peers, and having passed the speech on all for a land-tax for the year 1704, made a speech to both Houses, wherein she acquainted them, "That she had unquestionable informations of very ill practices and designs carried on in *Scotland* by emissaries from *France*, which might have proved extremely dangerous to the peace of these Kingdoms; as they would see, by the particulars, which should be laid before them, as soon as the examinations could be fully perfected and made public without prejudice: And that, in the mean time, she doubted not but, by this seasonable discovery, she should be able to give such directions for their security as would effectually prevent any ill consequences from these pernicious designs."

The day following, the Lords proceeded by balloting to the choice of their select Committee; which fell on the Dukes of *Somerſet* and *Devonſhire*, the Earls of *Sunderland* and *Scarborough*, and the Lords *Sommers*, *Townſhend*, and *Wharton*. Then the Lords, in an address, thanked the Queen for communicating to them her informations, of the practices of her enemies in *Scotland*;

1703. Scotland, and, the same day, the like address was presented also by the Commons.

Disputes between the two Houses in address to the Queen.
Dec. 23. The Commons, being in an ill humour against the Lords, were glad to find occasions to vent it. They thought the Lords appointing a *select Committee*, to examine the persons suspected, to be an incroachment on the Royal Prerogative, or, at least, a reflection on some of the Ministers, and therefore they presented the following address to the Queen:

Most gracious Sovereign,

"WE your Majesty's most dutiful and loyal subjects, the Commons of *England* in Parliament assembled, beg leave humbly to lay before your Majesty the great and just concern we are under, to see any violation of your Royal Prerogative.

"Your faithful Commons believe the Administration of the Government best secured, when it is left to your Majesty, as the law has intrusted it; and have so firm a dependence upon your Majesty's affection to your people, and your great wisdom, that they can never apprehend so little danger from any conspiracy, as when the examination thereof is under your Majesty's direction.

"We are therefore surprized to find, that, when several persons, suspected of treasonable practices against your Majesty, were taken into custody by your Messengers, in order to be examined, the Lords, in violation to the known laws of the land, have wrested them out of your Majesty's hands; and, without your Majesty's leave or knowledge, in a most extraordinary manner, taken the examination of them solely to themselves, whereby a due inquiry into the evil practices and designs against your Majesty's Person and Government may, in great measure, be obstructed.

"Your Loyal Commons do therefore most earnestly desire your Majesty to suffer no diminution of that prerogative, which, during your Majesty's Reign, they are confident, will always be exerted for the good of your people.

"And we humbly beg leave to assure your Majesty, that, as we are resolved, by timely and effectual supplies, to enable your Majesty to carry on the war, which you have so gloriously begun; so we will, to the utmost of our power, support your Majesty in the exercise of your just prerogative at home, and the asserting of it against all invasions whatsoever."

In answer to which the Queen said, "That she had the satisfaction to find, that the matter, which might have occasioned this address, was now at an end: That she returned them many thanks for the concern they expressed for her prerogative, and for their repeated assurances of making the supplies effectual, which would be greatly for the honour and advantage of the Kingdom: And that she would be careful not to give way to any invasions of the prerogative of the Crown, or of the rights and liberties of the people."

The address of the Commons against the Lords was a proceeding without a precedent:

The Parliamentary method was, when one House was offended with any thing done in the other, conferences were demanded, in which matters were freely debated. But to begin an appeal to the Throne was new, and might be managed by an ill-designing Prince, so as to end in the subversion of the whole Constitution. And it was an amazing thing, to see an House of Commons affirm, in so public a manner, and so positively, that the Lords taking criminals into their own custody, in order to an examination, was without warrant or precedent, when there were so many instances fresh in every man's memory, especially since the time of the Popish plot, of precedents in both Houses, that went much farther, of which a full search had been made, and a long list of them read in the House of Lords. That did not a little confound those among them, who were believed to be in a secret correspondence with the House of Commons; they were forced to confess, that they saw the Lords had clear precedents to justify them in what they had done, of which they were in great doubt before.

It seemed surprizing to many, that the Commons, whose proper province it is to take care of the liberties of the subject should now appear such zealous assertors of the *Royal prerogative*, in opposition to the House of Lords, who are the natural Defenders of it. But this was intirely owing to a party-pique; the Tories, or High-Church-party, who were the strongest in the House of Commons, laying hold of all opportunities, both to ingratiate themselves with the Queen, and to oppose the Whigs, who had the majority in the House of Lords. Besides, the Tories received no small encouragement from some persons in high stations, who were ready enough to countenance those, who endeavoured to stifle the *Scots* conspiracy, which made the Whig Lords the more eager to examine into it.

The House of Lords highly resented the reflection cast upon them by the Commons in this address; and therefore, to vindicate their honour, and assert their privileges, they declared, "That, by the known laws and customs of Parliament, they had an undoubted right, whenever they conceive it to be for the safety of her Majesty and the Kingdom, to take examinations of persons charged with criminal matters, whether they be in custody or not; and to order, that persons to be examined be taken into custody of her Majesty's sworn Officer attending their House." And, four days after, they resolved, "That the address of the Commons is unparliamentary, groundless, without precedent, and highly injurious to the House of Peers, tending to interrupt the good correspondence between the two Houses, and create an ill opinion in her Majesty of the House of Peers, and of dangerous consequence to the Liberties of the People, the Constitution of the Kingdom, and Privileges of Parliament." This done, they presented, the next day, a *Representation* to the Queen, in which they complained of the ill usage they had met with from the House of Commons: They used none of those hard words, that were in the address made against them by the House of Commons, yet they justified every step they had taken, as founded on the

1703.

1703.4.

Jan. 12.

13.

Jan. 17.

Jan. 18.

1703-4. the law and practice of Parliament, and no way contrary to the duty and respect they owed to the Queen. The behaviour of the Commons was such, on this occasion, as if they had no mind, that plots should be narrowly looked into. No House of Parliament, and, indeed, no Court of Justice, would take a person into custody without taking him into their own custody during such examination; and, if a person's being in custody must restrain an House of Parliament from examining him, here was a maxim laid down, by which bad Ministers might cover themselves from an inquiry into their ill practices, only by taking the persons, who could make discoveries, into custody. The Lords set forth the ill consequences, that might follow upon one House of Parliament carrying their complaints of another to the Throne, without taking first the proper method of conferences. This representation was drawn with the utmost force, as well as beauty and decency of stile, and was reckoned one of the best pieces of its kind, that were in all the records of Parliament.

The Queen in her answer declared, "That 1703-4 she was sorry for any misunderstandings, that happen between the two Houses of Parliament, which were so inconvenient for the public service, and so uneasy to her, that she could not but take notice with satisfaction of the assurance their Lordships gave her, that they would carefully avoid all occasion of them. She thanked them for the concern they expressed for the rights of the Crown, and for the protection of their liberties. She ver exert so willingly, as for the good of her subjects, and the protection of their liberties."

Boucher, when he was examined, would confess nothing; he said, he was weary of living so long out of his Country; and that, having made some attempt to obtain a pass, when that was denied him, he chose rather than to live always abroad, to come and cast himself upon the Queen's mercy; it did not seem reasonable to believe this; so the Lords made an address to the Queen, that he might have no hopes of pardon, till he was more sincere in his discoveries;

(1) It was in these words:

May it please your most excellent Majesty,

"We your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, find ourselves under an unhappy necessity of making this our humble application to the Throne, upon an occasion of an address presented to your Majesty by the House of Commons, the 23d day of December last, and since that time published to the whole Nation in print; by which the House of Lords is charged with the violation of your Royal prerogative, and of the known laws of the land, with wresting persons suspected of treasonable practices, and taken into custody by Messengers, out of your Majesty's hands without your leave or knowledge, and in a most extraordinary manner taking the examination of them solely to themselves, whereby a due inquiry into the evil practices and designs against your Majesty's Person and Government might in great measure be obstructed. And they conclude their address by most earnestly desiring your Majesty to suffer no damage to be done, and to be so disposed as to support you in the asserting it against all invasions whatsoever. It is not possible for us to remain silent under this heavy charge so unjustly, and without the least ground or colour, endeavoured to be fixed upon the whole body of the Peers, which, tending directly to create an ill opinion of us in your Majesty, puts us under an inevitable necessity of vindicating both the legality and dutiful manner of our proceeding."

"The expressions in the address of the House of Commons are so very harsh and indecent, that we may truly affirm the like never were used of the House of Peers in any age, not even by that assembly, which, under the name of the House of Commons, took upon them, not only to abolish the House of Lords, but to destroy the Monarchy. We shall carefully avoid making returns of that kind: We consider too much what we owe to ourselves, and we know too well the profound respect due to your Royal person, to let any provocation transport us so, as to use words unfit to be offered by us to our Sovereign."

"The matter of this address is no less injurious to us than the terms. There was not the least occasion for a just objection to any part of our conduct in that business, to which the address relates. The

proceeding was strictly justifiable by the known laws and customs of Parliament: It was carried on with the utmost respect to your Majesty, and with true zeal for the safety of your Person and Government. All, that was done, was agreed to by the concurrent opinion of the House, without the least objection from any of our Members, who have the honour of serving your Majesty in your great offices and employments."

"We humbly represent to your Majesty, that, by the known laws and custom of Parliaments, the House of Peers has an undoubted right, in cases where they conceive it to be for the good and safety of your Majesty and the Kingdom, to take examinations of persons charged with criminal matters, whether such persons be then in custody or not; and also to order the persons so to be examined to be taken into custody of your Majesty's sworn Officers attending the House, during such examination, or to commit them to any other safe custody, that they shall think proper, and to restrain others, if they see cause, from having access to, or communication with, them. The House of Lords has exercised this right from time to time, as occasions have required, without objection. Our records are filled with precedents, which warrant our claim in every part of it; and we presume to affirm to your Majesty, that the drawing this right into question, at any time, cannot but be of dangerous consequence to the liberties and safety of the people, and to the constitution of the Government, as tending to avoid, or render in great measure ineffectual, the inquiries of Parliaments, which are so absolutely necessary, especially where many and great persons are engaged in dangerous designs against the Government, or where ill Ministers abuse their favour towards the oppressing or inflaming of the people. Your Majesty's wisdom and goodness make us secure at present against all influences of that kind; and we unanimously and heartily pray we may long enjoy the blessing of your Reign. But, if it happens in future time, that ill men should gain too great a degree of favour with our Princes, how easily will it be for them to stifle or defeat all Parliamentary inquiries into their crimes? For if the being in prison, or in the hands of a Messenger, will protect men from being examined in the House of Lords, or from being put into the custody of the proper Officers of the House, during the examination, and debarred from conversing with others; it will certainly be always in the power of favourites

1703-4. ries; and they prayed that he might be prosecuted on the statute: He confessed his crime, and was condemned, but continued still denying, that he knew any thing; few could believe this; yet there being no special matter laid against him, his case was to be pitied; he proved, that he had saved the lives of many prisoners, during the war of *Ireland*; and that, during the war in *Flanders*, he had been very careful of all *English* prisoners: When all this was laid before the Lords, they did not think fit to carry the matter farther; so he was reprieved, and that matter slept. He died at last in *Newgate*, without making any discovery, at least, that ever came to public knowledge.

Jan. 29. About the end of *January*, the Earl of *Nottingham* acquainted the House of Lords, "That

"the Queen commanded him to lay before 1703-4. them the papers, which contained all the matters hitherto discovered of the conspiracy in *Scotland*; but that there was one thing, which he was also commanded to let their Lordships know, was not yet proper to be communicated to the House; because the making it public might prevent a farther discovery of matters of greater importance; but that their Lordships should be acquainted with this also, so soon as it could be done without prejudice to the public service." Upon this the Lords resolved to address her Majesty, "That the whole matter, and all papers relating to the *Scots* plot, might be laid before them, with all convenient dispatch, that this House might not want an opportunity, before

"to cause those, who can be witnesses against them, as well as the accomplices of their designs, to be taken into custody. And, if persons in custody are out of the reach of the House of Lords, who are the Hereditary Counsellors of the Crown, and in whom a judicial power is lodged by the Constitution, it is not to be imagined, that the Commons can pretend to a greater power of examining, committing, or restraining them.

"No House of Commons till now has given countenance to this dangerous opinion, which does so directly tend to the rendering ill Ministers safe from the examination of Parliaments. And we are persuaded no House of Commons hereafter will assert such a notion, because they are not wont easily to part with a power they have assumed; and it is certain, that they have several times taken upon them to exercise an authority like that, which they have so severely reflected on in their address.

"This consideration gave us the greater astonishment, to find our proceeding represented in the strange terms of wresting prisoners out of your Majesty's hands, and taking the examination of them solely to ourselves. We believe, the ordering persons to be examined in that High Court, where your Majesty is always present in consideration of law, and in that Great Council, where you may be present in your Royal person, as often as you please, will never be thought an exclusion of your Majesty from the examinations, if that was intended to be insinuated, by saying, we had taken the examinations solely to ourselves.

"Having thus laid before your Majesty what it is we claim, and must insist on, as the indisputable right of the House of Peers, which was never thought in the time of your Royal Ancestors to be prejudicial to the just prerogatives of the Crown, and which is manifestly necessary for the securing the liberties of your people, whereof we are assured your Majesty will have an equal care; we humbly beg leave to lay before you a short state of the particular matter of fact relating to these prisoners, not doubting, but, when the whole proceeding is known to your Majesty, it will be approved, not only as lawful, but every way respectful to your Majesty.

"On *Tuesday*, the 14th of *December*, the House of Lords was informed, that several persons had been seized by the Custom-House Officers on the coast of *Suffex*, as they came from *France*; and that amongst them there was one *Boucher*, who was capable of making considerable discoveries, having been in arms in the *French* service for many years, and Gentleman of the Horse and Aid-de-camp to the late Duke of *Berwick*, who stands attainted of high-treason, and who had been secretly in *England* several times before: That it was probable, if he was strictly examined, he might be brought to confess, since he saw his life in apparent danger; but that No. 41. Vol. III.

"he was a bold man, and likely to attempt an escape on that very account, if he was not carefully looked after. And the House was also told, that there was a general remissness both in the taking, searching, and looking to such prisoners, which did afterwards appear very evident in the examinations, that were taken. Upon this information the Earl of *Nottingham*, your Majesty's Principal Secretary of State, acquainted the House, that he had not heard of *Boucher's* name particularly, but had sent Messengers to bring one *Ogilby*, and the other prisoners, who had been apprehended by the Custom-House Officers, to town; and that he believed the Messengers would do their Duty, but he would not be answerable for them.

"After this account of the prisoners, and of what had been done in order to secure them, the House thought themselves obliged in duty to your Majesty, and for the public safety, at a time, when the Kingdom is engaged in an open war with *France*, and that there are too just grounds to apprehend the dangerous practices of *French* emissaries, to make an humble address to your Majesty, that particular care might be taken for securing the person of *Boucher*, and of those, who were taken with him; and that none might be suffered to speak with them till they were examined.

"The next day your Majesty's gracious answer to this address was reported to the House, that care had been taken to secure the prisoners; and that your Majesty would give orders, that no body should speak with them till they were examined. Thereupon the Lords entered into a farther consideration of the importance of this matter, and, conceiving nothing to be more likely to bring prisoners, who had forfeited their lives, to a full discovery of the truth, than to find themselves under the inquiry of a Parliament, they thought it would be of public service for them to take examinations of these persons; and accordingly an order was made, that no persons should speak with the prisoners, till they had appeared at the bar of the House.

"On the 16th day, the Earl of *Nottingham* informing the House of Lords, that the prisoners were brought to town, the Usher of the Black Rod was ordered to take them into his custody, in order to their examination, and to keep them separate and in close custody, as your Majesty had before directed. And, it being thought most proper, from the nature of the thing, that the examination should be by a Committee of Lords, rather than by the whole House, it was resolved accordingly.

"We beg leave to mention to your Majesty a matter of fact, which satisfied the Lords, that their resolution to take the examinations of *Boucher*, and the persons apprehended with him, was neither unknown nor disagreeable to your Majesty.

"On the same day, when that was ordered, being the 15th of *December*, the Lords resolved to examine mine

1703. "before the end of this Session, of enquiring
 "into, and discovering the wicked designs and
 "conspiracies of her enemies." To this ad-
 Feb 2. "dress, the Duke of *Somerſet* had been com-
 "municated to them all the particulars relating
 "to the same. And the Duke of *Somerſet* had
 "vice, her Majesty did not expect that it
 "possible, that the state of it could be altered;
 "and that her Majesty made no doubt, but, be-
 "fore the end of the Session, there would be a
 "proper time to communicate that which could

"not now be made public without great incon-
 "venience." Two days after, the Earl of
Nottingham delivered to the Lords several other
 papers relating to the *Sots* conspiracy, which
 being sealed up as the former were, it was or-
 dered, that all the papers should be opened, on
Tuesday the 8th of *February*, and all the Lords
 summoned to attend.

By this time, all possible endeavours had been
 used to stifle the plot, and to prepossess the
 Queen and the Public, that the whole was a
 contrivance of the Duke of *Queensberry*, in or-
 der to ruin the Dukes of *Hamilton* and *Arbol*.
 The Duke of *Arbol* drew up a plausible memo-

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"mine Sir *John Maclean*, a very dangerous person,
 "as was represented to the House, who then stood
 "committed in the hands of a Messenger; and for
 "that purpose ordered him to be brought to the House
 "the next day, having, as they then thought, very
 "good grounds to believe it might prove of great ser-
 "vice to your Majesty. Sir *John Maclean* was
 "brought to the House according to the order; but
 "your Majesty being pleased so far to take notice of
 "this order, as to signify to the House by the Lord-
 "Steward, that Sir *John Maclean* had been in part
 "examined already, and that your Majesty thought
 "it not proper to have that business taken out of
 "the way of examination it was then in, but that
 "your Majesty would in a short time communicate it
 "to the House; the Lords immediately acquiesced in
 "your Majesty's opinion, and sent back Sir *John*
Maclean to the place from whence he was brought.
 "It was with this disposition of mind the Lords ac-
 "ceded in this whole matter; and, if your Majesty, who
 "no doubt had the same notice of both orders, had
 "thought any other method of the examination of
 "*Boucher*, and the persons taken with him, more pro-
 "per than of the Lords, they had reason to conclude
 "your Majesty would have intimated it at the same
 "time, and most certainly the House would have had
 "a like deference for your Royal judgment in that in-
 "stance also.

"The Lords Committees appointed to examine the
 "prisoners proceeded with all possible dispatch, and
 "made their report to the House, on the 21st of
 "*December*. Upon consideration of the report, the
 "House found it requisite to commit *Boucher* to the
 "prison of *Newgate* for high-treason; and the Lords
 "Committees have submitted to the judgment of
 "the House, whether several parts of the examina-
 "tions, referred to in their report, should be laid
 "open to the House, or put into any other way of
 "being farther inquired into or prosecuted; the
 "House, out of a full assurance they had, that, when
 "the matter of fact should be laid before your Ma-
 "jesty, you would certainly give such orders there-
 "upon, as were every way suitable to your Royal
 "prudence and tender care of the public safety, did
 "unanimously resolve, without so much as suffering
 "those parts of the report to be laid open to the
 "House, that an humble address should be made from
 "the House to your Majesty by the Lord-Steward
 "and the Duke of *Somerſet* (two of the Lords Com-
 "mittees, to whom the examination had been refer-
 "red) laying before your Majesty the whole report,
 "with all matters relating thereto, and humbly desir-
 "ing your Majesty to give orders, that *Boucher*
 "should be prosecuted by Mr. Attorney-General for
 "high-treason; and that, as to the commitment,
 "prosecution, or discharge of the other prisoners,
 "mentioned in the report, you would be pleased to
 "give such directions, as should seem most proper to
 "your Royal wisdom. Thus as the whole affair was
 "entered upon out of our zeal for your Majesty's
 "preservation, and the safety of the Kingdom, and
 "was carried on and concluded with all possible re-
 "spect to you; so we had the comfort to rest assured,

"that our behaviour was no less graciously accepted
 "by your Majesty, from the answer you were pleased
 "to make the same day to our last address on this sub-
 "ject, and which was reported to us, on the 22d of
 "*December*, by the Duke of *Somerſet*, whereby your
 "Majesty was pleased to signify to the House with
 "your accustomed goodness, that you would give or-
 "der for every thing, as the Lords had desired.

"Madam, This is a true and just account of our
 "proceedings, which have been so strangely misrepre-
 "sented, and to which no exception can possibly be
 "taken by any persons rightly informed. For, as we
 "had your Royal approbation of all that was done,
 "so the House of Commons could have had no pre-
 "tence of objection, if they had taken the usual Par-
 "liamentary methods of desiring to be informed of
 "what we had done, and of the grounds of our pro-
 "ceedings, before they had approached your Majesty
 "with such a representation of them.

"Their carrying this unprecedented address to your
 "Majesty, in so hasty a manner, gives us almost as
 "great trouble as the hard usage we find by it.

"The ancient, known, and indeed only effectual
 "method of preserving a good correspondence be-
 "tween the two Houses of Parliament, has been by
 "conferences. If at any time either House conceived
 "they had a reasonable ground to object against the
 "proceedings of the other, conferences have been de-
 "fired, and the matter in debate between them fairly
 "discussed, and thereby mistakes have been cleared
 "for the most part, and a good understanding culti-
 "vated, and a mutual respect preserved, which is al-
 "ways highly requisite in the nature of our Consti-
 "tution, but more especially in this time of war and
 "danger.

"Had the House of Commons thought fit to have
 "pursued this method upon this occasion, we should
 "have been able to have given them intire satisfac-
 "tion, not only of the lawfulness of all we had done,
 "but of the just and weighty grounds, upon which
 "we took the examinations of these persons into our
 "own hands; or, at least, if they could have convin-
 "ced us of any mistake, we should have given them
 "any reasonable satisfaction.

"But, without making any such previous step, the
 "House of Commons have made an appeal directly
 "to the Throne against the House of Lords, and
 "charged them, though most unjustly, with attempts
 "of the highest nature. Nothing like this was ever
 "done before; and, out of our hearty concern for the
 "preservation of our happy Constitution, we hope
 "the same thing will never be done again. We
 "know your Royal Heart is unmoveably fixed on pre-
 "serving the liberties of your people, and transmit-
 "ting them intire to posterity. But if in after-times
 "the Houses of Parliament should be appealing against
 "one another to the Crown (for, if such a course be
 "justifiable in the House of Commons, the same me-
 "thod may be taken by the Lords) as your Majesty
 "is now sensible, how great difficulties it necessarily
 "brings upon a good Prince; so it is easy to foresee
 "(and we cannot think of it without terror) how fa-
 "tal the consequences may be in the Reign of an ill-
 "designing

1703-4. rial for that purpose, which he read in the

Jan. 18. *Scotch Council* in the presence of the Queen (1). By this memorial it manifestly appeared, that the Duke of *Arbol*, though one of the principal persons suspected, had either the perusal or information from the Secretary of State, of the contents of the letters, declarations and examinations relating to the *Scots* conspiracy, before they were communicated to the House of Lords; a convincing circumstance, that the Accused were more countenanced than the Accusers: So that it was no difficult matter for them to put a slur upon the plot. There were two other circumstances which seemed to reflect on the Earl of *Nottingham*; his giving ear to the information of *Ferguson*, whom the suspected persons made use of, to clear them of the treason they were in danger of being charged with; and his discharging an Officer in King *James's* army, who had been seized by the Governor of *Berwick*. This being complained of in the House of Commons, a long debate ensued, which ended at last in a resolve, "That the Earl of *Nottingham*, one of her Majesty's

"Principal Secretaries of State, for his great ability and diligence in the execution of his office, for his unquestionable fidelity to the Queen and her Government, and for his steady adhering to the Church of *England*, as by law established, had highly merited the trust her Majesty had reposed in him." The Commons, at the same time, ordered, that the Speaker should lay this resolution before her Majesty, when the said address should be presented to her: Which being done accordingly, the Queen was pleased to say, "That she was glad to find they were well satisfied with the Earl of *Nottingham*, who was trusted by her in so considerable a post."

The examinations of the prisoners being also sent to the House of Commons, they heard them read, but passed no judgment upon them, nor did they offer any advice to the Queen upon this occasion; they only sent them back to the Queen, with thanks for communicating them, and for her wisdom and care of the Nation: It was thought strange, to see a business of this nature treated so slightly, by a Body that had looked,

"designing Prince, and what advantages may be taken from it for utterly subverting the best-ordered form of Government in the world. There are examples abroad, where proceedings of this kind have ended in the overthrow of the liberties of the people, which makes us the more apprehend the beginning of them among ourselves. Your Majesty's great judgment cannot but readily discern, whither it does naturally tend for one House of Parliament to be exciting and earnestly desiring the Sovereign to exert a real or supposed prerogative against the other House. It is not easy to imagine, what the Commons could expect of your Majesty from such an application. The Lords have never entertained a thought of using this dangerous method, whatever occasions may have been given within the compass of late years. And we promise your Majesty, we will always endeavour to preserve a good understanding with the House of Commons, and shall never think it too dear to procure that union at any rate, unless that of delivering up those rights and powers, which are lodged in us by the law, and without which the Constitution cannot subsist.

"We shall never be guilty of the presumption of prescribing to your Majesty, when or against whom, you should exert your prerogative; but we will be always ready to assist you in the support of all the just rights of the Crown, as well as in the maintaining the liberties of the subject, which we know are no less dear to your Majesty.

"It may with modesty and truth be affirmed, that the Lords have in all times been the surest and most natural bulwark of the prerogatives of the Crown, they being (as your Royal Grandfather, of ever blessed memory, was pleased to express it) an excellent screen and bank between the Prince and the People, to assist each against any encroachment of the other.

"We will never contribute, by any act of ours, to the diminution of the rights of the Crown, nor, as far as we are able, will suffer it in others. We cannot act otherwise without hurting ourselves in the highest degree, being thoroughly convinced, that the preservation of the legal prerogative is not only the surest way to secure our own privileges, but of absolute necessity for the happy and rightful administration of the Government. And we hope, the House of Commons will, in all times to come, speak and act with that regard to the prerogative, which they seem to have taken up lately.

"There remains one particular more, which we will only name to your Majesty, because we rest

"satisfied, it cannot have any weight here, that is, the insinuation in the address, as if the examination of these prisoners by the Lords was in order to obstruct the inquiry into the designs against your Majesty's Person and Government; or, at least, that it was likely to produce such an effect. Our dutiful zeal for your Majesty's Government, and our warm concern to discover all designs, and oppose all practices against it, are too well known to the world, that any suggestions of that sort should make the least impression to our disadvantage; and, we are very sure, it was no suspicion of that nature, which gave the true rise to this very sharp address. It is easy to determine, whether a hearty and forward undertaking to search into the designs of your enemies, and the seeking occasions to object to and interrupt such endeavours, be most likely to obstruct the discovery of the pernicious practices of traitors.

Most Gracious Sovereign,

"We most humbly ask pardon for presuming to give your Majesty the trouble of this long representation, which has proceeded from the passionate concern we have to stand, not only acquitted, but intirely approved in the judgment of so excellent a Queen, and so justly beloved of all her subjects.

"We depend upon your justice, as well as your goodness, that nothing can do us prejudice, from whatsoever hand it comes, in your Royal opinion, while we continue to act in that station, where we are placed by the form of the *English* Government, according to the laws and customs of Parliament, with all imaginable respect and duty to yourself, and all possible zeal for the safety and happiness of your Kingdom.

"Give us leave to conclude this our humble address with this firm promise, that no danger, no reproaches, nor any artifices whatsoever, shall deter or divert us from using our utmost endeavours from time to time in discovering and opposing all contrivances and attempts, against your Royal Person and Government, and the Protestant Succession, as by law established."

(1) The substance of this memorial was as follows: That, on the 25th of *November* last, there was a discovery made to his Grace, that one Captain *Simon Frazer*, who was a declared rebel, outlawed in *Scotland* for a most barbarous rape, and other crimes, had been in *London* about a fortnight before; and that he had come from *St. Germain's* in *May* or *June* last; and, after having staid some time in

London.

1703-4. looked, in former times, more carefully to things of this kind; especially, since it had appeared, in many instances, how dexterous the French were in raising distractions in their enemy's country: it was evident, that a negotiation was begun, and had been now carried on for some time, for an army that was to be sent from France to Scotland; upon this, which was the main of the discovery, it was very amazing to see, that the Commons neither offered the Queen any advice, nor gave her a vote of credit, for any extraordinary expence, in which the progress of that matter might engage her; a credit to given might have had a great effect, to-

wards defeating the design, when it appeared 1703-4. how well the Queen was furnished to resist it: This coldness, in the House of Commons, gave great and just ground of suspicion, that those who had the chief credit there, did not act heartily, in order to the defeating all such plots, but were willing to let them go on, without check or opposition.

But the Lords, on the day appointed, resolved to take the plot into consideration, and examine the whole matter fully. They began with reading the papers laid before them, the most material of which was drawn up by the Earl of Nottingham, intitled, *An account of the conspiracy*

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"London, had gone to Scotland, and there had met with the Duke of Queensberry at Edinburgh, at the time of the sitting of the Parliament; and, having got from the Duke of Queensberry a protection and pass, he, with them, travelled to several places in Scotland, particularly Argyleshire, where he produced the said pass, as also a Commission and Instructions signed by King James, and in this manner he seduced and trepanned several of her Majesty's subjects. That after this, and about the end of September, he returned to London, where he again met privately with the Duke of Queensberry, who procured a pass to the said Fraser, and three of his accomplices from the Earl of Nottingham, under false names. Upon which Fraser went to Holland in his way to St. Germain's, in order to give an account of his negotiations in Britain. That Mr. Robert Ferguson was the first, who, by a gentleman he sent to his Grace, informed the Duke of Athol of Captain Fraser's having been at London, and gone to St. Germain's with ill designs against her Majesty; and that the Duke of Queensberry intended by him and his accomplices to ruin him, the Duke of Athol, and several persons of Quality in Scotland. That on the 27th of November, the Earl of Nottingham acquainted his Grace, that the Duke of Queensberry having, by a note, desired a pass for four persons (*viz.* Captain Smeaton or Campbell, —Monro, —Dickson, and —Forbes) he had given the said pass. That thereupon the Duke of Athol waited on her Majesty, and acquainted her with what information he had got; and afterwards further informed the Earl of Nottingham, that the Duke of Queensberry had delivered the said pass to Colin Campbell of Glenderaul, an officer in the army in Scotland; and that he delivered it to Thomas Clarke, an Apothecary in Watling Street, at whose house Fraser had lodged, and who delivered it to him at Gravesend. That the deliveries of the said pass were confirmed by the examinations of Thomas Clarke and Colin Campbell. That on the 30th of November, his Grace acquainted the Earl of Nottingham, how the accomplices of Captain Fraser were to direct the letters from hence to him beyond sea, and how Fraser directed his letters to his correspondents here: Upon which several packets of letters were intercepted, which discovered Fraser's correspondents, particularly Colin Campbell, Mr. Keith, John Murray, and Captain Macleod, an Officer in the guards in Scotland. That, it appeared, that one Corlousien, a Merchant in London, had given a bill of one hundred and fifty guineas to Captain Fraser, and that Fraser had written to the Duke of Queensberry, under cover to Colin Campbell; and that there was also a letter intercepted from Fraser to the Earl of Leven. That, on the 6th of December Mr. Keith acquainted his Grace, that, the first time he met Captain Fraser in London, he desired him to try if the Duke of Athol would pardon the injury he had done his family, he being penitent, as he pretended. That, his Grace having inquired of Keith, why he did not acquaint his

"Grace with it sooner, he answered, *That he knew it would be to no purpose for him to undertake such a message from Captain Fraser, whose design he believed was to trepan his Grace.* And that Mr. Keith acquainted the Earls of Seafeld and Nottingham with what he had told his Grace. That, by the means of Colin Campbell and Mr. Clarke, were found several papers belonging to Fraser, and left by him before he went from London, particularly, a Commission for his being a Colonel, signed by the pretended King James. That by the declarations of Colin Campbell and Sir John Maclean, and others, and by Fraser's letters, it appears, that, besides the design of an invasion, there was another wicked contrivance, to bring several of her Majesty's good subjects and servants into a plot, in order to ruin them and their families. Wherefore his Grace humbly begged her Majesty would be pleased to order the Duke of Queensberry to give his reasons; 1. Why he met with, employed, and gave two hundred guineas to Captain Fraser in Scotland, with whom, as being an intercommuned Rebel, it was treason, by the law of that Kingdom, to converse. 2. How the Duke of Queensberry came to give a pass or protection to a Rebel, whose business in the Highlands of Scotland was to tempt her Majesty's subjects into a rebellion. 3. For what purpose the Duke of Queensberry sent Captain Fraser, and three persons with him, so carefully and privately to France, and what services he expected her Majesty would reap by their going thither, since it appeared by the letters and declarations, that Fraser's main design was to engage the French King to prosecute his design of an invasion." In a subsequent addition to this memorial, the Duke of Athol observed, in his own vindication, First, "That he saw by Fraser's letters, and the declarations of Colin Campbell of Glenderaul, and Captain Macleod, and by what a Lord had publicly said, that there had been a design to accuse his Grace, and several others, of corresponding with St. Germain's." Secondly, "That the said declarations were made by those, who were guilty of corresponding with Fraser, and who were employed by the Duke of Queensberry in his secret affairs with him." Thirdly, "That what these persons alledged was only upon a hear-say from Fraser, *viz.* that his Grace designed to send Glengary and Captain James Murray to St. Germain's, neither of which two persons his Grace ever spoke to. Concluding, that his Grace, as well as the Duke of Hamilton, were mentioned by Sir John Maclean, the last person, who came over from St. Germain's, and said, he had instructions to sound or try both their Graces: But that this was rather a vindication; for since they were to be founded, they were not engaged, or had correspondence there. By all which the world might judge of the rest of the malicious calumnies of his Grace's enemies, and how easy a matter it would be for his Grace to refute them, when public, especially the inconsistent story of a letter said to have been sent from St. Germain's to his Grace,"

1703-4. in Scotland. It was an abstract of all the examinations the Council had taken (1). Some took great exceptions at it, as drawn on design to make the affair appear more inconsiderable than they believed it to be. The substance of the whole was, that there went many messages between the Courts of *St. Germain's* and *Verfailles*, with relation to the affairs of Scotland; the Court of *Verfailles* was willing to send an army to Scotland, but they desired to be well assured of the assistance they might expect there; in order to which, some were sent over, according to what France had told the Duke of *Queensberry*; some of the papers were writ in gibberish, so the Lords moved, that a reward should be offered, to any who should decypher these. When the Lords asked the Earl of *Nottingham*, if every thing was laid before him, he answered, That there was only one particular kept from them; because they were in hopes of a discovery, that was like to be of more consequence than all the rest: So, after the delay of a few days, to see the issue of it, which was *Keith's* endeavours to persuade his uncle (who knew every step that had been made, in the whole progress of this affair) to come in and discover it, when they were told there was no more hope of that, the Lords ordered the Committee, which had examined *Boucher*, to examine into all these discoveries. Upon this the Commons,

who expressed a great uneasiness at every step the Lords made in that matter, went with a new address to the Queen, insinuating on their former complaints, against the proceedings of the Lords, as a wresting the matter out of the Queen's hands, and the taking it wholly into their own; and they prayed the Queen to resume her prerogative, thus violated by the Lords, whose proceedings they affirmed to be without a precedent.

The seven Lords went on with their examinations, and, after some days, they made a report to the House; *Maclean's* confession was the main thing; it was full and particular; he named the persons that sat in the Council at *St. Germain's*; he said, the command was offered to the Duke of *Berwick*, which he declined to accept, till trial was made whether Duke *Hamilton* would accept of it, who, he thought, was the proper person; he told likewise, what directions had been sent to hinder the settling the Succession in Scotland; none of which particulars were in the paper, that the Earl of *Nottingham* had brought to the House of his confession. It was farther observed, that all the rest, whose examinations amounted to little, were obliged to write their own confessions, or, at least, to sign them: But *Maclean* had not done this; for, after he had delivered his confession by word of mouth to the Earl of *Nottingham*,

(1) This paper more at large was: "That the Earl of *Nottingham* had information of some designs of an insurrection in Scotland, to be supported with money, arms, and men from France, with which he acquainted the Queen, who, having received the like informations from the Duke of *Queensberry*, commanded him to communicate these matters to his Grace, that, by comparing them together, her Majesty might the better judge of them. This the Earl did, and the Duke said, that the accounts, which he had read, were much of the same kind; and added, that his informer was come from France, but his name he was obliged to conceal, and was so forward and zealous in doing service to her Majesty, that he was willing to go again into France, and to send from time to time, or even to bring intelligence of the further progress of the French designs, with which he was sure he should be trusted, as he had been formerly. That his Grace said, he accordingly designed to send him; which the Earl of *Nottingham* approved, and acquainted the Queen with this conversation with the Duke of *Queensberry*. That, on the 10th of November 1703, the Earl of *Nottingham* had an account, that Sir *John Maclean*, with others, were in custody at *Falkstone*, as coming out of France without leave; and that the same day he received a letter, as did also the Earl of *Cromarty*, from Sir *John Maclean*, intimating, that at his landing he had surrendered himself, and desired he might be brought before the Earl, to give an account of his coming. That, Sir *John* being accordingly sent for in custody, and examined, he said, That he had long desired to come home, and had often asked leave by his friends, without success; but now, hearing of the indemnity granted by the Queen to her Scottish subjects, he gladly laid hold of it, being weary of the hardships he endured in France, where he could not subsist with his allowance. That he never had any post, either in Court or Army; and he resolved to live quiet at home, in hopes of some favour from her Majesty, in consideration of the sufferings of his family for their loyalty. But being told, that, tho' this was a very specious representation of his case, yet it was No. 41. VOL. III.

"impossible to believe, that this was all, or the true design of his coming, since he had delayed coming many months after he knew of the indemnity; Sir *John Maclean*, upon this, pretended sickness, and that he now came in so much haste, that he brought his wife, who had lain-in but eleven days; adding, that an English fisher-boat had been discharged by order of the Court of France (a thing never done before) without ransom or exchange, on purpose to bring him to England. That, this increasing the Earl's suspicion, Sir *John Maclean* was told, that, however indemnified he might be in Scotland, he was still liable to the Act of Parliament in England, which made it treason to come hither from France: And that he must expect the rigour of the law, being so justly, from the above-mentioned Circumstances, to be suspected of ill designs. That thereupon he said, He would tell the Earl all he knew, upon assurance of his pardon, and being treated like a Gentleman, so as not to be required to appear in public, as an evidence against any person; of which, by the Queen's orders, he being assured, he then told the Earl of *Nottingham*, That, in July 1702, the Lord *Lovat* came to France, and told Sir *John Maclean*, that he had matters of great importance to communicate to the Queen at *St. Germain's*, but required a promise from her, not to reveal any thing of what he should say to any of her Ministers. That, this being granted, Sir *John Maclean* carried him to the Queen, as he did afterwards by her direction, to Monsieur *Torcy*, to whom, as before to the Queen, he said, that he was come from the Highlands of Scotland, where he had discovered with many heads of Clans, particularly *Stewart of Apin*, Sir *Ewin Cameron*, Sir *Daniel Macdonal*, and others, from whom he brought assurances, that they would rise in arms with ten thousand men, if they were assisted from France with money, arms, and troops to support them. That Monsieur *Torcy*, after communicating this to the French King, assured him, that his Master would furnish them with money and arms, and also men, so soon as his affairs would admit of the last. And the number agreed on was five thousand, which were to be transported from *Lunkirk*, and landed at *Dundee*; from whence the march was short
7 Z
"and

1703-4. *tingham*, that Lord wrote it all from his report, and read it to him the next day; upon which he acknowledged, it contained a full account of all he had said. *Maclean's* discovery to the Lords was a clear series of all the counsels and messages, and it gave a full view of the debates and opinions in the Council at *St. Germain's*, all which was omitted in that, which was taken by the Earl of *Nottingham*, and his paper concerning it was both short and dark; there was an appearance of truth, in all that *Maclean* told, and a regular progress was set forth in it.

Upon these observations those Lords, who were not satisfied with the Earl of *Nottingham's* paper, intended to have passed a censure upon it, as imperfect. It was said, in the debate that followed this motion, either *Maclean* was asked, who was to command the army to be sent into *Scotland*, or he was not. If he was asked the question, and had answered it, then the Earl of *Nottingham* had not served the Queen, or used the Parliament well, since he had not put it in the paper. If it was not asked, here was great remissness in a Minister, when it was confessed, that the sending over an army was in consultation, not to ask who was to command the army. Upon this occasion, the Earl of *Torrington* made some reflections, which had too deep a venom in them. He said, That the Earl of *Nottingham* did prove, that he had often read over the paper, in which he had set down *Maclean's* confession, in his hearing,

and had asked him, if all he had confessed to 1703-4. him was not fully set down in that paper; to which he always answered, That every thing he said was contained in it. Upon this the Earl observed, that, Sir *John Maclean* having, perhaps, told his whole story to the Earl of *Nottingham*, and finding afterwards, that he had writ such a defective account of it, he had reason to conclude (for he believed, had he been in his condition, he should have concluded so himself) that the Earl of *Nottingham* had no mind, that he should mention any thing, but what he had writ down, and that he desired, that the rest might be suppressed. That he could not judge of others but by himself: If his life had been in danger, and if he were interrogated by a Minister of State, who could do him either much good or much hurt, and if he had made a full discovery to him, but had observed, that this Minister, in taking his confession in writing, had omitted many things, he should have understood that as an intimation, that he was to speak of these things no more; and so he believed he should have said it was all, tho', at the same time, he knew it was not all that he had said. It was hereupon moved, that Sir *John Maclean* might be sent for and interrogated, but the party was not strong enough to carry any thing of that kind; and, by a previous vote, it was carried by a majority of eleven voices, to put no question concerning the Earl of *Nottingham's* papers (1).

The Lords were highly offended with *Ferguson's*

"and easy to the foot of the Highlands; to which, if need were, they might retreat, and, in the mean time, make a stand, and oppose any of the Queen's forces, that might be sent against them, and give time to the Highland Clans to assemble and come to them, and form and increase the army, to be superior to all the Queen's forces in Scotland. That, to facilitate this design, five hundred men were to be sent from *Dress*, to seize the Fort of *Inverlochry*, which could not resist cannon, being commanded by hills near it; and that this would give security to ships coming into the river, and be a means to convey supplies of all kinds, as there should be occasion. That the execution of this project was delayed, partly because the French King could not spare his troops, partly because his fleet was not in a condition to oppose the English; partly because he did not intirely rely on the Lord *Lovat's* information and assurances; and partly, that he might see the event of the Scottish Parliament, by which he might judge of the disposition of the Scots, as well as by some further inquiry, which he intended to make. That therefore *Lovat* was sent back in May last, which Captain *Frazer* and Captain *John Murray*, who had long been in the French service, with orders to come back, as soon as the Scots Parliament was ended, with an account of the inclinations of the people, and what numbers might be relied upon to join with the French. That, besides these, one *James Murray* was also sent to Scotland, with orders to speak with Duke *Hamilton* (to whom one *Bell* was sent before with like directions, and died in Holland) and to engage him in the interest of France, for the support of the Prince of Wales. That there had been other messages sent to him, but the Queen told Sir *John Maclean*, she had no answer, and therefore ordered Sir *John* to send his Grace, and, if he found him disposed to her service, then, and not otherwise, to communicate to him this project; which he was also to do to the Duke of *Athol* and Earl *Marechal*. And that *Stephenfon*, a Banker, formerly sent to Duke *Hamilton*, was, at his return, put into

"the *Basilie*; which was thought to be occasioned by the Duke's not trusting him, and to prevent a discovery, there being so many factions at *St. Germain's*, that nothing was kept a secret. That afterwards, upon a further examination, Sir *John Maclean* recollected the names of the persons, and the men they could bring into the field, which *Lovat*, alias *Frazer*, reckoned upon, when he gave account to the Court of France of the Scots readiness to rise, if the French would support them. That, the Queen having commanded the Earl of *Nottingham* to acquaint the Duke of *Queensberry* with what Sir *John Maclean* had discovered, his Grace thereupon told the Earl, that this *Frazer* was the person, who disclosed to him some matters of this nature, with which he had acquainted the Queen, but that he had not told her Majesty his name, being under a solemn engagement to conceal it. That this *Frazer* was brought to him by the late Duke of *Argyle* and the Earl of *Leven*, who were privy to all his proceedings with them. That *Frazer* was gone to France, and had promised to send an account of all the French designs, and would come back, whenever any thing of moment happened, or that his Grace should require him. Whereupon the Duke of *Queensberry* was desired to call him back, for he was more likely to do harm than good, by an intelligence, that could be expected from so ill a man.

This account contained, in the next place, the Duke of *Athol's* proceedings with the Earl of *Nottingham*, with the substance of *Campbell's*, *Clarke's*, *Keith's*, and *Ferguson's* examinations.

(1) On the 24th of March, the Lords, after some debate, came to a resolution, "That, Sir *John Maclean* having made an ingenious confession to the Lords Committees, her Majesty should be addressed to give him as full and complete a pardon, as may consist with the safety of her Majesty and the People, and to provide for his subsistence." And then

1703-4 *Ferguson's* papers, and passed a severe vote against those Lords who had received such scandalous papers, and had not ordered him to be prosecuted, which they directed the Attorney-General to do. But *Ferguson* never received the least punishment.

It was apparent, that there was a train of dangerous negotiations, that passed between *Scotland* and *St. Germain's*, though the Lords could not penetrate to the bottom of them. And the design of *Keith's* bringing in his uncle, who knew every step, that had been made, and the whole progress of the affair, to discover the whole scheme of it, was managed so remissly, that it was generally concluded, that it was not in earnest desired it should succeed. During the debates, one very extraordinary thing happened; the Earl of *Nottingham* affirmed, upon three or four occasions, that some things had been ordered in the Cabinet-Council, which the Dukes of *Somerset* and *Devonshire*, who were likewise of that Council, did not agree with him in. After all these examinations and debates, the Lords concluded the whole matter with voting, That there had been dangerous plots between some in *Scotland* and the Courts of *France* and *St. Germain's*; and that the encouragement of this plotting came from the not settling the Succession to the Crown of *Scotland* in the House of *Hanover*. These votes they laid before the Queen in an address, and promised, when the Succession was thus settled, they would endeavour to promote the Union of the two Kingdoms, upon just and reasonable terms. To their address the Queen answered, "That she had some time since declared her intentions, of endeavouring the settlement of the Protestant Succession in *Scotland* to her servants of that Kingdom, as the most effectual means for securing their quiet and our own, and the readiest way to the intire Union betwixt both Kingdoms, in the perfecting of which, it was very desirable no time should be lost."

March 31. The Lords, after this conclusion of the affair, made a long and vigorous address, or second representation in answer to that which the Commons had made against them; wherein they observed, how uneasy the Commons had been at the whole progress of their inquiry into the *Scots* conspiracy, and had taken methods to obstruct it all they could; which did not shew that zeal for the Queen's safety, and the preservation of the Nation, to which all men pretended. They annexed to this address a list of many precedents, to shew what good warrants they had for every step they had made; that they had not taken the examination to themselves, so as to exclude others, who had the same right, and might have done it as well as they, if they had pleased; and that their proceeding had been regular and parliamentary, as well as full of zeal and duty to the Queen. They made severe observations on some of the proceedings in the house of Commons, particularly on their not ordering writs to be issued out for some

Boroughs to proceed to new elections, when they, upon pretence of corruption, had voted an election void; which had been practised of late, when it was visible, that the election would not fall on the person they favoured. They charged this as a denial of justice, and of the right, that such Boroughs had to be represented in Parliament, and as an arbitrary and illegal way of proceeding. This address was drawn with great force and beauty by the Lord *Sommers*, who likewise penned the other addresses, which made a great impression on the body of the Nation; for the difference, that was between these addresses, and those published by the Commons, was so visible, that it did not admit of any comparison, and was confessed even by those, who were the most partial to the Commons. In answer to this last address, the Queen said, "That she hoped none of her subjects had any desire to lessen the prerogative, since she had no thoughts of making use of it, but for their protection and advantage: And that she looked upon it as a great misfortune, when any misunderstanding happened between both Houses of Parliament, which could not be without so much prejudice to the public, that she should never omit any thing in her power to prevent the occasions of them."

These differences between the two Houses were still heightened by the Lords interposing in an affair, the cognizance of which the Commons pretended to belong solely to themselves. There had been great complaints long made, and these had increased within a few years, of great partiality and injustice in the election of Parliament-men, both by Sheriffs in Counties, and by the Returning-officers in Boroughs. In *Aylesbury* in *Buckinghamshire* the return was made by four Confitables; and it was believed, that they had made a bargain with some of the Candidates, and then managed the matter so, as to be sure, that the majority should be for the person, to whom they had engaged themselves. They canvassed about the town, to know how the voters were set, and they resolved to find some pretence for disabling those, who were engaged to vote for other persons than their friends, that they might be sure to have the majority in their own hands.

And, when these matters came to be examined by the House of Commons, they gave the election always for him, who was reckoned of the party of the majority in a manner so barefaced, that they were scarce out of countenance, when they were charged for injustice in judging elections. It was not easy to find a remedy against such a crying abuse, of which all sides in their turns, as they happened to be depressed, had made great complaints; but, when they came to be the majority, seemed to forget all, that they had before exclaimed against. Some few excused this on the topic of retaliation, alledging, that they dealt with others as they dealt with them or their friends. At last an action was brought

The case of Ashby and White v. Barnet.
Pr. H. H.
III. 308.
Pr. H. L.
H. 97.

then the order of the Lords, for the close confinement of Sir *John Macclean* in the *Tower of London*, was discharged. Upon this recommendation, Sir *John Macclean* received a considerable pension from the Crown,

though, in his heart, in the Queen's time, and openly after her death, he continued in the interest of the Pretender, and died in the rebellion against King *George I.*, in 1715.

1703 4. brought against *William White*, and the other Conftables of *Aylesbury*, by one *Matthew Afby*, who had been always admitted to vote in former elections, but was denied it in the laft election. This action was tried at the Affizes, and it was found there by the Jury, that the Conftables had denied him a right, of which he was undoubtedly in poffeffion, fo that they were caft with damages. But it was moved in the *Queen's Bench* to quafh all the proceedings in that matter, fince no action did lie, or ever had been brought upon that account. The Judges *Powel*, *Gauld*, and *Powis* were of opinion, that no hurt was done to *Afby*; that the judging of elections belonged to the Houfe of Commons: That, as this action was the firft of its kind, fo, if it was allowed, it would occasion an infinite number of fuits, and put all the Officers, concerned in that matter, under great difficulties. Chief Juftice *Holt* alone differed from the reft. He thought this a matter of the greateft importance, both to the whole Nation in general, and to every man in his own particular. He made a great difference between an election of a Member, and a right to vote in it. That the Houfe of Commons were the only Judges of the former, whether it was rightly managed or not, without bribery, fraud, or violence; but the right of voting in an election was an original right founded either on a freehold of forty fhillings a year in the County, or on burgage-land, or prefcRIPTION, or by charter, in a Borough. Thefe were all legal titles, and, as fuch, were triable in a Court of law. Acts of Parliament were made concerning them, and, by reafon of thefe, every thing relating to thofe acts was triable in a Court of law. He fpoke long and learnedly, and with fome vehemence, upon the fubject; but he was one againft three, and therefore the order of the *Queen's Bench* was given in favour of the Conftables. The matter was upon that brought before the Houfe of Lords by a writ of error; the cafe was very fully argued at the bar, and the Judges were ordered to deliver their opinion upon it, which they did very copioufly. Chief Juftice *Trevor* infifted much on the authority, that the Houfe of Commons had to judge of all thofe elections. From that he inferred, that the Commons only could judge, who were the Electors. Petitions were often grounded on this, that in a poll fome were admitted to a vote, who had no right to it, and that others were denied it, who had a right; fo that in fome cafes the Commons were the proper Judges of this right, and, if they had it in fome Cafes, they muft have it in all. From this he inferred, that every thing relating to this matter was triable by them, and by them only. If two independent jurifdictions might have the fame caufe brought before them, they might give contrary judgments in it; and this muft breed great diftraction in the execution of thofe judgments.

To all this it was answered, that a fingle man, who was wronged in this matter, had no other remedy but by bringing it into a Court of law; for the Houfe of Commons could not examine the right of every voter: If the man, for whom he would have voted, was returned, he could not be heard to complain to the Houfe of Commons, though in his own particular he was denied a vote, fince he could not make any ex-

ceptions to the return, and therefore muft bear 1703-4. his wrong without a remedy, if he could not bring it into a Court of law. A right of voting in an election was the greateft of all the rights of an *Englifhman*, fince by that he was represented in Parliament. The Houfe of Commons could give no relief to a man wronged in this point, nor any damages; they could only fet afide one, and admit of another return. But this was no redrefs to him, who fuffered the wrong; it made him the lefs confidered in his borough, and that might be a real damage to him in his trade. Since this was a right inherent in a man, it feemed reasonable, that it fhould be brought, where all other rights were tried, into a Court of law. The abufe was new, and was daily growing, and it was already fwelled to a great height. When new diforders happen, new actions muft lie, otherwife there is a failure in juftice, which all laws abhor. Practices of this fort were enormous and crying; and if the rule made in the *Queen's Bench* was affirmed, it would very much increafe thefe diforders by this indemnity, that feemed to be given to Officers, who took the poll.

After a long debate, it was carried by a great majority to fet afide the order of the *Queen's Bench*, and to give judgment according to the verdict given at the Affizes. This gave great offence to the Commons, who, looking on thefe proceedings as incroachments on their privileges, after having infpected the Lords Journals, refolved, “ 1. That, according to the known Jan. 26. “ Laws and uſage in Parliament, it is the ſole “ right of the Commons of England, in Parlia- “ ment aſſembled (except in cafes otherwiſe “ provided for by act of Parliament) to ex- “ amine and determine all matters relating to “ the right of election of their own Members. “ 2. That neither the qualification of any Elec- “ tor, or the right of any perſon elected, is “ cognizable or determinable elſewhere than be- “ fore the Commons. 3. That the examining “ and determining the qualification or right of “ any Elector, or any perſon elected to ſerve in “ Parliament, in any Court of law, or elſe- “ where, than before the Commons, will ex- “ poſe all Mayors, Bailiffs, and other Officers, “ who are obliged to take the poll, and make “ a return thereupon, to multiplicity of actions, “ vexatious ſuits, and ſupportable expences, “ and will ſubject them to different and inde- “ pendent jurifdictions, and inconſiſtent deter- “ minations in the ſame caſe, without relief. “ 4. That *Matthew Afby*, having, in contempt “ of the jurifdiction of this Houſe, commenced “ and profecuted an action at common law a- “ gainſt *William White* and others, the Conſta- “ bles of *Aylesbury*, for not receiving his vote “ at an election of Burgeſſes to ſerve in Parlia- “ ment for that Borough, is guilty of a breach “ of the privileges of this Houſe. 5. That “ whoever ſhall preſume to commence or pro- “ ſecute any action, indictment, or information, “ which ſhall bring the rights of the Electors, “ or perſons elected to ſerve in Parliament, to “ the determination of any other jurifdiction “ than that of the Houſe of Commons (except “ in cafes ſpecially provided for by act of Parlia- “ ment) ſuch perſon or perſons, and all Attor- “ nies, Solicitors, Counſellors, and Serjeants at “ law, ſoliciting, proſecuting, or pleading in “ any

1703-4. "any such case, are guilty of a high breach of the privilege of this House." And they ordered these resolutions to be fixed upon *Westminster-Hall-Gate*, signed by the Clerk. However, they did not think fit to send for *Ashby*, who had sued, or rather, in whose name the suit was carried on, but let the matter fall as to him, under a shew of moderation and pity, and rested it upon the general votes. On the other hand, the Lords appointed a Committee to draw up the state of the case upon the writ of error, wherein *Ashby* was plaintiff, and *William White* and others defendants; which Committee having made their report, their Lordships resolved,

"1. That, by the known laws of this Kingdom, every Freeholder, or other person having a right to give his vote at the election of Members to serve in Parliament, and being wilfully denied or hindered so to do by the Officer, who ought to receive the same, may maintain an action in the Queen's Courts against such Officer, to assert his right, and recover damage for the injury. 2. That the asserting, *That a person having a right to give his vote at an election, and being hindered so to do by the Officer, who ought to take the same, is without remedy for such wrong, by the ordinary course of law*, is destructive of the property of the subjects, against the freedom of elections, and manifestly tends to encourage corruption and partiality in Officers, who are to make returns to Parliament, and to subject Freeholders, and other Electors, to their arbitrary will and pleasure. 3. That the declaring *Matthew Ashby* guilty of a breach of privilege of the House of Commons, for prosecuting an action against the Constables of *Aylesbury*, for not receiving his vote at an election, after he had, in the known and proper methods of law, obtained a judgment in Parliament for recovery of his damages, is an unprecedented attempt upon the Judicature of Parliament, and is, in effect, to subject the law of *England* to the votes of the House of Commons. And. 4. That the deterring Electors from prosecuting actions in the ordinary course of law, when they are deprived of their right of voting, and terrifying Attornies, Solicitors, Counsellors, and Serjeants at Law, from soliciting, prosecuting, and pleading in such cases, by voting their *so doing*

"to be a breach of privilege of the House of Commons, is a manifest assuming a power to controul the law, and hinder the course of justice, and subject the property of *Englishmen* to the arbitrary votes of the House of Commons." The Lords likewise ordered the Lord-Keeper to send a copy of the case, and of their resolutions, to all the Sheriffs of *England*, to be communicated to all the Boroughs in their Counties. The Commons were highly provoked with this, but they could not hinder it. The thing was popular, and the Lords got great credit by the judgment given by them, which let the people of *England* see, how they might be redressed for the future, if they should meet with the injustice, the partiality, and other ill practices, that had appeared of late in elections, even beyond the examples of former times (1).

The Anniversary of the Queen's birth-day falling this year on a *Sunday*, the solemnizing of it was deferred till the next day, when the sent a message to the House of Commons by Mr. Secretary *Hedges*, importing, "That her Majesty, having taken into her serious consideration the mean and insufficient maintenance belonging to the Clergy in divers parts of this Kingdom, to give them some ease, had been pleased to remit the arrears of the *first-fruits* and *tenths* to the poor Clergy; and, for an augmentation of their maintenance, her Majesty declared, that she would make a grant of her whole revenue arising out of the *first-fruits* and *tenths*, as far as it should become free from incumbrances, to be applied to this purpose: And, if the House of Commons could find any proper method, by which her Majesty's good intentions to the poor Clergy might be made more effectual, it would be a great advantage to the public, and acceptable to her Majesty."

The *first-fruits* and *tenths* was an imposition begun by the Popes in the time of the Holy wars, and it was raised as a fund to support those expeditions. But, when taxes are once raised by such an arbitrary power, as the Popes then assumed, and after there has been a submission, and the payments have been settled into a custom, they are always continued, even after the pretence, upon which they were at first raised, subsists no more. Thus this became a standing branch of the Papal revenue, till *Henry*

(1) Another affair also gave the House of Commons an occasion to vent their ill humour against the Lords. On the 20th of *January*, *Charles Bathurst*, Esq; presented a petition to the House of Commons, touching an order made by the Lords, the 12th of *February* 1702-3, with relation to "an order of the Court of *Exchequer* made the 15th of *July*, in the 13th year of King *William*, concerning an inquisition and survey of the boundaries of the honour of *Richmond* and Lordship of *Middleham*; and praying such relief on the subject-matter of the petition, as the House should think meet." The Commons, having examined by some of their Members proceedings in relation to this affair, after a long debate, on the 27th of *January*, resolved, "That the House of Lords taking cognizance of, and proceeding upon the petition of *Thomas Lord Wharton*, complaining of an order of the Court of *Exchequer*, bearing date the 15th of *July* 1701, for filing the record of a survey of the honour of *Richmond* and of *Middleham* in the County

"of *York*, is without precedent, and unwarrantable, and tends to the subjecting the Rights and Properties of all the Commons of *England* to an illegal and arbitrary power: And that it is the undoubted right of all the subjects of *England*, to make such use of the said record, as they might by law have done before the said proceedings of the House of Lords." In answer to this, the Lords, on the 27th of *March*, resolved and declared, "That the House of Commons taking upon them by their votes, to condemn a judgment of the House of Lords given in a cause depending before this House in the last Session of Parliament, upon the petition of *Thomas Lord Wharton*, and to declare what the law is, in contradiction to the proceedings of the House of Lords, is without precedent, unwarrantable, and an usurpation of a Judicature, in which they have no sort of pretence:" ordering at the same time, that this resolution should be forthwith printed and published.

1703-4. ry VIII. seemed resolved to take it away. It was first abolished for a year, probably to draw in the Clergy to consent the more willingly to a change, that delivered them from such heavy impositions. But, in the succeeding Session of Parliament, this revenue was again settled as part of the income of the Crown for ever. It is true, it was the more easily borne, because the rates were still at the old value, which in some places was not the tenth, and in most not above the fifth part of the true value; and the Clergy had been often threatened with a new valuation, in which the rates should be rigorously set to their full extent. The tenths amounted to about eleven thousand pounds a year; and the first-fruits, which were more casual, rose one year with another to five thousand pounds, so that the whole amounted to between sixteen and seventeen thousand pounds a year. This was not brought into the Treasury, as the other branches of the revenue were; but the Bishops, who had been the Pope's collectors, were now the King's; and persons in favour obtained assignments on them for life, or for a term of years. This had never been applied to any good use, but was still obtained by Favourites for themselves and their friends; and, in Charles II.'s time, it was distributed chiefly among his women and natural children. It seemed strange, that, while the Clergy had much credit at Court, they had never represented this as sacrilege, unless it was applied to some religious purpose; and, that during Archbishop Laud's favour with King Charles I. or at the Restoration of King Charles II., no endeavours had been used to appropriate this to better uses. When Bishop Burnet wrote the *History of the Reformation*, he considered this matter so particularly, that he saw there was a fund for providing better subsistence for the poor Clergy, there being some hundred of Cures, which had not of certain provision twenty pounds a year, and some thousands, that had not fifty. He therefore represented this case afterward to Queen Mary, in such a light, that she was fully resolved, if ever she lived to see peace and settlement, to have cleared this branch of the revenue of all the assignments, that were upon it, and to have applied it to the augmentation of small benefices. The Bishops afterwards laid the matter before King William, when there was a prospect of peace, hoping, that this might have gained the King the hearts of the Clergy, or at least have put a stop to a groundless clamour raised against him, that he was an enemy to the Clergy, which began then to have a very ill effect on all his affairs. The King entertained this so well, that he ordered the Bishop to speak to the Ministers about it, who all approved of it; more particularly, the Lords Sommers and Halifax: But the Earl of Sunderland obtained an assignment upon two Dioceses for two thousand pounds a year for two lives; so that nothing was to be expected after that. The Bishop laid the matter very fully before the Princess of Denmark, during King William's life, and had often spoken of it to the Lord Godolphin. This time was perhaps chosen to pacify the angry Clergy, who were dissatisfied with the Court; and began now to talk of the danger the Church was in, as much as they had done during the former Reign. When the

Queen's message was brought to the House of Commons, some of the Whigs, particularly Sir John Holland and Sir Joseph Jekyll, moved, that the Clergy might be entirely freed from that tax, since they bore as heavy a share of other taxes; and that another fund might be raised of the same value, out of which small Benefices might be augmented. But this was violently opposed by Sir Christopher Musgrave, and other Tories, who said, that the Clergy ought to be kept still in a dependance on the Crown.

Upon the Queen's message, a bill was brought in, enabling her to alienate this branch of the revenue, and to create a Corporation by Charter, to apply it to the use, for which the now gave it. They added to this a repeal of the statute of Mortmain, so far as that it might be free to all men, either by deed or by their last wills, to give what they thought fit towards the augmenting of Benefices. It was suggested, that this addition was made in hope, that it would be rejected by the Lords, and that the scandal of losing the bill might lie upon them. It occasioned a great debate in the House of Lords: It was said, that this law was made and kept up, even during the times of Popery; and it seemed not reasonable to open a door to practices upon dying men. It was answered, That we had not the arts of affrighting men by the terrors of Purgatory, or by fables of Apparitions. Where these were practised, it was very reasonable to restrain Priests from those artifices, by which they had so enriched their Church, that, without some such effectual checks, they would have swallowed up the whole wealth of the world, as they had indeed in England, during Popery, made themselves masters of a full third part of the Nation. The Bishops were so zealous and unanimous for the bill, that it was carried and passed into a law. The Queen was pleased to let it be known, that the first motion of this matter came from Bishop Burnet. Such a project would have been much magnified at another time; and those, who had promoted it, would have been looked upon as the truest friends of the Church. But this did not seem to make any great impression at that time; nor to have much effect in softening the tempers of peevish men. Only it produced a set of addresses from all the Clergy of England, full of thanks and just acknowledgments.

The House of Commons shewed a very unusual neglect of all that related to the fleet, which used to be one of their chief cares. It was furnished, they saw that, if they opened that door, discoveries would be made of errors, which Pr. H. L. could neither be justified nor palliated; and that these discoveries must come home chiefly to their Favourites; for which reason they avoided all examinations, that would probably draw some censure on them. But the Lords were not so tender; they made an enquiry into the condition of the Navy, and ordered, "That, by reason of the great want of men, the observation they had made to put into an address, where they said (six thousand) the allowed complement for the whole number of ships, necessary for the defence of the Kingdom, could not be depended upon; they thought it a duty incumbent on them to make an humble application to her Majesty, desiring, that she would

1703-4. "be pleased to give speedy and effectual orders, that such a number of ships, proper for the home-service, might be forthwith got ready and manned." This address being an oblique reflection on Prince George, High-Admiral of England, the Queen answered, "That she was glad they found no great number of seamen wanting at this season of the year; and she hoped such effectual measures were already taken, that no service should be disappointed either at home or abroad, which was necessary for the security and advantage of the Kingdom, or the protection and encouragement of Trade." However the Lords carried on their

March 17. Inquiries into the affairs of the Navy, and came to this resolution: "That Vice-Admiral Graydon, with a squadron of her Majesty's ships of war under his convoy, meeting with four French ships in his passage to the *West-Indies*, and letting them escape without attacking them, according to his duty, from the pretence of his instructions, had been a prejudice to the Queen's service, and a great dishonour to the Nation." The next day they likewise resolved, "That Vice-Admiral Graydon's disorderly proceedings in pressing men in *Ja-maica*, and severe usage of masters of merchant-men and transport vessels under his convoy there, had been a great discouragement to the inhabitants of that island, and prejudicial to her Majesty's service. And, secondly, that Admiral Graydon, having behaved himself so ill in this expedition to the *West-Indies*, might be employed no more in her Majesty's service." They also resolved,

March 23. "That an address be presented to the Queen to remove Admiral Graydon from all places of trust in the Government, for impressing servants in the *West-Indies* on board of his Squadron, to the ruin and destruction, and against the laws of those islands; and that her Majesty would be pleased to order her Attorney-General to prosecute him at law for the same."

The Lords proceeded likewise in their examinations of the clamour made of the waste of the public treasure in the last Reign, and of the Earl of Orford's accounts, which amounted to seventeen millions, and upon which some observations had been made by the Commissioners of the public accounts, and found them all to be false in fact, or ill grounded, and of no importance. The only particular, which seemed to give a just colour to exception, was very strictly examined. The Earl had victualled the fleet, while they lay all winter at *Cádiz*: The purifiers receipts, for the quantity that was laid into every ship, were produced, but they had no receipts of the *Spaniards*, from whom they had bought the provisions; but they had entered the prices of them in their own books, and these were given in upon oath. This matter had been much canvassed in King William's time, and it stood thus: The Earl, when he had been ordered to lie before *Cádiz*, wrote to the board of Victualling to send over a person to provide the fleet. They answered, that their credit was then so low, that they could not undertake it; and therefore he was desired to do it upon his own credit. It appeared, that no fleet nor single ship had ever been victualled so cheap, as the fleet was then by him. It was not the custom in *Spain* to give receipts; but, if any fraud had been intended,

it would have been easy to have got the *Spaniards*, 1703-4. after they had their money, to have signed any receipts, that could have been offered them, for swelling the accounts; for that practice in their dealings with their own Court was well known there. Upon these reasons, the Lords of the Treasury had passed his accounts, and were of opinion, that he had done great service to the Government in that whole transaction. The House of Lords now confirmed this, and ordered an account of that whole matter to be printed.

The Commons made no progress in any discoveries of ill practices in the Earl of *Rossel's* office, but concluded that matter with an address to the Queen, that she would order a prosecution. This was an artifice to make the Nation still think, that great discoveries of corruption might be made, if carefully looked after. It was expected, after such an outcry, as they had made, and after the expence the Nation was put to for this Commission for examining of the public accounts, and the extraordinary powers, that were lodged with the Commissioners, that at least some important discoveries should have been made by them. The Commons sent up a Bill to the Lords for continuing the Commission for another year. It was observed, that an alteration was made of *let fall* the persons; some, who expected better places, having got their names to be left out. The Lords excepted to Mr. *Bierly* (who was named to be one of the Commissioners) because he had been a Colonel, and had not yet cleared the accounts of his own regiment; for which reason they struck out his name, and named another, and added two more, who were not Members of the House of Commons. The reason of this was, because the Members of that House would not appear before them to explain some particulars, and only sent their Clerk to inform them; and, when the Lords sent a message to the House of Commons, to desire them to order their Members to attend on their Committees, all the return they had was, that they would send an answer by messengers of their own; but this was evasive, for they sent no such message. The Lords therefore thought it necessary, in order to their being better informed, to put some in the Commission for the future, who should be bound to attend upon them, as often as they should be called for. The Commons rejected these Amendments, and pretended, that this was of the nature of a money-bill; and that therefore the Lords could make no alterations in it. The message, which the Commons sent the Lords upon this head, came so near the end of the Session, that the Lords could not return an answer to it, with the reasons, for which they insisted on their Amendments; so the bill fell. The charge of this Commission amounted to eight thousand pounds a year. The Commissioners made much noise, and brought many persons before them to be examined, and gave great disturbance to all the public offices, by their being obliged to attend on them, and, to copy out all their books for their perusal; and yet, in a course of many years, they had not made any one discovery. Thus a full stop was put to this way of proceeding.

One of the most considerable acts, passed this Session, was for raising recruits for the land-recruits, forces and marines, which empowered the Justices

A Bill for examining the public accounts
Burnet.

1703-4. tices of Peace, or any three of them, to take up such idle persons, as had no calling nor means of subsistence, and to deliver them to the officers of the army, upon paying them the levy money, that was allowed for making recruits. The method of raising these hitherto by drinking and other bad practices, as they were justly odious, so they were now so well known, that they were no more of any effect; so that the army could not be recruited but by the help of this act; which, if well managed, might prove of great advantage to the Nation, since by this means they would be delivered from many vicious and idle persons, who were a burthen to their country. And indeed of late years there was such an increase of the poor, that their maintenance was become in most places a very heavy load, and amounted to the full half of the public taxes. The party in both Houses, who had been all along cold and backward in the war, opposed this act with unusual vehemence, pretending zeal for the public liberty and the freedom of the persons, to which, by the constitution, they said every *Englishman* had a right; which they thought could not be given away but by a legal judgment, and for some crime. They thought this put a power into the hands of Justices of Peace, which might be stretched and abused to serve bad purposes. Thus men who seemed engaged to an interest, that was destructive to all liberty, could yet make use of that specious pretence, to serve their purpose. The chief objection made to this act in the House of Lords was, that the Justices of Peace had been put in and out in so strange a manner, ever since Sir *Nathan Wright* had the Great Seal, that they did not deserve, that so large a power should be committed to them. Many Gentlemen of good estates and ancient families had been of late put out of the commission for no other visible reason, but because they had entered heartily into the Revolution, and had continued zealous for King *William*. This seemed done on design to mark them, and so lessen the interest they had in the elections of Members of Parliament; and at the same time men of no worth, nor estate, and known to be ill affected to the Queen's title and to the Protestant succession, were put in, to the great encouragement of ill-designing men. All was managed by secret accusations, and characters, that were partially given. The Lord-Keeper was a zealot to the party, and was become very exceptionable in all respects. Money, as was said, did every thing with him; only in his court, he was never charged with any thing but great slowness, by which the chancery was become one of the heaviest grievances of the Nation.

March 31. An address was presented by the Lords to the Queen complaining of the Commissions of Peace, in which the Lords delivered their opinion that such as would not serve, or act under the late King, were not fit to serve her Majesty.

Besides the bill that passed for the recruiting of the land-forces, there was likewise another brought into the House of Commons for the same purpose, by obliging the several Parishes or Corporations in *England* to furnish a certain number of men. But, this being a copy of what is practised in *France*, and other despotic Governments, it was rejected.

On the 3d of *April*, the Queen came to the 1703-4. House of Peers, and, having given the Royal assent to several acts, made the following speech to both Houses:

My Lords and Gentlemen,

"I Cannot put an end to this Session, without returning you thanks for the willingness, which you have all expressed to support and assist me in continuing the present war."

"And I must thank you, Gentlemen of the House of Commons, very particularly, for the great forwardness and zeal, which you have shewn, both in the early dispatch of the supplies, and in making them so effectual for carrying on the public expence, without any additional burthen upon the Country. It shall be my care to improve this to the best advantage."

My Lords and Gentlemen,

"At the opening of this Session, I did earnestly express my desires of seeing you in perfect unity among yourselves, as the most effectual means imaginable to disappoint the ambition of our enemies, and reduce them to an honourable and lasting peace. And though this has not met with all the success, which I wished and expected, yet being fully convinced, that nothing is so necessary to our common welfare, I am not discouraged from persisting in the same earnest desires, that you would go down into your several Countries so disposed to moderation and unity, as becomes all those, who are joined together in the same Religion and interest."

"This, I am persuaded, will make you sensible, that nothing, next to the blessing of God, can so much contribute to our success abroad, and our safety at home."

The Queen having ended her speech, the Parliament was prorogued to the 4th of *July* following.

Thus ended this Session of Parliament after much heat and contention between the two Houses; and though the Queen in her speech recommended to them union and moderation, yet those words, which had hitherto carried so good a sound, that all sides pretended to them, were now become so odious to violent men, that even in sermons, especially at *Oxford*, they were arraigned as importing somewhat, that was unkind to the Church, and that favoured the Dissenters. The House of Commons had, during this Session, lost much of their reputation, not only with fair and impartial judges, but even with those, who were most inclined to favour them. It is true, the body of the Freeholders began to be uneasy under the taxes, and to cry out for a peace; and most of the considerable Gentry of *England*, who had most to lose, seemed not to apprehend the dangers the nation was in, if it should fall under the power of *France*, and into the hands of the Pretender; or else they were so fatally blinded, as not to see, that these must be the consequences of those measures, Proceed- into which they were engaged.

The Convocation sitting again this winter with the Parliament, they were divided as between the Convoca- tion. Burnet 1092. Calamy.

1703-4. fore. The Lower-House continued their former practices, but little opposition was made to them, as little regard was had of them. They began, December 8, with sending up a paper to the Archbishop and Bishops, signifying, that, being called together to consult about such matters as concerned the safety, honour, and advantage of the Church, they thought themselves obliged, above all things, to have a regard to the soundness of its doctrine, and to labour some effectual provision against its being corrupted and depraved: And therefore they reminded their Lordships of the daring licentiousness of the prebts, through which there had, for some years past, severals books been printed, published, and dispersed, in which, not only the worship and discipline of the Church, but the known fundamentals of our Holy Religion, had been impugned, &c. They added, that they had other things lying before them, relating to the discipline of the Church, which they conceived to be fit matter to be inquired into by a Convocation: As clandestine marriages, and the scandal said to be given by neglect or non-observance of the Ecclesiastical laws and canons in regard to commutations: But that, these things requiring time, they laid this complaint against Heretical and Atheistical books before them by itself. And they begged their Lordships would take the matter into their serious consideration, not doubting, but that, through their great wisdom, and interest with those in whom a sufficient power is lodged, to effect so good a work, some speedy remedy might be found, and a stop put to so growing an evil.

The same day also, they, by another paper, laid before their Lordships the inconveniences to which they were liable, for want of a more effectual method for recovering rates made for the repair of Churches and Chapels. They desired it might be considered, how far it was proper for the two Houses of Convocation to join in

preparing such a bill to be offered in Parliament, as might enforce the raising such rates in the most effectual manner, consistent with the ancient liberties of Holy Church, and the Ecclesiastical jurisdiction.

In February 1703-4, the Lower-House sent up a representation to the Bishops, intimating, that having, by a message brought by their Prolocutor from his Grace, been encouraged Dec. 15. to hope, that against their meeting, on February 4, sufficient power might have been procured for the joint dispatch of Synodical business, they had employed several Members in preparing heads of matters fit to be offered to their Lordships consideration. In this representation they mentioned some abuses in the Ecclesiastical discipline, and in the Consistorial Courts: But took no care to insist upon those greater abuses of pluralities, non-residence, neglect of cures, and the irregularities of the lives of the Clergy, which were too visible (1).

When the House of Commons thanked the Queen for the grant of the first-fruits and tenths for the augmentation of small livings, the Convocation presented the like address, and the Lower-House sent their Prolocutor with some of their Members, to wait upon the Speaker of the House of Commons, by him to return their thanks to that Honourable House, for their espousing the interest of the Clergy, and promising to pursue such methods, as might best conduce to the support, honour, interest, and security of the Church of England, as now by law established: And these thanks of theirs, as the Speaker assured them by a letter in return, were received with the respect and affection justly due to that Reverend and Learned Body of the Clergy.

On March 10, 1703-4, The Lower-House sent up a paper to the Upper, asserting their right to be summoned, as often as a new Parliament was called, and that according to the tenor of the clause

(1) As this representation will be mentioned again in the next Convocation, it may be proper to insert the substance of it. The Lower-House represented, that a general neglect of divers Canons and Constitutions, now in force, tends to introduce such customs, as may in time, be interpreted to amount to a prescription: And complained, that matter of great offence had been administered to pious Christians, and many evil consequences might arise from the practice of such Ministers, as read not the Common Prayer, *distinctly*, *reverently*, and *intirely* (as by the Rubric, and by the fourteenth Canon they are obliged to do) without either diminishing in regard of preaching, or in any other respect, or adding any thing in the matter and form thereof.

They also complained, That the unjustifiable use of the form of public Baptism, in private houses, had lessened the reverence due to that office; and had occasioned those undue practices of mutilating the public form, and baptizing without the sign of the cross, or Godfathers and Godmothers: That Churchwardens were remiss in not making due provision for the Administration of the Sacrament of the Lord's Supper: That decency and order were not duly observed in several Churches, and that several were irreverent and disorderly, covering their heads in time of divine service, &c.: That due care was not taken about holy orders; and here the things particularly complained of, were, the little caution used by some in granting, and by others in allowing of letters testimonial; the not insisting on true, certain, and sufficient titles; the want

of a strict and diligent examination of such as offered themselves to be ordained; and an unnecessary Ordination of persons without degrees or education, &c. That frequent abuses happened by clandestine marriages, &c.: That excommunicated persons were not denounced as the sixty-fifth Canon prescribed; for want of which, the awe of Excommunication had been diminished: That there were great abuses about commutations of Penance: That persons were suffered to instruct youth without due licences; and ignorant and disaffected persons encouraged to erect Seminaries, to the prejudice of the two Universities, and in which such principles are instilled into youth, as tend to perpetuate Schism, and subvert the Established Constitution: That persons were admitted to be Chancellors or Officials, and exercise Ecclesiastical jurisdiction, without taking any degree in any University: That the presentments of Churchwardens were commonly defective, and yet they went unpunished: That the practice of Registers was corrupt: That the seal of Jurisdiction has been kept by other persons besides the Judges themselves, and their lawful Substitutes: That inconveniences have arisen for want of registering Testaments: That excessive fees were exacted for collations and institutions: That fees were unnecessarily demanded at Visitations, &c.: That gross errors were committed in some late editions of the Bible and the Liturgy: And that the Stage was guilty of great immorality and profaneness. The articles of this representation were twenty-one in number.

1703-4. clause *Premunites*, as well as by virtue of the Royal writ, and Archiepiscopal mandate: And complaining, that this had been omitted in many Dioceses; and that even the Royal writ itself, and his Grace's mandate pursuant to it, had not been executed at all this Convocation, in the Diocese of *Bangor*. They also asserted their right to have a Prolocutor chosen and admitted, at first, and as often as that office should be vacant by death or promotion; and to assume an Actuary, and have a convenient place for debates; and to dispose of the intermediate time, as they thought good (1).

March 17. The Archbishop, in a short speech, told the inferior Clergy, that orders were given for making out copies of their representation, both for the present and absent Bishops, and that a proper use should be made of it, especially at visitations. When the Lower-House was with the Archbishop, on *April* the 3d, the day the Parliament was prorogued, he spoke more largely to them of their representation, as he had promised them. He owned to them their right to complain of real abuses and grievances in the Church, but observed, that some of their complaints did not come properly under the power of the Canons, or the authority purely Ecclesiastical: And that those of them, that were properly Ecclesiastical, were laid down as particulars preparative to a Royal licence: And that the abuses complained of had not commenced within a few years last past, or been passed over every where with supineness and disregard: And that many of the abuses they referred to, were mentioned in King *William's* Injunctions, and his own circular letter in pursuance of them, *Anno* 1695. He told them withal, that, since the time of our public deliverance from the open attempts of Popery, there have never been more frequent and careful Visitations of Bishops in person, never more precautions and strict examinations before giving orders in most Dioceses, never more solemn and orderly Confirmations, even in very many places, where a Bishop had not been seen since the Reformation. He also said, they had promoted the good design of setting up schools of instruction for the poor, been concerned for the propagating the Gospel in foreign parts, in pressing the frequent catechizing of youth, and helping forward the conver-

sion of Dissenters of all sorts, by sound arguments and gentle methods, and exerting themselves in behalf of the Protestant Succession, which is necessary to the preserving the Queen, and the faith of which she is defender. And yet he owned, there was reason for all possible care and diligence in rectifying abuses; and that the Bishops needed their assistance. With this speech ended the Session of the Convocation, at the same time with that of the Parliament.

It is here observed*, that the Universities, * *Barnet*. especially *Oxford*, had been very unhappily successful in propagating anti-revolutional principles in those, who were sent to be bred among them; so that few escaped the taint of it, and the generality of the Clergy were not only wrong-principled but ill-tempered. They exclaimed against all moderation as endangering the Church, tho' it was visible, that the Church was in no sort of danger, either from the number or interest of the Protestant Dissenters, who, by reason of the Toleration, were now so quietted, that nothing could keep up any heat in those matters, but the bad humour which the Clergy were possessed with, and which they infused into all those, with whom they had any credit. At the same time, the great and visible danger of Popery, which, upon a miscarriage in the war, would have broke in like an irresistible deluge, was neither perceived nor apprehended.

Whilst the Parliament was sitting, the *States-General* having represented to the Queen, of *Mar-* *borough* how great advantage the Duke of *Marlborough's* coming to the *Hague* would be to the *Confeder-* *Holland*. *Jan. 15.* *Barnet*. deracy, by concerting there with them the measures proper to be taken at that juncture, and having desired her Majesty to give his Grace leave to pass the sea for a few days, the Duke went over in *January* to the *Hague*, where he received the compliments of all the public Ministers, the General Officers, and other Persons of Quality. He had several Conferences with the Deputies of the *States-General*, in which there was a scheme formed for the operations of the next campaign. It was resolved, that, instead of a fruitless campaign in the *Netherlands*, they would have only a small army there to lie on the defensive, which was to be commanded by Monsieur *Antverperque*; but that, since

(1) Several treatises were published upon this controversy, the chief of which was, *The State of the Church and Clergy of England in their Council, Synods, &c.* by Dr. *Wake*. In the Preface, he laments his being obliged to engage in such a controversy; passes a censure on his own former work, and freely complains of Dr. *A.* for his wrathful and uncharitable spirit; his obscurity, and his confidence; and says, that there was scarce a leaf in his book that would bear a rigorous scrutiny, and but few that would stand the most favourable examination. In his first Chapter, he considers the several kinds of Assemblies of the Clergy of England, in a Parliamentary Convention, a Provincial Convocation, in Diocesan Synods, and Provincial Councils. In the Second, he sets himself by arguments to prove the real difference both in law and fact, between a Parliamentary Convention of the Clergy, summoned by the *Premunitory* Clause; and Provincial Conventions, summoned by the King's writs to the two Archbishops. He shews, they have different rights, powers and privileges as such. In the Third he shews, That the Bishops and Clergy have a right to be assembled in Con-

vocation, at any, and all times, whenever the affairs of the Church require their consultation, or any benefit may thence accrue to Religion: But have no obligation to attend upon the Parliament, much less be forced to continue their attendance during every Session, when they have either nothing to do, or nothing to counter-vail the trouble and charge of such an attendance. In the Fourth he shews, That the Convocation has not, as a proper Provincial Council, any right to meet once a year, by virtue of the ancient Canons. In the Vth, VIth, VIIth, and VIIIth Chapters, he proves, that, neither in the time of *Edward I.* nor of any of the succeeding Reigns to the time of *Henry VIII.* did the two Convocations attend upon the Parliament, nor was it accounted their duty or privilege so to do. In Chap. IX, he shews that no right can in this case be proved from custom. In the Tenth, he considers the right of the Convocation to treat of Canons and Constitutions, without the assent or licence of the Prince. And at the end there is a large Appendix, of instruments and records, very few of which were ever published before.

1703-4. since the *Rhine* was open by the taking of *Bonne* all up to the *Moselle*, their main army, which was to be commanded by the Duke of *Mariborough*, should act there. More was not understood to be designed, except by those few, who were let into the secret. Upon this, all the preparations for the campaign were ordered to be carried up the *Rhine*, that all things might be in a readiness, when he should come over to take the field. The true secret was in few hands, and the *French* had no intimation of it, and consequently had no apprehensions about it. These matters being settled, the Duke left the *Hague* and returned to *London*.

Feb. 14. Changes in the Ministry. Burnet.

The Earl of Nottingham resigns.

The Earl of Jersey and Sir Edward Seymour dismissed.

The Earl of Kent made Lord Chamberlain. Mansel Comptroller. Harley Secretary of State. St. John Secretary at war. A libel prosecuted by the Gloucestershire Justices.

The Earl of *Nottingham* was animated by the party to press the Queen to dismiss the Dukes of *Somerset* and *Devonshire* from the Cabinet-Council, or at least, that they might be called thither no more. He moved it often, but, finding no inclination in the Queen to comply with his motion, he carried the seals to her, and told her, that he could not serve any longer in Councils, to which those Lords were admitted. The Queen desired him to consider better of it, but he returned next day fixed in his first resolution, to which he adhered the more steadily, because the Queen had sent to the Earl of *Jersey* for the Lord-Chamberlain's staff, and to Sir *Edward Seymour* for the Comptroller's. The Earl of *Jersey* was a weak man, but crafty and well-practised in the arts of a Court. His Lady was a Papist, and it was believed, that, while he was Ambassador in *France*, he was secretly reconciled to the court of *St. Germain's*, for after that he seemed to be in their interests. It was one of the reproaches of King *William's* Reign, that this Earl had so much credit with him; and the King was so sensible of it, that, if he had lived a little longer, he would have dismissed him. He was considered as the person, who was now in the closest correspondence with the Court of *France*; and, though he was in himself a very inconsiderable man, yet he was applied to by all those, who wished well to the Court of *St. Germain's*. His staff of Lord-Chamberlain was given to the Earl of *Kent*, who was the first Earl of *England*, and had a great estate. Mr. *Mansel*, the heir of a very considerable family in *Wales*, was made Comptroller of the Household; and, after a month's delay, Mr. *Harley*, the Speaker, was declared Secretary of State, and Mr. *Henry St. John* was appointed Secretary at war in the room of *Blaisbawyle*.

The late differences between the Lords and Commons had raised so great a ferment in the Nation, that the Parliament had not long been prorogued, before a paper was printed and dispersed, intitled, *Legion's humble address to the Lords*, wherein the proceedings of the Commons, with relation to the *Aylsbury* business, and the examination of the *Scots* plot, were reflected on with great freedom. The first were taxed as arbitrary and illegal, contrary to the liberties of Englishmen, destructive of the rights of election, and an invasion of the Nation's jurisdiction. And, as to the other, it was suggested, "that the complimenting her Majesty with the title of a Queen sitting on the Throne of her Ancestors by right of Succession from her Father, when, at the same time, they knew her right depended upon the validity of *Parlia-*

ment-limitation, and was built on the foot of the late *Revolution*, and the act of Settlement, was a barbarous treachery to the whole Nation, an insolent affront to her Majesty, an insinuation of the title of the pretended Prince of *Wales*, and a villainous attempt to destroy the present settlement of the Succession, and was consequently high treason by their own act of Parliament: And that to address her Majesty to extend her prerogative, and thereby to embroil her with the privilege of the Peers, was the most aggravated piece of treachery, that ever House of Commons was or could be guilty of; the same being an affront to her Majesty, a malicious design on her person, by persuading her to enter on that very thing, the exorbitant practice whereof was the ruin of her Father and Grandfather; an unprecedented attempt upon the liberties of the people, and a meddling with what they have no power or right to touch. Their Lordships were likewise applauded for their zeal, courage, and fidelity, in vindicating their own undoubted rights invaded by the House of Commons, in their diligent care for the safety of her Majesty's person, in searching after the deeply-laid contrivances of her enemies in the late plot, and in their asserting the liberties and rights of the people of *England* against the invasion and usurpation of the House of Commons. And, as the Lords were looked upon as the sanctuary and safety of this Nation, so, in the name of the injured Freeholders and Commons of *England*, their Lordships were assured, that they would firmly adhere to, and faithfully defend their Lordships in the further pursuit of these just and glorious ends." Though there was a great deal of truth in this paper, yet, being represented by the *Gloucestershire* Justices, at the instigation of Mr. *How*, to the Queen as of dangerous consequence, a proclamation was published, promising a reward of one hundred pounds for the discovery of the Author, and fifty pounds for apprehending the Printer, which had no effect. Six days after, the Queen, with Prince *George*, went from *St. James's* to *Windsor*, where they passed most part of the summer.

All this while the *Scots* plot made a great noise, and, accounts of it soon reaching *France*, about the *Frazer* was immediately shut up in the *Bastille* plot. On the other hand, *Lindsay*, who would discover nothing before the Committee of Lords, was tried upon the act made against corresponding with *France*, and sentenced to die. Being carried to *Tyburn*, he was told by the Sheriff, that he must expect no mercy, unless he acknowledged his crime, and discovered what he knew of the conspiracy. But, as it was believed, upon a secret intimation, that he was to be reprieved, he still continued obstinate and mute, and was carried back to *Newgate*, where he continued prisoner for some years, and then, being banished the Kingdom, he died in *Holland* in a very miserable condition. The truth is, whether, as some were of opinion, the Ministry found the Queen inclined to favour the friends of the Court of *St. Germain's*; or whether they themselves were unwilling to irritate the *Scots* at this critical juncture; it is most certain, that, even after the removal of the Earl of *Nottingham*,

1703-4. *ham*, the further discovery of the plot was prosecuted with great tenderness or negligence, as appeared from the following instance. Towards the end of June 1704, Captain *Francis Lacan*, late of the Lord *Galway's* regiment of foot in *Piedmont*, and who, in King *James's* time, had been an Ensign in *Dumbarion's* regiment, came over from *Holland*, and upon oath delivered an information in writing to Mr. Secretary *Harley*, importing in substance, "That Sir *George Maxwell*, well, Captain *Levingston*, Captain *Hayes*, and several other *Scots* Officers, who came from the Court of *St. Germain's* to *Holland*, near a year and a half before, after having held several private consultations in divers suspicious places in the neighbourhood of the *Hague*; and Sir *George* having in vain endeavoured to get a pass from Mr. *Stanhope*, the Queen's Envoy, they all embark'd for *Scotland*, to the number of fifteen or sixteen Gentlemen, with three Ladies, the same day that Captain *Lacan* sailed from the *Brill* for *England*, with the retinue of an Envoy from the Duke of *Savoy*." Mr. Secretary *Harley* having communicated this information to the Lord-Treasurer, orders were immediately dispatched to *Scotland* to seize Sir *George Maxwell* and his followers; which was accordingly done just upon their landing. But though, by what had already appeared before the Committee of the Lords and other concurring evidences, it was plain, that they came with a design to raise commotions in *Scotland*, yet they were soon after set at liberty; and Sir *George Maxwell* was not only permitted to come to *London*, but highly caressed by some great men. As for Captain *Lacan*, though his information proved so true and exact, that his zeal and diligence were at first greatly extolled, both by the Lord-Treasurer and the Secretary; and though he did further service to the Government, by seizing, in *St. James's Park*, a young *Irish* Gentleman, lately a retainer to the Court of *St. Germain's*; yet, after he had attended daily at the Secretary's Office for above three months, and consumed his small substance, he was sent back to *Holland*, without any other recompence than empty promises. Nor was this all, for the *Irish* youth, who to save his life, readily discovered all he knew, and who among other particulars, acquainted Mr. Secretary with the constant correspondence of the Duke of *Hamilton* with the Court of *St. Germain's*, was likewise sent to *Holland* with *Lacan* upon some idle business, for fear, as it is probable, that he should relate how easily he had escaped, or what little stress was laid on his discoveries. At the same time came over from *France*, without a pass, one of the daughters of Sir *Theophilus Ogletborpe*, and, consequently, lay at the mercy of the Government, but was never brought into trouble on that account.

Affairs of Scotland, Burnet. The Duke of *Queensberry's* management of the plot was so liable to exception, that it was not thought fit to employ him any longer in the Administration of *Scotland*; and it seems, he had likewise brought himself under the Queen's displeasure; for it had been proposed by some of his friends in the House of Lords, to desire the Queen to communicate to them a letter, which the Duke had wrote to her of such a date. This looked like an examination of the

Queen herself, to whom it ought to have been left, to send what letters she thought fit to the House, and they ought not to call for any one in particular. The matter of this letter made him liable to a very severe censure in *Scotland*; for, in plain words, he charged the majority of the Parliament, as determined in their proceedings by an influence from *St. Germain's*. This exposed him in *Scotland* to the fury of a Parliament; for, how true soever this might be, such a representation of a Parliament to the Queen, especially in matters, which could not be proved, was by the laws of that Kingdom, *Leefing-making*, and a capital crime.

The chief design of the Court, in the Session of Parliament this summer, was to get the Succession of the Crown to be declared, and a supply to be given for the army, which was run into a great arrear. In the debates of the former Session, those, who opposed every thing, more particularly the declaring the Succession, had insisted chiefly on motions to bring their own Constitution to such a settlement, that they might suffer no prejudice by their King's living in *England*. Mr. *James Johnston*, who had been Secretary of State for *Scotland* under King *William*, was now taken into the administration, and made Lord-Register in the room of Sir *James Murray of Philiphaugh*. He proposed, in concert with the Marquis of *Tweeddale* and some others in *Scotland*, that the Queen should empower her Commissioner to consent to a revival of the whole settlement made by King *Charles I.* in the year 1641. By that the King named a Privy-Council, and his Ministers of State in Parliament, who had a power to accept of, or to except to the nomination, without being bound to give the reason for excepting to it. In the intervals of Parliament, the King was to give all employments with the consent of the Privy Council. This was the main point of that settlement, which was looked upon by the wisest men of that time as a full security to all their laws and liberties. It did indeed divest the Crown of a great part of the prerogative, and it brought the Parliament into some equality with the Crown. The Queen, upon the representation made to her by her Ministers, offered this as a limitation upon the Successor, in case they would settle the succession, as *England* had done; and, for doing this, the Marquis of *Tweeddale* was named her Commissioner. The Queen also signified her pleasure very positively to all, who were employed by her, that she expected they should concur in settling the Succession, as they desired the continuance of her favour. Both the Duke of *Marlborough* and the Lord-Treasurer *Godolphin* expressed themselves very fully and positively to the same purpose. Yet it was artfully furnished and spread about by the Jacobites, and too easily believed by jealous and cautious people, that the Court was not sincere in this matter, or at best indifferent as to the success. Some went further, and said, that those, who were in a particular confidence at Court, secretly opposed it, and entered into a management or design to obstruct it. There did not appear any good ground for this suggestion; yet there was matter enough for jealousy to work on, and this was carefully improved by the Jacobites, in order to defeat the design; and

1704. and they were put in hopes, in case of a rupture, to have a considerable force sent to support them from *Dunkirk*.

The Duke of *Queensberry* being now laid aside, his colleague, the Earl of *Cromarty*, remained sole Secretary of State. The Earl of *Leven* was installed Governor of *Edinburgh*-castle in the room of the Earl of *March*, and the Earl of *Glasgow* removed from the place of Treasurer-Deputy, but his place was not filled.

On the 6th of *July*, the Parliament being met, the Queen's Commission, appointing the Marquis of *Tweeddale* to represent her Royal person, was recorded; and, five days after, the Lord-Commissioner presented to them the following letter from her Majesty:

A N N E R.

My Lords and Gentlemen,

Nothing has troubled us more, since our Accession to the Crown of these Realms, than the unsettled state of affairs in that our ancient Kingdom.

We hoped, that the foundations of differences and animosities, that, to our great regret, we discovered among you, did not lie so deep, but that, by the methods we have proceeded in, they might have been removed.

But, instead of success in our endeavours, the rent is become wider. Nay, divisions have proceeded to such a height, as to prove matter of encouragement to our enemies beyond sea to employ their emissaries among you, in order to debauch our good subjects from their allegiance, and to render that our ancient kingdom a scene of blood and disorder, merely, as they speak, to make you serve as a diversion.

But we are willing to hope, that none of our subjects, but such as were obnoxious to the laws for their crimes, or men of low and desperate fortunes, or that are otherwise inconsiderable, have given ear to such pernicious contrivances. And we have no reason to doubt of the assurances given us by those now intrusted with our authority, that they will use their utmost endeavours to convince our people of the advantage and necessity of the present measures. For we have always been inclined to believe, that the late mistakes did not proceed from any want of duty and respect to us, but only from different opinions as to measures of Government.

This being the case, we are resolved, for the full contentment and satisfaction of our people, to grant whatever can, in reason, be demanded for rectifying of abuses, and quieting the minds of all our good subjects.

In order to this, we have named the Marquis of *Tweeddale* our High-Commissioner, he being a person, of whose capacity and probity, or qualifications and dispositions to serve Us and the Country, neither we nor you can have any doubt. And we have fully empowered him to give you unquestionable proofs of our resolution to maintain the Government, both in Church and State, as by law established, in that our Kingdom; and to consent to such laws, as shall be found wanting for the further security of both, and

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preventing all encroachments on the same for the future.

Thus, having done our part, we are persuaded, that you will not fail to do yours, but will lay hold on this opportunity to shew the world the sincerity of the professions made to us, and that it was the true love of your Country, and the sense of your duty to it; and therefore not the want of duty to us (for we shall always reckon these two inconsistent) that was at the bottom of the late misunderstandings.

The main thing, that we recommend to you, and which we recommend to you with all the earnestness we are capable of, is the settling of the Succession in the Protestant line, as that which is absolutely necessary for your own peace and happiness, as well as our quiet and security in all our Dominions, and for the reputation of our affairs abroad; and consequently, for the strengthening the Protestant interest every where.

This has been our fixt judgment and resolution ever since we came to the Crown; and, though hitherto opportunities have not answered our intentions, matters are now come to that pass, by the undoubted evidence of the designs of our enemies, that a longer delay of settling the succession in the Protestant line may have very dangerous consequences; and a disappointment of it would infallibly make that our Kingdom the seat of war, and expose it to devastation and ruin.

As to the terms and conditions of Government, with regard to the Successor, we have empowered our Commissioner to give the Royal assent to whatever can, in reason, be demanded, and is in our power to grant, for securing the Sovereignty and Liberties of that our ancient Kingdom.

We are now in a war, which makes it necessary to provide for the defence of the Kingdom; the time of the funds, that were lately given for maintenance of the land-forces, being expired, and the said funds exhausted, provision ought also to be made for supplying the magazines with arms and ammunition, and repairing the forts and castles, and for the charge of the frigates, that prove so useful for guarding the coasts.

We earnestly recommend to you whatever may contribute to the advancement of true piety, and discouragement of vice and immorality; and, we doubt not, but you will take care to encourage trade, and improve the product and manufactories of the Nation, in all which, and every thing else, that can be for the good and happiness of our people, you shall have our hearty and ready concurrence. We shall only add, that unanimity and moderation in all your proceedings will be of great use for bringing to a happy issue the important affairs, that we have laid before you, and will be also most acceptable to us. So we bid you heartily farewell.

Given at our Court at *Windsor-Castle*, the 25th day of *June* 1704, and of our Reign the third year.

The Queen's letter was seconded by the speeches of the High-Commissioner and Lord-Chancellor, all tending to the settling the Succession, which

Proceedings of the Parliament of Scotland. Burnet Hist. of Europe. Lockhart.

1704. which was the first debate (1). A great party was now wrought on, when they understood that the settlement of 1641 was to be offered them. For the wisest Patriots in that Kingdom had always magnified that Constitution, as the best contrived scheme that could be desired: So they went in, with great zeal, to the accepting of it. But those who, in the former Session, had rejected all the motions of treating with England with some scorn, and had made this their constant topic, that they must, in the first place, secure their own Constitution at home, and then they might trust the rest to time, and to such accidents, as time might bring forth; now when they saw that every thing, that could be desired, was offered with relation to their own Government; they (being resolved to oppose any declaration of the Succession, what terms soever might be granted to obtain it) turned the argument wholly another way; to shew the necessity of a previous treaty with England. They were upon that told, that the Queen was ready to grant them every thing, that was reasonable, with relation to their own Constitution, yet, without the concurrence of the Parliament of England, she could grant nothing, in which England was concerned; for they were for demanding a share of the Plantation-trade, and that their ships might be comprehended within the act of navigation.

Pursuant to the scheme of a treaty before the Succession was fixed, the Duke of Hamilton presented a resolve, "That this Parliament would not proceed to name a Successor to the Crown, until the Scots had a previous treaty with England, in relation to commerce and other concerns." The Courtiers, not expecting the Cavaliers would have begun so early to oppose the Succession, were not a little surprized and perplexed at this resolve, and all they could do for the present was to procure a vote, that it should lie on the table till the next meeting four days after. The Duke of Hamilton having then moved the resuming of the consideration of his resolve, it occasioned a warm debate, in which Fletcher of Salton, in a particular manner, represented the hardships and miseries, which the Scots had suffered since the union of the two Crowns under one Sovereign, and the impossibility of bettering their condition, unless they took care to prevent any design, that tended to continue the same. Upon this, the Earl of Rothes presented another resolve, "That this Parliament would immediately proceed to make such limitations and conditions of Government, as might be judged proper for rectifying the Constitution, and to vindicate and secure the Sovereignty and Independency of the Nation; and then the Parliament would take into consideration the other resolve offered by the Duke of Hamilton for a treaty, previous to the nomination of a Successor to the Crown." This occasioned a new debate, wherein the Court-party earnestly urged the settling the Succession, before the House proceeded

to any other business; and, on the other hand, the Cavaliers made very sharp reflections on the proceedings of the Parliament of England, with relation to the Plot, which had great influence on many Members wholly unacquainted with that affair. However, the Court-party, thinking they were strong enough to give the Earl of Rothes's motion the preference to the Duke of Hamilton's resolve, insisted to have the question stated, Which of the two should come first under the consideration of the House? Upon which, great heats arose, and Sir James Falconer of Plesko spoke to this purpose, "That he was very glad to see such an emulation in the House, upon account of the Nation's interest and security: That he thought both the resolves under their consideration so good and necessary, that it was pity they should clash with one another; he therefore moved, that it be resolved, that this Parliament will not proceed to the nomination of a Successor, until there was a previous treaty with England, for regulating the commerce and other affairs with that Nation: And, that this Parliament will proceed to make such limitations and conditions of Government, as may secure the Religion, Liberty, and Independency of this Nation, before they proceed to the nomination of a Successor to the Crown." This joint resolve being put to the vote, it was carried by a majority of fifty-five voices. Of these, about thirty were in immediate dependence on the Court, and were determined according to directions given them. However, they went no farther in this vote for a treaty with England; for they could not agree among themselves who should be the Commissioners, and those, who opposed the declaring the Succession, were concerned for no more, when that affair was laid aside. It was therefore postponed, as a matter about which they took no farther care.

The Cavaliers were extremely elated by this victory; and the Duke of Athol, Lord Privy-Seal, and one of their Leaders, moved, "That her Majesty having been pleased to signify by her Commissioner, that the examination of the plot should be laid before the Parliament, his Grace would be pleased to write to her Majesty, to send down the persons, who were witnesses, and all the papers relating to that plot, as soon as possible, that the affair might be thoroughly examined; and those, who were unjustly accused, might be vindicated, and the guilty punished." Whereupon the Lord-Chancellor declared, by order of the Lord-Commissioner, that his Grace had written, and would write again to the Queen, for all the evidences relating to the plot. Two July 1. days after, the Duke of Hamilton moved, "That the Parliament would proceed to make such limitations and conditions of Government, for the rectifying of the Constitution, as might secure the Religion, Liberty, and Independency of this Nation; and that they would

(1) The Earl of Cromarty made also a strange speech (which was printed) running into a distinction among Divines, between the *revealed* and *secret* will of God, shewing, that no such distinction could be

applied to the Queen; she had but one will, and that was revealed: But, notwithstanding this speech, it was still suspected, that at least her Ministers had a *secret* will in this case.

1704. "would name Commissioners to treat with England, for regulating the commerce, and other concerns with that Nation, previous to all other business, except an act for two months cefs, first of all to be granted for the present subsistence of her Majesty's forces." Upon this, the Earl of *Marchmont* made a long speech, importing, "That, since the House had resolved not to fall immediately upon settling the Succession, it was reasonable, that an act should be made to exclude all Popish Successors." To which the Duke of *Hamilton* answered, "That he should be one of the first, who should draw his sword against a Popish Successor, though he did not think this a proper time, either to settle the Succession, or to consider of the Earl of *Marchmont's* proposal." After some debate, the consideration of the Duke of *Hamilton's* motion was adjourned for two days, when it was moved That the act presented by the Lord Justice *Clark*, and declared by him to be for fourteen months supply, payable in two years, might likewise be considered. After a debate, it was put to the vote, Whether to give a cefs for two, or for fourteen months? And, it was carried by sixteen voices, that it should be for two months only. The act of Supply was, four days after, taken again into consideration; but there was tacked to it a great part of the bill for the Security of the Nation, which (as hath been related) passed the former Session of Parliament, but was refused by the Throne*. After some debate, the following resolve was offered by the Lord *Rofs*, "That the Parliament will proceed to grant two months supply for subsisting her Majesty's forces; and, as soon as the act of Security, now read, has got the Royal assent, will give four months more." And then a second resolve was presented by the Earl of *Roxburgh*, "That there be a first reading marked on the act of Security; and that both this act, and that for the Supply, lie, without being further proceeded on, until her Majesty's Commissioner receive instructions as to the act of Security, it being then free for the Parliament to proceed to the acts jointly or separately, as they should think fit." After reasoning on both these resolves, the question was stated, Whether to approve the Lord *Rofs's* or the Earl of *Roxburgh's*? It was carried for the Lord *Rofs's*; and the act of Security being read, a first reading was ordered to be marked thereon. These things were carried with great heat and vehemence; for (as was before observed) a national humour of being independent on England fermented so strongly among all sorts of people without doors, that those, who went not into every hot motion that was made, were considered as the Betrayers of their Country: And they were so exposed to a popular fury, that some of those, who studied to stop the torrent, were thought to be in danger of their lives. The Presbyterians were so overawed with these proceedings, that, though they wished well to the settling the Succession, they durst not openly declare it. The Dukes of *Hamilton* and *Arbol* led all these violent motions, and the whole Nation was strangely inflamed.

The Ministers were in great perplexity how to act, with regard to the Supply bill, and the

tack, that was joined to it. If it was denied, the army could be no longer kept up; they had run so far in arrear, that, considering the poverty of the Country, that could not be carried on much longer. Some suggested, that it should be proposed to the English Ministry to advance the subsistence-money, till better measures could be taken; but none of the Scots Ministers would agree to that. An army is reckoned to belong to those, who pay it; and therefore an army, paid from England, would be called an English army. Nor was it possible to manage such a thing secretly. It was well known that there was no money in the Scots Treasury to pay them; so that, if money were once brought into the Treasury how secretly soever, all men must conclude, that it came from England. And men's minds were then so full of the conceit of Independency, that, if a suspicion arose of any such practice, probably it would have occasioned tumults. Even the army itself was so inflamed with this temper, that it was believed, that neither officers nor soldiers would have taken their pay, if they had believed it came from England. The affair was therefore reduced to this dilemma, that either the army must be disbanded, or the bill must pass. It is true, the army was a very small one, not above three thousand; but it was so ordered, that it was double or treble officered; so that it could have been easily increased to a much greater number, if there had been occasion for it. The Officers had served long, and were men of a good character. Since therefore there were alarms of an invasion, which both sides looked for, and the intelligence, which the Court had from France, assured them it was intended; the Ministers thought the inconveniencies arising from the tack might be remedied afterwards; but that the breaking of the army was such a pernicious thing, and might end so fatally, that it was not to be ventured on. Therefore, by common consent, a letter was wrote to the Queen, which was signed by all the Ministers in Scotland, in which they laid the whole matter before her, and every thing stated and balanced; concluding with their humble advice to pass the bill. This was very heavy on the Lord *Godolphin*, on whose counsel the Queen chiefly relied. He saw, that the ill consequences of breaking the army, and laying that Kingdom open to an invasion, would fall on him, if he should, in contradiction to the advice given by the Ministry of Scotland, have advised the Queen to reject the bill. This was under consideration in the end of July, when affairs abroad were in a great uncertainty; for though the victory at *Sebelburg* was a good step, yet the great decision was not then come. He thought therefore, considering the state of affairs, and the accidents, which might happen, that it was the safest thing for the Queen to comply with the advice of those to whom she trusted the affairs of that Kingdom. The Queen sent orders to pass the bill, which being done, Aug. 5. the Commissioner made the following speech on the occasion.

My Lords and Gentlemen,

"AT your sitting down, her Majesty, in her gracious letter, recommended to you two things, which she thought most necessary

1704. "sary for your own quiet and security, as well
 "as for that of her Government; the settling
 "of the Succession in the Protestant line, and
 "the providing for the subsistence of the forces,
 "the funds last given for that end being then
 "exhausted. The first of these you have not
 "thought fit for your interest to do at this
 "time. I heartily wish you may meet with an
 "opportunity for it more for your advantage
 "at another. The other all of you seemed
 "most ready and willing to go into, as witness
 "the several motions and resolves made there-
 "anent; but, withal, shewed strong inclinations
 "for an *act of Security*, as absolutely necessary.
 "I told you then, as I had done at first, that I
 "had been fully impowered and instructed, not
 "only as to that, but many other things for
 "your good; but, upon the alteration of cir-
 "cumstances, had not now the liberty to make
 "use of those powers even as to that, till I had
 "acquainted her Majesty, and knew her mind,
 "which I would do, and use my utmost interest
 "to procure it favourable; which was the true
 "reason of your long adjournment, and not
 "what was insinuated by some, who ought to
 "have known me better, the character I have
 "in the world being, as I hope, above so mean
 "a reflection.

"And now, my Lords and Gentlemen, I
 "can tell you, that, from her Majesty's innate
 "goodness and gracious disposition towards
 "you, it hath been more easy for me and some
 "other of her servants to prevail with her,
 "than perhaps was by others expected; so that
 "you have an *act of Security* sufficient for the
 "ends proposed. And it is hoped, at the same
 "time, you will perfect that of Supply, which
 "you yourselves seem convinced to be absolute-
 "ly necessary at this time, and without which
 "neither the forces can be kept on foot, nor
 "any frigate maintained for guarding our coasts
 "and securing our trade; both which now lying
 "before you, I hope you will go presently
 "about, that, when finished, they may have the
 "Royal assent, which I am ready to give.
 "And therefore you may have time to proceed
 "to other business relating to trade, or your
 "other concerns, wherein I shall be willing to
 "comply with your desires, so they be within
 "the bounds of my instructions.

Thus this *act of Security* was passed after the
 battle of *Blenheim* was over, but several days
 before the news of it reached *England*. When
 the act passed, copies of it were sent to *Eng-
 land*, where it was soon printed by those, who
 were uneasy at the Lord *Gadolphin's* holding the
 white staff, and resolved to make use of this
 against him; for the whole blame of passing it
 was cast upon him (1). It was not possible to
 prove, that he had advised the Queen to it,

and therefore some took it by another handle, 1704.
 and resolved to urge it against him, that he had
 not persuaded the Queen to reject it, though
 that seemed a great stretch; for, he being a
 stranger to *Scotland*, it might have been liable
 to more objection, if he had presumed to advise
 the Queen to refuse a bill passed in the Parlia-
 ment of that Kingdom, which all the Ministry
 there advised her to pass. Severe censures were
 passed upon this act. It was said, that the two
 Kingdoms were now divided by law, and that
 the *Scots* were putting themselves in a posture to
 defend it; and all saw by whose advices this
 was done. One thing, which contributed to
 keep up an ill humour in the Parliament of
Scotland, was more justly imputed to him.
 The Queen had promised to send down to
 them all the examinations relating to the plot.
 If these had been sent down, probably in the
 first heat the matter might have been carried
 far against the Duke of *Queensberry*. But he,
 who stayed all the while in *London*, got it to be
 represented to the Queen, that the sending
 down these examinations, with the persons con-
 cerned in them, would run the Session into so
 much heat, and into such a length, that it
 would divert them quite from considering the
 Succession, and it might produce a tragical
 scene. Upon these suggestions, the Queen al-
 tered her resolution of sending them down;
 and though repeated applications were made to
 her, both by the Parliament and her Ministers,
 to have them sent, yet no answer was made to
 these, nor was so much as an excuse made for
 not sending them. The Duke of *Queensberry*,
 having gained this point, got all his friends to join
 with the party, that opposed the new Ministry.
 This both defeated all their projects, and fos-
 tened the spirits of those, who were so set
 against him, that in their first fury no stop
 could have been put to their proceedings. But
 now the party, that had designed to ruin him,
 was so much wrought on by the assistance, that
 his friends gave them in this Session, that they
 resolved to preserve him.

The Parliament having granted a six months
 cess for the pay of the army, they were enter-
 ing upon debates about the plot and the pro-
 ceedings of the *English* House of Lords in that
 affair, as an undue intermeddling with their con-
 cerns, and an encroachment upon the Sove-
 reignty and Independence of their Nation,
 when the High-Commissioner told them, that
 he was not allowed to give them any more time,
 but that they should soon have another oppor-
 tunity of doing what still remained to be done;
 for no disappointment, her Majesty had met
 with, could alter, in the least, her favourable dis-
 positions towards that her ancient Kingdom.
 After which, the Parliament was prorogued to
 the 7th of *October*. However, before they sepa-
 rated

Aug. 27.

(1) This act was in substance much the same with
 that to which the Duke of *Queensberry* had refused the
 Royal assent. By the act it was provided, that, if the
 Queen should die without issue, a Parliament should
 presently meet, and they were to declare the Successor
 to the Crown, who should not be the same person,
 that was possessed of the Crown of *England*, unless
 before that time there should be a Settlement made in
 Parliament, of the rights and liberties of the Nation,

independent on *English* Councils. By another clause
 in the act, it was made lawful to arm the subjects, and
 to train them and put them in a posture of defence.
 This was chiefly pressed, in behalf of the best-affected
 in the Kingdom, who were not armed; for the *High-
 landers*, who were the worst-affected, were well
 armed; so, to balance that, it was moved, that leave
 should be given to arm the rest.

(1) However

1704. parated, they drew up an address to the Queen, desiring, that the evidence and papers, relating to the plot, might be laid before them against the next Session.

This was the state of that Nation, which was aggravated very odiously all over England. It was confidently, though, as was afterwards known, very falsely reported, that great quantities of arms were brought over, and dispersed through the whole Kingdom. And, it being well known, how poor the Nation was at that time, it was said, those arms were paid for by other hands, in imitation of what it was believed Cardinal Richelieu did in the year 1638. Another thing was given out very maliciously by the Lord Godolphin's enemies, that he had given directions under-hand, to hinder the declaring the Succession; and that the secret of this was trusted to Mr. Johnson, who, they said, talked openly one way, and acted secretly another, though there never appeared any colour of truth in those reports. Great use was to be made of the affairs of Scotland, because there was no ground of complaint of any thing in the administration at home. All the Duke of Marlborough's enemies saw, that his chief strength lay in the credit which the Lord Godolphin was in at home, while he was so successful abroad; so that, it being impossible to attack him in such a course of glory, they laid their aims against the Lord-Treasurer. The Tories resolved to attack him, and that disposed the Whigs to preserve him; and this was so managed by them, that it gave a great turn to all the Councils at home.

Changes in the Scots Ministry. Immediately after the adjournment of the Parliament, the Courtiers repaired to London, where the Marquis of Tweeddale was made Chancellor of Scotland; the Earls of Seafield and Roxburgh, Secretaries of State; the Earl of Rothes, Lord-Privy-Seal; the Earl of Cromarty, Justice-General; Mr. Bailie of Jervis-wood, Treasurer-Deputy; and the Earl of Selkirk, Lord Belhaven, and Sir John Hume, Lords of the Treasury; Sir William Hamilton was also made Justice-Clerk; but he lived not to enjoy

that office many months, and was succeeded by Adam Cockburn of Ormiston. A new Commission was, at the same time, sent down to Edinburgh, by which most of the Cavaliers, and all the Duke of Queensberry's friends, were laid aside, and it was made up entirely of Scots Revolutioners. And thus the administration of affairs in Scotland was lodged in the hands of a body of men, who concurred with the measures at that time pursued by the Court of England. It is now time to turn to the operations of the war.

The affairs of the Empire were in the beginning of this campaign in a very desperate condition. The Emperor was reduced to the last extremities. The Elector of Bavaria was Master of the Danube as far as Passau, and the Malecontents in Hungary were making a formidable progress. The Emperor was not in a condition to maintain a defensive war long on both sides, nor was he able to make any opposition at all against them, should they once come to act by concert. Thus his affairs had a very gloomy appearance, and utter ruin was to be apprehended. Vienna was in apparent danger of being besieged on both sides, and it was not capable of making a long defence; so that the House of Austria seemed lost beyond all prospect of a recovery. Prince Eugene wisely proposed, that the Emperor should implore the protection of the Queen of Great Britain, which was agreed to, and Count Wratislaw managed the affair at the Court of England with great application and secrecy (1). The Duke of Marlborough saw the necessity of undertaking the Emperor's relief, and resolved to use all possible endeavours to put it in execution. When he went into Holland in the winter, he proposed it to the Pensionary, and other persons of the greatest confidence. They approved it, but it was not advisable to propose it to the States, since at that time many would not have thought their Country safe, if their army should be sent so far from them; and nothing could be long a secret, which was proposed to such an Assembly, whereas the main hope of succeeding in this design

(1) However for form sake, and to prepare the way for the reception of a resolution, that had been already taken, Wratislaw presented the following memorial to the Queen, on the 2d of April:

"That he had several times represented to her Majesty's Ministers, by word of mouth, the pressing necessities of the Empire, by the breaking in of a considerable army of French into Bavaria; which (together with the insurrection in Hungary) had reduced the Imperial Hereditary Countries to an incredible perplexity and confusion; so that it was to be feared, that an entire revolution and desolation of all Germany would follow, if some speedy assistance were not applied, proportionable to the great dangers they were threatened with. He was indeed extremely well satisfied with the zeal, which her Majesty's Ministers had for the common cause, and with the attention they gave to his representations. But nothing being as yet resolved on, though the season was far advanced; and the final resolution on the several schemes, which had been presented, being deferred till the arrival of the Duke of Marlborough at the Hague; he thought himself obliged, before his Grace's departure, to do his utmost endeavour, by representing in writing the danger,

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"wherein the Emperor and Empire were at present involved. That her Majesty out of the same zeal for preserving the liberties of Europe, for which she was so much famed, would be pleased to order the Duke of Marlborough, her Captain-General, seriously to consult with the States-General, concerning the speediest method for assisting the Empire; or, at least, to conduct part of the troops in her Majesty's pay beyond the sea, to preserve Germany from a total subversion; it not being just in itself, nor any ways advantageous to the common cause, that her Majesty's troops should continue on the frontiers of Holland, which were not in the least threatened by the enemy, and were defended by great rivers and strong places; whilst the Empire was destroyed by the French troops with fire and sword." In conclusion Count Wratislaw declared, "That the representations he had made were grounded on the Alliance concluded between the Emperor, England, and Holland; pursuant to which, he hoped, her Majesty would give such orders, as were necessary for the Assistance of Germany, by the want of which he foresaw the mischiefs, that would arise to the common cause, especially if the orders of the States-General to recall their troops from the Empire should take place, at a time, when France endeavoured

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1304. sign lay in the secrecy, with which it was conducted. Therefore, under the pretext of carrying the war to the *Moselle*, every thing was prepared, that was necessary for executing the true design.

The Duke of Marlborough arrives in Holland. April 21. N. S. Brodrick. Conduct of the Duke of Marlborough.

The Duke of Marlborough, with his brother General Churchill, Lieutenant-General Lumley, the Earl of Orkney, and other General Officers, embarked for Holland, and, in three days, arrived at the *Hague*. Two days after his coming, he was attended by a solemn deputation of the *States*, in order to confer with him. The Conference lasted six hours. The chief subject of debate was about sending a good army towards the *Moselle*. This was all that was proposed in public, and to this the *States of Zealand*, and two other Provinces, strongly objected. They would not agree, that the Duke should have an unlimited command to lead the army where he pleased, and thought it a very dangerous project to march the troops at so great a distance. The *Zealand* Deputies opposed it so strenuously, that the Duke was obliged to tell them plainly, that he had the Queen's positive orders to march with the troops in her pay towards the *Moselle*.

The Duke of Marlborough's march into Germany. May 5. May 10.

Accordingly, having taken his leave of the *States*, the Duke set out from Holland, and, in five days, arrived at *Maastricht*, where his army was incamped. About the same time, the *States* regulated the posts of their General Officers. Monsieur *Auverquerque*, their Field-Marshal, was appointed to command their forces on the *Meuse*, having under him the Counts *de Tilly* and *Noyelles*; *Slangenburg* those on the *Moselle*; *Salische* in *Brabant*; and *Spaar* and *Fogel* in *Flanders*.

May 18.

From *Maastricht* the Duke of Marlborough marched to *Bedburg*, and, his camp being near *Cologne*, he was waited on by the Canons of that Chapter, the Prince of *Saxe-Zeits*, Bishop of *Roan*, the Prince of *Hesse*, Count *Briançon*, the Duke of *Savoy's* Envoy to the Queen of England, and other Princes and Generals.

The French endeavour to stop his march.

The French in *Flanders* began by this time to be alarmed, though they were far from suspecting the Duke's real design. His marching towards *Coblentz*, and the great preparations, which were making in that place, made them believe, that he designed to open the campaign with the siege of *Traarbach*, and endeavour to advance along the *Moselle* into France. Upon this supposition they detached five thousand foot, and two thousand horse towards that river, and gave out, that they intended the siege of *Huy*; vainly imagining, that, by this report, they might stop the progress of the English General. But the Duke, well knowing that the forces, which were left in *Flanders* under *Auverquerque*, were sufficient to frustrate any attempt, which the French could make on that side, continued his march, and advanced from *Bedburg* to *Kerpenerd*,

May 20.

The next day to *Kalscheek*, where he received an express from Prince *Lewis* of *Baden*, with some intercepted letters, by which it appeared, that the French intended to force their passage thro' the *Black Forest*, and, after joining the *Bavarians*; to march directly to *Vienna*. About the same time, the Duke received advice from the *Netherlands*, that the Court of France had sent positive orders to *Villeroy*, to march towards the *Moselle* with five and thirty battalions, and six and forty squadrons, being still firmly persuaded, that the Duke would act on that side. Upon this, the Duke gave immediate orders for his forces to march with all expedition; and whilst the army was on a full march, he went to take a view of the fortifications of *Bonne*, where, having given his directions to the Governor of that place, he returned in the evening to the army. Here he received certain advice, that the recruits for the French army in *Bavaria*, with farther reinforcements, had joined the Elector three days before at *Villingen*. But the Duke, notwithstanding this junction of the enemies, was, on account of the number of the troops, which the French left behind them, and by the Marshal's marching back with the rest of his army towards the *Rhine*, confirmed in his opinion, that the enemies were as yet wholly ignorant of his design. He therefore continued his march with unwearied diligence, and advanced to the camp of *Neudorf* near *Coblentz*, where, besides Mr. *Devenant*, the Queen's Agent at *Frankfort*, and Monsieur *d'Amelo*, Envoy Extraordinary from the *States-General*, Count *Wratisslaw*, in his return from *London*, waited on him, to settle all things for his farther march, and his conjunction with the Imperial army. Then the Duke passed the *Neckar* near *Ladenburg*, where he rested three days. Having, by this time, gained the advance of some days of the French army, he wrote to the *States* from *Ladenburg*, to let them know that he had the Queen's order to march to the relief of the Empire, with which he hoped they would agree, and allow his carrying their troops to share in the honour of that expedition. He had their answer as quick as the Courier could bring it, by which they approved of the design, and of his carrying their troops with him. So he had now the whole army at his own disposal.

The French imagining that he would advance to the Upper *Rhine*, *Villeroy* marched thither with all possible speed; and, at the same time, a detachment of seven battalions and twenty-one squadrons, from the Confederate army in *Flanders*, under the Duke of *Wurtemberg*, followed the Duke of Marlborough, who marched from *Ladenburg* to *Mildenheim*, where, the next day, Prince *Eugene* paid him a visit. The consultations between the Prince and the Duke lasted several hours; and it was agreed upon, that

"voured to send a powerful assistance to their army
"in *Bavaria*."

To this memorial the Queen was pleased to return an answer, importing, "That she had given directions to the Duke of Marlborough, to take the most effectual methods with the *States-General* of the *United Provinces*, her good Allies and Confederates, to send a speedy relief to his Imperial Majesty and

"the Empire, and to press the *States* to take the necessary measures to rescue Germany from the imminent danger, to which it was now exposed." *Lamberti* III.

It is said the Duke of Marlborough communicated his project at first only to the Queen, Prince *George*, and the Treasurer, and in Holland only to the Pensionary and Deputy *Geldermallen*.

(1) Prince

1704. the two armies should join, and the Duke and Prince *Lewis* of *Baden* should command each day alternately, and that Prince *Eugene* should go upon the *Rhine*, to command a separate army. The troops being drawn up in order of battle, the Duke accompanied Prince *Eugene* to a review, when the Prince seemed wonderfully pleased to find them in such excellent order after so long a march (1). The next day, Prince *Lewis* of *Baden* arrived in the camp at *Great Heppach*, where a Conference was held in the evening. The day following, the troops marched from *Great Heppach*, and Prince *Lewis* went to his army on the *Danube*, and Prince *Eugene* rid post for *Philipsburg*, to command the army on the *Rhine*; and, on the 22d, joined Prince *Lewis* of *Baden* at *Wafterstet*. On the 24th, the army marched from thence to *Elchingen*; the next day to *Gingen*. On the 30th, the army marched from thence to *Landshausen* on the right, and *Balmersbussen* on the left, and passed so near the enemy's camp, that Lieutenant-General *Bulau* was sent out the night before with a detachment of two thousand horse and dragoons, to secure the avenues, by which they might have disturbed the march of the Allies, who, by this means, proceeded without any opposition. On the 1st of *July*, they continued their march in sight of the enemy's intrenchments at *Dillingen*, and incamped the night at *Amerdighen*, and the left at *Onderingen*.

The battle
of Schellenberg.

While they lay in this camp, the Duke received advice, that the Elector of *Bavaria* had sent the best of his infantry to reinforce Count *d'Arco*, who was posted at *Schellenberg*, a rising ground on the *Danube*, near *Donawert*, where, for several days, he had caused some thousands of men to work upon intrenchments, as being a post of vast importance. The Duke resolved to march and attack the enemy; and the necessary directions being given to the army, on the 2d of *July*, early in the morning, he advanced with a detachment of thirty squadrons of *English* and *Dutch*, a considerable number of foot commanded by Lieutenant-General *Goor*, three battalions of Imperial Grenadiers under Prince *Lewis* of *Baden*, and the rest of the army followed with all possible diligence. But the march being long, and the ways very bad, they could not reach the river *Wermitz*, which runs by *Donawert*, till about noon, and it was three hours before the bridges were finished, for the troops and cannon to pass over. About five o'clock in the afternoon, they came before *Schellenberg*, and the Duke of *Marlborough* moved up with the horse as near the enemy's intrenchments, as was necessary to take a view of them. In the mean time, the artillery began to fire upon the enemy, who answered briskly from their batteries for about an hour; when the *English* and *Dutch* foot, supported by the horse and dragoons, began the attack with prodigious resolution, before the Imperialists could arrive; but, having the greatest part of the enemy's forces to con-

tend with, they were at first obliged to give ground. Soon after the Imperialists came up very seasonably, and, being led on in good order by Prince *Lewis* of *Baden*, advanced to the enemy's works without once firing, threw their fascines into the ditch, and passed over with inconsiderable loss. The enemy's horse charged them vigorously, but were repulsed; and then, the Imperial cavalry entering their intrenchments, and the *English* and *Dutch* breaking in about the same time, the Confederates made a dreadful slaughter of the enemy. Lieutenant-General *Goor*, who commanded the first detachment of foot, and Major-General *Beinheim*, both in the *Dutch* service, lost their lives very much lamented. The horse and dragoons shared the glory of the day with the infantry; and all the Confederate troops behaved themselves with incredible bravery and resolution. But, as the attack was begun by a battalion of the *English* foot-guards, and the regiments of *Orkney* and *Ingoldby*, they suffered very much. The enemy's forces consisted of thirty-two thousand men, all choice troops, commanded in chief by Count *d'Arco*, and under him by two *Bavarian* and two *French* Lieutenant-Generals. As soon as the Confederates had possessed the intrenchments, the enemy ran away in great confusion to *Donawert* and the *Danube*; but, being closely pursued by the horse and dragoons, a great many followed the example of their Generals, who saved themselves by swimming over that river. The loss of the enemy was computed to be about six thousand Men. The Confederates made themselves masters of sixteen pieces of cannon, thirteen colours, with all their tents and baggage. The Duke of *Marlborough* gained great honour in this action, giving directions with extraordinary presence of mind, and exposing his person to the greatest danger. Prince *Lewis* of *Baden* was wounded, having performed the part of a brave experienced General; as was also the Hereditary Prince of *Hesse-Cassel*, who, throughout the whole action, gave signal proofs of an undaunted courage. Count *Stirum* was mortally wounded. General *Thungen*, Count *Horn*, Lieutenant-General *Wood*, Major-General *Paland*, and several other officers of distinction, were likewise wounded. The next day, the *Bavarian* garrison quitted *Donawert* (2), upon the approach of the Confederates, and broke down the bridges; but had not time to destroy their ammunition and provisions, as they had intended.

The Elector of *Bavaria* was no sooner informed of the defeat of his troops at *Schellenberg*, than he quitted his strong camp between *Dillingen* and *Lavingen*, and came to the other side of the *Danube*, over-against *Donawert*, in his march to the river *Leche*, to prevent the Confederates cutting off his retreat to his Country.

On the 5th of *July*, the Duke of *Marlborough* passed the *Danube* near *Donawert*; and, on the 17th, Count *de Frise*, with a detachment of four

(1) Prince *Eugene* said to the Duke: "I never saw better horses, arms, and clothing, but all these things may be purchased with money; what strikes me most, is the courage which appears in the countenance of the soldiers, of which I never saw the like in any troops." *Lamerti*, III. 80.

(2) *Donawert* is a City of Germany in the confines of *Swabia*, *Neuburg*, and *Bavaria*. It was taken by the Duke of *Marlborough*, after the memorable victory above-mentioned. It stands on the river *Danube*, twenty-five miles North of *Angsburg*, seventeen West of *Neuburg*, and forty-four North-east of *Ulm*.

(1) *Rain*

1704. four thousand men and twelve pieces of cannon, marched over the river *Lech*, and took post in the country of *Bavaria*. The whole army marched at the same time, and incamped with the right at *Hamber*, and the left at *Gunderkingen*. Upon the first notice of the Allies having begun to pass the *Lech*, the garrison of *Neuburg* marched out, and retired to *Ingoldstadt*. Whereupon, a detachment of dragoons was immediately sent out by the Duke of *Marlborough*, to take possession of that place; and Prince *Lewis* of *Baden* ordered General *Herberville*, who commanded a separate body of between three and four thousand men on the other side of the *Danube*, to remain there, for the security of that important place, and for the drawing of provisions out of *Franconia*, for the subsistence of the Confederate troops, while they continued in *Bavaria*. On the 10th, the whole army passed the *Lech*; and, on the 13th, Count *Vecklen*, General of the *Palatine* horse, arrived from Prince *Eugene* of *Savoy* with an account, that the Marshals *Villeroy* and *Tallard* had passed the *Rhine* above fort *Kehl*, in order to succour the Elector of *Bavaria*; for which reason he desired a reinforcement of horse, to inable him the better to observe the enemy's motions. Upon which, Prince *Maximilian* of *Hanover* was detached with thirty squadrons of Imperial horse, with orders to join Prince *Eugene* with all possible diligence.

Rain surrenders to the Allies.

The enemy having left a garrison at *Rain* (1), the Confederate Generals resolved to attack it; and, in order thereto, the army decamped from *Gunderkingen*, passed the *Lech*, and came with the right to *Stauda*, and the left to *Berchheim*. The garrison at first seemed resolved to defend the place to the last extremity; but, the Besiegers playing upon the town with twenty-seven pieces of cannon, their approaches were carried on so successfully, that in two days the Governor desired to capitulate; and, the articles being agreed on, the garrison marched out the next day, to the number of about four hundred foot, commanded by the Count *de Mercy*, Brigadier-General, and were conducted by a party of horse to the Elector of *Bavaria*'s camp near *Augsburg*. There were found in the place twenty-four brass cannon, a considerable quantity of provisions, and some ammunition. The Allies, encouraged by the success of their arms, were willing to push their advantages; and, on the 18th, marched to attack the post of *Aicha*, which had a garrison of eight or nine hundred *Bavarians*; who, refusing to submit, were part of them put to the sword, the rest made prisoners of war, and the town permitted to be plundered by the soldiers. The Confederate army having refreshed themselves two days at *Aicha*, marched from thence on the 21st, and the next day possessed themselves of *Friburg*.

Burnet.

The Duke of *Marlborough*, having now the Elector of *Bavaria* at so great a disadvantage, entered upon a treaty with him, and offered him what terms he could desire, either for himself or his brother, even to the paying him the whole charge of the war, upon condition that

he would immediately break with the *French*, 1704. and send his army into *Italy* to join with the Imperialists there. The Elector's subjects, who were now at mercy, pressed him vehemently to accept of these terms; and he seemed inclined to hearken to them, and Messengers went often between the two armies. But this was done only to gain time, for he sent Courier after Courier with most pressing instances to hasten the advance of the *French* army. When he saw, that he could gain no more time, the matter went so far, that articles were ordered to be made ready for signing, which, in conclusion, he refused to do. This refusal was highly resented by the Duke of *Marlborough* and Prince *Lewis* of *Baden*, who immediately sent out the Count *de la Tour*, General of the Imperial horse, and the Count of *Ess-Frisland*, Lieutenant-General in the *Dutch* service, with thirty squadrons of horse and dragoons, to plunder and burn the Country of *Bavaria* as far as *Munich*, the Capital City, hoping, that either a generous compassion for his subjects, or the want of subsistence, would conquer the Elector's obstinacy. In the mean time, the inhabitants of these parts were in the greatest consternation, and sent Deputies to the Duke of *Marlborough*, offering to pay large contributions to prevent military execution. But the Duke replied, "That the forces of the Queen of *Great-Britain* were not come into *Bavaria* to get money, but to bring their Prince to reason." The two Generals therefore put their Commission in execution with the utmost severity, while the Elector of *Bavaria* and the Marshal *de Marsin*, having evacuated *Ratisbon*, were obliged to confine themselves within their strong camp and intrenchments at *Augsburg*, in expectation of another army from *France* under Marshal *Tallard*, which, notwithstanding all the vigilance and precaution of Prince *Eugene*, arrived before the end of *July* at *Biberach* near *Ulm*, to the number of about twenty-two thousand men. Upon this, the Elector marched with his army from *Augsburg*, and took that opportunity to join the *French*.

The Confederate army, under the Duke of *Marlborough*, having intelligence of these proceedings, decamped on the 4th of *August* from *Friburg*, and marched that night to *Kippach*.

The next morning they encamped from thence, and marched to *Hohenwert*, where they continued two days. During that time, the Duke of *Marlborough*, Prince *Eugene*, and Prince *Lewis* of *Baden* held a Council of war; wherein it was agreed, that Prince *Lewis* should besiege *Ingoldstadt*, whilst the other two were to observe the Elector of *Bavaria*. On the 8th, the army under the Duke of *Marlborough* marched from *Hohenwert* to *St. San-Kitzel*; and, on the 9th, from thence to *Axheim*; and, at the same time, Prince *Lewis* went another way, and bent his march directly to *Neuburg*, in order to invest *Ingoldstadt*. The same day, the Duke of *Marlborough* received advice, that the enemy had passed part of their army over the *Danube*, at *Levingen*: Whereupon he ordered General

Carol.

(1) *Rain* is a little Town in *Germany*, in the Circle of *Bavaria*, near the *Danube* and *Lech*, six miles East of *Donawert*, and nine West of *Neuburg*.

(1) *Hochstet*

1704. *Churchill* to march with a strong detachment over that river at *Schonevelt*; to reinforce, *Prince Eugene*, who lay incamped near *Donawert*. The 10th, they marched to *Schonevelt*; and, the day following, intelligence was brought, that the enemy's troops had all got over the *Danube*; so that the Duke of *Marlborough* immediately ordered his army to march by break of day, and pass that river likewise; which was performed accordingly, and, at night, the whole army, being rejoined, incamped at *Munster*. On the 12th, very early in the morning, the Generals of the Allies went to view the enemy's army, taking with them all the piquet guard, which consisted of twenty-eight squadrons. The Duke of *Marlborough* and *Prince Eugene* went up to the top of a tower called *Tbiffingen*, that they might the better observe the posture of the enemy; and they took notice, that their advanced squadrons, which were in motion towards the Allies, stopped short, after they had perceived them. They were possessed of a very advantageous post, on a hill near *Hochstet* (1), their right flank being covered by the *Danube*, and the village of *Blenheim* (2), and the left by the village of *Luzzenen*; and they had a rivulet before them, whose banks were very high, and the bottom marshy. However, after some consultation, it was thought proper to fall upon the enemy, before they had time to fortify themselves in that post. The Duke of *Marlborough* and *Prince Eugene* saw the danger of being forced to lie idle in their own camp, till their forage should be consumed, and their provisions spent. They had also intercepted letters from *Marshal Villeroy* to the Elector of *Bavaria*, by which it appeared, that he had orders to march into *Wirtemberg*, to destroy that Country, and to cut off the communication with the *Rhine*, which must have been fatal to the Allies. The necessary dispositions were therefore made for the next morning's action. Many of the General Officers came and represented to the Duke of *Marlborough* the difficulties of the design; he answered, That he saw these well, but the thing was absolutely necessary; so they were sent to give orders every where, which were received all over the army with an alacrity, that gave a happy presage of the success which followed.

Battle of Hochstet.
Brodrick. On the 13th of *August*, a day, which decided the Elector's fate by the loss of all his Country, early in the morning, the whole Confederate army marched from *Munster*, leaving their tents standing; and the Duke of *Marlborough* and *Prince Eugene*, having posted themselves on a rising ground, summoned all the General Officers, to give them the necessary directions, in order to attack the enemy; upon which, the army advanced to the plain, and were drawn up in order of battle. About nine

o'clock, the enemy fired some cannon upon our troops, as they were marching to form the line, who were answered from our batteries with good success; and both armies continued cannonading each other till near one; during which time, the Duke of *Marlborough* ordered a little rivulet, and morass in the front of the enemy to be founded; and, where it was found impassable, orders were given to the horse of the second line of the Allies to provide themselves, each squadron within twenty fascines, to facilitate the passage. These preparations being made, the Duke of *Marlborough* gave orders for a general attack, which was begun about one o'clock. *Prince Eugene* and the Imperial General Officers were on the right: General *Churchill*, the Lord *Cutts*, Lieutenant-General *Lamley*, the Lord *Orkney*, and Lieutenant-General *Ingoldby*, with the rest of the *English* and *Dutch* Generals, were on the left; and the Duke of *Marlborough* in the center commanded the whole. Major-General *Wilks* made the first onset with five *English* battalions of *Howe*, *Ingoldby*, *Marlborough*, *Rowe*, and *North* and *Grey*, and four battalions of *Hessians*, supported by the Lord *Cutts*, and Major-General *St. Paul*, with eleven other battalions, and fifteen squadrons of horse, under the command of Major-General *Wood*. The five *English* battalions, led on by Brigadier *Rowe*, who charged on foot at the head of his own regiment with unparalleled intrepidity, assaulted the village of *Blenheim*, advancing to the very muzzles of the enemies muskets, and some of the Officers exchanging thrusts of swords with the *French* through the palisadoes. But, being exposed to a fire much superior to their own, they were soon obliged to retire, leaving behind them one third part of their men either killed or mortally wounded, the Brigadier who commanded them, being among the last. In this retreat, they were pursued by thirteen squadrons of the *French* *Gendarmes* and *Carabiniers* who would have intirely cut them to pieces, had not the *Hessian* infantry stopped their career, by the great fire they made upon them. The *French* being repulled, and forced to fly in their turn, were chased by five squadrons of *English* horse, who, by this time, had passed the rivulet; but, whilst the enemy rallied themselves, some fresh Brigades, superior in number, came to their assistance, charged the assailants with great vigour, and obliged many of them to repass the rivulet with great precipitation. Here again the *Hessian* foot performed signal service, putting the *French* to the rout by their continual fire, and regaining the colours, which they had taken from *Rowe's* regiment.

While *Rowe's* brigade rallied themselves, that of *Ferguson*, commanded by himself, attacked the village of *Blenheim* on the left, but with no

(1) *Hochstet* is a pretty large Town in Germany, in the Circle of *Suabia*, rendered famous to all posterity by the glorious victory obtained in its neighbourhood, over the joint-forces of *France* and *Bavaria*, by the *English*, *Dutch*, and Imperial arms, under the conduct of the Duke of *Marlborough* and *Prince Eugene* of *Savoy*. It lies upon the *Danube* on the North-side, twenty-nine miles South-West of *Ulm*, and ten miles West-by-South of *Donawert*.

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(2) *Blenheim* (alias *Plentheim* a village in Germany, in the Circle of *Bavaria*, upon the Confines of *Suabia*. It stands on the North-side of the *Danube*, and has, on the North-East side of it, a very small rivulet called the *Mühl-Weyer*. It is three miles almost East from *Hochstet*, nine West-South-West from *Donawert*, thirty North-East from *Ulm*, and thirty-one North-West from *Augsburg*.

1704. no better success; and, though both returned three or four times to the charge with equal vigour, yet they were both still repulsed with like disadvantage, so that it was found impossible to force the enemy in that post, without entirely sacrificing the Confederate infantry.

The *English* foot having thus begun the engagement on the left, the horse of the same wing passed the rivulet, with great bravery, over-against the center or main battalia of the enemy; as did likewise that of the right wing, having made several passages with divers pieces of wood. After which, they drew up in order of battle, the *French* and *Bavarians* giving them all the time, that could be desired for that purpose, keeping themselves very quiet on the hills, which they were possessed of, without descending into the meadows towards the rivulet, so that even the second line of the horse had time to form themselves: And to this capital fault of the *French*, the Confederates were thought to have owed principally their victory. This neglect is said to have proceeded from an ill-timed haughtiness and presumption of *Marshall de Tallard*, who being informed, that the Allies were laying bridges on the rivulet, used this expression, "If they have not bridges enough, I will lend them some;" and when they told him that our troops were actually coming over the rivulet, he is reported to have said, "Let them pass; the more comes over, the more we shall have to kill and make prisoners." But, on the other hand, it is alleged by some, that he had given positive orders not to let the enemy pass the rivulet, but

to charge them as they passed, which orders were not executed (1).

At length the Duke's cavalry moving towards the hill, that of *Marshall de Tallard* came down, and charged them with a great deal of fury; the *French* infantry, which were posted at *Blenheim*, making at the same time a terrible fire from behind some hedges on their flank, which were advanced too near that village, so that the first line was put into such disorder, that part of them retired beyond the rivulet. Upon this, the Duke gave orders to Lieutenant General *Bulow*, Commander in chief of the troops of *Lunenburg*, to bring up his own regiment of dragoons and two of the troops of *Zell*, which charged the enemy's horse with so much vigour, that they broke them, and drove them beyond the second rivulet called *Moul-Weyer*, and from thence to the very hedges of the village of *Blenheim*. This gave time to those, who had given ground, to repass the rivulet, and to form a second line behind those regiment of dragoons, and some others, that had joined them, so that these dragoons remained in the first line during the rest of the action.

The cavalry of the Confederates left wing, having by this success gained the advantage of forming themselves entirely in order of battle, advanced leisurely to the top of the hill, and several times charged the enemy's horse, who were always routed, but who, nevertheless, rallied every time, though at a considerable distance, and thereby gave the Allies an opportunity of gaining ground. As the Duke of *Malbrough*, who was now in person among them,

was

(1) *Monsieur de Fequieres* in his *Memoirs* observes, that the loss of that battle was owing to the inattention of the *French* Generals to those maxims of War, which ought to guide men, when they consider, whether they have sufficient reasons either to give or receive battle, or whether they can derive, from the particular disposition of their troops, any reasonable hopes of defeating the enemy. In examining this subject, the Marquis points out first the errors, that were committed with reference to the general state of the war in *Germany* previous to the battle, and then those errors, which appeared in the particular disposition of the *French* army. With regard to the first point, he asserts, that it was absolutely improper at that time, to trust the decision of the war in *Germany* to the event of a single battle; and this truth was the less doubtful, because it appeared that the *English* and *Dutch* had almost abandoned the war in *Flanders* in that campaign, to make a decisive effort in *Germany*, without which the Emperor could no longer have supported himself, nor could they have drawn any supplies of men from *Germany*. The *French* ought therefore to have avoided this battle, since they could have maintained their situation, if they had only compelled the *English* and *Dutch*, either to withdraw from that Country, or entirely to discontinue the war in *Flanders*. The Elector of *Bavaria* was Master of the whole course of the *Danube*, almost from its source to the Frontiers of *Austria*, into which he could penetrate when he pleased; and therefore the Emperor, whose attention was then employed by the Malecontents in *Hungary*, was likewise obliged to have a watchful eye on *Austria* and *Tirol*, as well for the preservation of these Provinces, as the security of a free communication with his army in *Italy*.

The bridges, which the Elector of *Bavaria* had on the *Danube*, opened to him a free communication

with the *Upper-Palatinate*. The Emperor consequently must be always apprehensive, that he would pour a body of troops into *Bohemia*, where the People were exceedingly averse to the severity of the Imperial Government, and where their fears were the only motives to their submission: which made it likewise necessary for the Emperor to maintain a body of troops to cover *Bohemia* and *Moravia*. *Nuremberg*, an Imperial City and almost in the heart of the Empire, being the most considerable City in all the Circle of *Francia*, it was incumbent on the Emperor to preserve it in the interest of the Confederates. If the Elector of *Bavaria* should make himself Master of it, as he had already seized *Ulm* and *Augsburg*, *Nuremberg* therefore could not be preserved by the protection of the Confederate army, which consequently could not withdraw to any great distance from that City, whose preservation was of the more importance to the Emperor, since the loss of it would deprive him of all communication with his Dominions on the *Rhine*, except through the Country on the other side of the *Main*: when the situation of *Nuremberg* would have rendered altogether impracticable. It was likewise evident that the Confederate army could not treat to any considerable distance from a City, where all their ammunition and provisions were deposited. The Allies forced by forcing the pass at *Donauwörth*, and taking *Donauwörth*, had obtained a bridge over the *Danube* and separated the fortified places of the *French* on the *Upper-Danube*, from those on the *Lower*. But, as their provisions were still lodged either in *Nuremberg* or *Nollingen*, they durst not venture to quit *Irresheim* and *Stadla*, to advance into *Bavaria*. This obvious reflection was alone sufficient to convince the *French* Generals, that their inducements to engage the enemy could not possibly have any weight, but that it was rather their interest to decline a general action, especially as this cau-

tious

1704. was preparing a fresh attack, Marshal de Tallard caused ten of his battalions to advance, to fill up the intervals of his cavalry, in order to make a last effort; which, the Duke perceiving, caused three battalions of the troops of Zell to come up and sustain the horse. Then the Prince of Hesse-Cassel, General of the horse, and the Lieutenant-Generals Lumley, Bulow, Hompesch, and Ingoldby, returned with their troops to the charge; but the superior fire of the enemy's infantry put their first line into some disorder, so that it shrunk back, and remained, for some time, at about sixty paces distant from the enemy, neither party advancing against the other. At length, the Confederates pushed forwards with so much bravery and success, that, having broke and routed the enemy's horse, the ten battalions, who found themselves abandoned by them, were cut to pieces, none escaping but a very few soldiers, who threw themselves on the ground, as dead, to save their lives.

Marshal de Tallard rallied his broken cavalry behind some tents, which were still standing in his camp; and, seeing things in this desperate condition, resolved to draw off his dragoons and infantry out of the village of Blenheim. He thereupon sent one of his Aid-de-camps to Marshal de Marsin, who, with the Elector of Bavaria, commanded on the left, to desire him, "to face the enemy with some troops on the right of the village of Oberklaus, to keep them in play, and favour the retreat of the infantry, that was in Blenheim." But Marshal de Marsin represented to the Messenger,

"That he had too much business in the front of the village, where he was posted, and where he had to deal with the Duke of Marlborough, who was come to the assistance of Prince Eugene, as well as in the rest of the line, to spare any troops; since he was so far from being victorious, that all he could do was to maintain his ground."

In the mean time, Ingoldby made the other Generals of the same attack sensible, how easily they might intirely defeat the French cavalry, by charging them on the right flank. This advice being put into execution with a great deal of vigour, the enemy were soon thrown into disorder, and put to flight, part of them endeavouring to gain the bridge, which they had over the Danube between Blenheim and Hockstet; and the other part, among whom were the *Gens d'Armes*, were closely pursued by the Lunenburg dragoons, and those, who escaped the slaughter, threw themselves into the Danube, where most of them were drowned. Those, who fled towards Hockstet, rallied once more, making a shew to succour the rest; but the same regiment of Bothmar faced them, and kept them in awe for some time, till it was joined by some other regiments, when the enemy made the best of their way to save themselves by flight.

The Marshal de Tallard was surrounded by the fugitives, and taken near a mill, behind the village of Sonderen, not far from the Danub; by Monsieur de Boinenburg, a Lieutenant-Colonel of the troops of Hesse-Cassel, Aid-de-Camp to the Prince of Hesse-Cassel. The Marquis de Mont-

1704.

peroux,

tious conduct would infallibly have obliged the Allies to abandon the parts adjacent to the Danube, when they had consumed all the forage near that river.

Marshal de Villeroy was posted with a considerable army before the lines of Biel, which Prince Eugene had quitted, with the greatest part of his regular troops, and unperceived by that General. The conjunction of this Prince with the Duke of Marlborough was generally known; and Marshal de Villeroy might have waked from his inactivity, and forced the lines, which were only guarded by an inconsiderable body of militia; and might afterward, have advanced with his army through the Duchy of Wirtemberg, to the Neckar, which would have rendered the Allies incapable of preserving their communication with the Lower-Neckar for the security of their provisions, which were conveyed to Norlingen from the Rhine and the Main. And thus would this single motion have limited the supply of the provisions of the Allies to Nuremberg, and consequently they could never think it safe to be remote from that City.

Marshal de Villeroy might even have compelled the Allies to retire, in part, to the Rhine, and leave the Elector of Bavaria to act with freedom in the heart of Germany, if that General had forced the lines of Biel, and then marched his army down the Rhine near Philipsburg. For this motion alone would have obliged the enemy to separate, in order to protect Philipsburg, and the Lower-Neckar. This march might likewise have been effected without the least danger, because, when the lines had once been forced, Marshal de Villeroy might have thrown a bridge over the Rhine, in case the Allies had approached him with all their forces; and, if they had attempted that motion, they would have abandoned Ausrin, and even the City of Vienna to the Elector of Bavaria.

These were the errors committed with respect to the general state of the war in Germany: the rest related to the particular disposition and order of battle, and were as follow:

1. The French and Bavarians incamped their two armies, as if they were to engage separately.

2. They disposed them on the day of battle, in the order of their incampment, and only in the front of the camp.

3. They did not chuse their field of battle so near the rivulet as would have prevented the Allies from passing it, and not have left them a sufficient extent of ground to form their troops between the rivulet and the front of the French line.

4. They neglected to advance their right and center upon the Allies, when they saw they had passed the rivulet, and formed themselves on the front of the French.

5. They had not the precaution to take a strict view of the rivulet, when they arrived at their camp; and were so inconsiderate, as not to post a body of infantry along the bank for the security of their camp, and to gain intelligence of the motions of the Allies.

6. They were so injudicious, as to form their center of battle out of the right and left wings of their two armies, instead of providing a formidable center of infantry.

7. They shut up the greatest and best part of Marshal de Tallard's infantry in the village of Blenheim, where they were posted without the least order, and rendered incapable of forming any motion; and they had not even the least precaution to secure a communication from one brigade or regiment to another.

8. They did not survey the ground, which extended from their right to the rivulet and the Danube, and they posted dragoons there instead of infantry.

9. When they arrived at their camp, they neglected to detach a body of cavalry, beyond the left of their armies, to observe the situation of the camp of the Allies, which they were unacquainted with to such a degree, as not to know that Prince Eugene had joined the Duke of Marlborough with his army; and they imagined,

1704. *peroux*, General of horse; *de Sepperville*, *de Silly*, and *de la Paluere*, Major-Generals; Monsieur *de la Mesfriere*, *St. Poiange*, *de Legondais*, and several other Officers of note, were likewise made prisoners in this defeat.

While these things passed at the village of *Blenheim* and in the center, the Duke of *Marlborough* caused the village of *Oberklau*, which was Marshal *de Morsin*'s quarters, to be attacked by the brigade of *Berensdorff*, consisting of ten battalions. The Prince of *Holstein-Beck*, who commanded them as Major-General, passed the rivulet at the head of two battalions, with undaunted resolution. But as the Imperial cavalry, which was to have supported him, were wanting in their duty, and kept musket-shot from him, he was scarce got over, when seven or eight of the enemy's battalions fell upon him with great fury, before he could form his two battalions; so that one of them, that of *Goor*, was almost intirely cut to pieces, and the Prince himself desperately wounded and taken prisoner. But, notwithstanding this first shock, these battalions were no sooner supported by some *Danish* and *Hanoverian* cavalry, than they charged a second time, but with no better success; till, upon the third charge, the Duke of *Marlborough* having himself brought up some squadrons, which were supported by others of the body of reserve, made them advance with some battalions beyond the rivulet; upon which the enemy began to retire.

As soon as the Duke had performed this considerable service, he repaired to the center, where, finding the action decided in favour of the Confederates, he caused part of his victorious cavalry to halt, to observe the motions of that part of the enemy, which, by this time, was drawn up beyond the morafs of *Hochstet*. During this halt the Elector of *Bavaria*, whom Prince *Eugene* could make no impression upon for some time, but whose bravery at last put that Elector's troops to the rout, was perceived making his retreat from the village of *Lutzingen*. Upon which, orders were dispatched to the Baron *de Hompesch* (who with several squadrons

was pursuing the fugitives towards *Morslingen*, 1704. and who had already overtaken and forced two of their battalions to lay down their arms) to face about, and march to join those, who halted, as well to prevent the Elector's falling upon *Hompesch*'s rear, as to form a body, in order to charge that Prince, who marched in great haste, but in pretty good order, with his squadron on the left and his battalions on the right. But, before General *Hompesch* returned from his chase, the right wing of the Confederate army was perceived at some distance behind the Elector; and, appearing to be part of his army marching in such a manner, as might easily have flanked them, had the Duke immediately charged him, the Duke, with great prudence, sent out a party to view them. During this time, the Elector continued marching off with great precipitation, till he reached the morafs of *Morslingen*.

The French horse being intirely defeated, and the Confederates masters of all the ground, which was between the enemy's left and the village of *Blenheim*, the twenty-eight battalions and twelve squadrons of dragoons, which were in the village, found themselves cut off from the rest of their army, and, despairing of being able to make their escape, after a weak attempt to repulse the infantry, who surrounded them, capitulated about eight in the evening, laid down their arms, delivered their colours and standards, and surrendered themselves prisoners of war, on condition, that the Officers should not be searched.

This defeat cost the enemy, by their own accounts in several intercepted letters, forty thousand men, in which number they included four or five thousand lost in their precipitate retreat to the *Black Forge*, either by desertion, or the pursuit of the *Hussars* or Peasants, who made a great slaughter of the stragglers. This computation does not seem improbable, considering the number of prisoners taken, which exceeded thirteen thousand, of whom above one thousand two hundred were Officers; that ten French battalions on their right were cut in pieces, and above thirty squadrons of horse and dragoons forced

imagined, that the Prince of *Baden* was engaged with a considerable body of troops at the siege of *Ingoldstadt*.

10. After the first disorder in their grand center of cavalry, and after they had shrunk from their ground, till they formed a confused line with the infantry, who were embarrassed in the village of *Blenheim*, the Elector of *Bavaria*'s army did not close on their right, to form an attack in flank upon the enemy, who had advanced beyond the interval of ground, that extended between the two villages. Had they disposed themselves into this motion, they might either have sustained or drawn off the French infantry from *Blenheim*, and have given their cavalry, who had been disordered by the fire of the enemy's foot, an opportunity of rallying in order of battle. But, instead of this obvious motion, that whole army was only attentive on their retreat to *Ulm*; and they abandoned Marshal *de Tallard*'s infantry, while the cavalry of that General's army never attempted to recover their proper order, or make any effort to disengage their infantry, when they saw the Elector's army retreat from the field of battle.

11. When Marshal *de Tallard* was taken prisoner, and the center of the French army intirely thrown into disorder, not one of the General Officers of the

Marshal's army made the least endeavour to draw the infantry from *Blenheim*, while they had an opportunity of affording them that relief, by marching them along the *Danube*, till they had rejoined their cavalry; but, on the contrary, those who were charged, in particular, with the command of the body of infantry, either intirely abandoned them, even before they were attacked, when they saw the cavalry defeated, and plunging themselves into the *Danube*, in hopes of swimming to the other side; or else they continued in the village without daring to leave it, and were even so destitute of thought, as not to attempt any communication between the battalions. In short, they seemed to continue there with no other view than to charge themselves with the despicable province of making a brave set of battalions lay down their arms with reluctance, and of surrendering to the enemy twenty-seven battalions and twelve squadrons of the best troops of France; which was so infamous an action, that it would scarce be credited by Posterity, especially when it is informed, that, except one Brigadier of foot, who was broke, all the other Authors or Spectators of this contemptible timidity were rewarded and advanced to stations of dignity.

(1) Dr.

1704. forced into the Danube, most of whom were drowned: That their left wing suffered very much, especially the foot: That besides ninety-five Officers, who were found at *Hochstet*, *Dillingen* and *Loevingen*; and that the number of the wounded, whom they brought off from *Ulm*, were above seven thousand men: The Confederates gained above one hundred pieces of cannon, twenty-four mortars, one hundred and twenty-nine colours, one hundred and seventy-one standards, seventeen pair of kettle-drums, three thousand six hundred tents, thirty-four coaches, three hundred laden mules, two bridges of boats, fifteen pontons, twenty-four barrels, and eight casks of silver. But this success cost them four thousand four hundred and eighty-five men killed, seven thousand five hundred and twenty-five wounded, and two hundred and seventy-three left or made prisoners.

The Duke of Marlborough made great acknowledgments to the Duke of Marlborough for this signal service, and offered to make him a Prince of the Empire, which the Duke said he could not decently accept of, till he knew the Queen's pleasure; and, upon her consenting to it, he was created a Prince of the Empire, and about a year after *Mindelheim* was assigned him for his principality.

The success of the battle having entirely changed the face of affairs in the Empire, and saved the House of Austria from ruin, the Duke of Marlborough, being willing to lose no time, and judging it more advantageous for the common cause to join all the Confederate forces together, to strengthen the enemy as much as possible, and oblige them to abandon Germany, and repass the Rhine, sent an Express to Prince Lewis of Baden, to leave the siege of *Ingoldstadt*, and rejoin the army with the forces under his command; considering, that not only that City, but the whole Country of *Bavaria* must fall of course into the Emperor's hands. The Duke's and Prince Eugene's opinion was confirmed by the example of the city of *Augsburg*, which the French abandoned, carrying with them four hostages, as a security for two thousand sick and wounded men, whom they left in that place. The Magistrates being assembled immediately after, sent four Deputies to the Duke of Marlborough to desire his protection; who answered them, that they had nothing to fear from the troops of her Britannic Majesty and the States-General, which were only sent against the enemies of the Empire and their Allies. And thereupon he ordered a detachment to march, and take possession of that important place. Soon after Marshal de Tallard, with the prisoners of distinction, were sent towards *Hanau* and *Frankfort* under a guard of dragoons, and the other prisoners were sent into the adjacent places.

Aug. 15. On the 21st of August, the Duke encamped at *Sesfelingen*, within half a league of *Ulm*; and the next day the Governor of *Ulm*, who apprehended a siege, sent out of the town four hundred and thirty prisoners, which the enemy had taken at *Hochstet*, *Dillingen*, and other places, with a compliment to the Duke, that he would be pleased to take an opportunity to return an equal number; and, those persons being Germans, the Duke sent them to Prince Eugene.

On the 25th, the Duke, Prince Eugene, and Prince Lewis of Baden had a long conference, wherein they concerted the further operations of the campaign; and it was resolved, that, seeing the enemy were returning towards the Rhine, all the Confederate forces should likewise march that way, except twenty-three battalions and some squadrons, which should be left under the command of General Thungen to carry on the siege of *Ulm*. In pursuance whereof, the Confederate troops began their march from the neighbourhood of *Ulm*, on the 26th of August, by different roads, to the general rendezvous of the army which was appointed to be at *Bruschal* near *Philipsburg*. From that day the Confederate army was in motion till the 9th of September, when a party of Imperial horse, having met some squadrons of the enemy, commanded by the Duke de Monfort, a Major-General, who had been conducting four battalions and a sum of money into *Landau*, fell upon them with great vigour, and routed them, killing above one hundred upon the spot, taking several prisoners, and mortally wounding their Commander. On the 12th, Prince Lewis of Baden marched towards *Landau* with the troops appointed to besiege that place; and the Duke of Marlborough with Prince Eugene came to the camp of *Croon Weissenburg*, in order to cover the siege. The same night, the Duke received an Express from General Thungen, importing, that, having formed the siege of *Ulm*, and received his great artillery, the garrison beat a parley the 10th, and the next day surrendered that place upon honourable terms; which he was willing to grant, that no time might be lost for the further execution of the projects of this campaign. The Imperialists found in *Ulm* two hundred and twenty-two pieces of brass cannon, twenty-five brass mortars, one thousand two hundred barrels of powder, with a considerable quantity of provisions, which was seasonably applied to the carrying on the siege of *Landau*, which Prince Lewis of Baden insisted on, as necessary to secure the Circles, *Suabia* in particular, from the excursions of that garrison. This was popular in Germany, and, though the Duke did not approve it, he did not oppose it with all the authority, that his great success gave him. This was universally blamed, for, while France was in the consternation, which their late great loss brought them under, a more vigorous proceeding was like to have greater effects; and, besides that the Imperial army was ill-provided, the great charge of a siege was above their strength. Prince Lewis suffered much in his reputation for this undertaking: It was that which the French wished for, and therefore it was suspected, that some secret practice had prevailed on that Prince to propose it. It is certain, that he was jealous of the glory which the Duke of Marlborough had obtained, and in which himself had no share; and it was believed, that if he had not gone to besiege *Ingoldstad*, the battle of *Hochstet* had never been fought. He was indeed so fierce a bigot in his Religion, that he could not bear the successes of those, whom he called Heretics, and the exaltation, which he thought hereby might have upon it (1). While the Duke of Marlborough lay covering the siege, Marshal

(1) Dr. Hare in his Second Letter to a Tory-Member concerning the Management of the War, p. 12. 3d Edit. Numb. XLIII. Vol. III. S F gives

1704. Marshal de Villeroi with his army came and looked on him; but, as the soldiers of the Confederates were exalted with their success, so the French were too much dispirited with their losses to make any attack, or to put any thing to hazard, in order to raise the siege. They retired back, and went into quarters, and trusted to the bad state of the Imperial army, who were ill-provided and ill-supplied. The garrison made as vigorous a defence, and drew out the siege to as great a length, as could be expected. Prince Lewis had neither engineers nor ammunition, and wanted money to provide them; so that, if the Duke had not supplied him, he must have been forced to give it over. The King of the Romans came again, to have the honour of taking the place: But his behaviour there did not serve to raise his character; for he was not often in the places of danger, and was content to look on at a great and safe distance. He was likewise constantly beset with priests, and such a face of superstition and bigotry appeared about him, that it very much damped the hopes, that were given of him. However, on the 23d of November, the besiegers having lodged themselves on the counterscarps both on the right and left, and sufficient breaches being opened, the next morning the necessary dispositions were made for a general assault, and five thousand men were commanded upon that service. The Besieged, being therefore reduced to this extremity, were obliged to beat a parley between ten and eleven o'clock, whereupon hostages were exchanged, and the capitulation signed the same day, consisting of twenty-eight articles, which were in effect much the same as those granted by the Imperialists to Monsieur de Melac two years before, and by the French to the Count de Frize the preceding campaign. On the 26th, the Besieged marched out of Landau to the number of three thousand four hundred, who survived out of seven thousand men, of whom the garrison consisted at the beginning of the siege. The King of the Romans, having entered the place, found it reduc'd to a heap of rubbish, and having given the command of it to the Count de Frize, who had before maintained that post with great courage and ability, his Majesty set out for Vienna, having ordered

Landau
surrendered.

Prince Eugene to settle the affairs of Bavaria, and left to Prince Lewis of Baden the disposition of the forces on the Rhine.

The Confederates, omitting nothing that might advance the glory, which they had already acquired in Bavaria, resolved to prosecute the siege of Traerbach. To which end, the Duke of Marlborough marched towards the Moselle with a considerable army, which he left under the command of the Hereditary Prince of Hesse-Cassel, as also the direction of the attacks of that place. The castle was invested in the beginning of November, and the approaches were carried with such success, that, on the 21st, the Besiegers attempted to storm it. But as they were climbing up the eminences (the rock, on which that fortress is built, proving very steep, and the weather exceedingly stormy) the garrison made so vigorous a defence, that the assailants were obliged to retire with considerable loss. Notwithstanding these discouragements, the Prince of Hesse was resolved to carry on the siege with the utmost vigour; and, on the 20th of December obliged the garrison to surrender on honourable conditions. The Confederates met with a great deal of difficulty and opposition in all the attacks; and the Baron de Trogne, the States chief Engineer, was shot by the Prince of Hesse's side, as he was giving the necessary directions; and they had above a thousand men killed or wounded.

During the siege of Traerbach, the Duke of Marlborough went to the Court of Prussia, to negotiate, that eight thousand Prussians might be sent to Italy the next campaign, to serve there for the relief of the Duke of Savoy, under the command of Prince Eugene. He was received at Berlin, and all other places, through which he passed, with the highest respect; and thence he proceeded to the Court of Hanover, where he arrived on the 1st of December, and thence continued his journey to the Hague, where he was congratulated by the Deputies of the States-General, upon his victories at Schellenberg and Hochstet; and was as much considered and submitted to in Holland, as if he had been their Stadtholder. The credit, which he was in among them, was very happy for them, and was, indeed, necessary at that time, for keeping down their

Traerbach
besieged
and sur-
rendered.

The Duke
of Marl-
borough
goes to
Berlin,
Hanover,
&c. &c.
Brod-
rick. Bur-
net.

gives us this account of the Duke's own designs in this campaign: "Flanders, says he, was, at the beginning of the war, a very bad part to attack France in; it was covered with so strong a frontier. It was for this reason, the Duke of Marlborough looked out for another scene of action, and did all that could be done on his part towards it; and therefore when he had in the two first campaigns driven the French from Nimwegen to Namur, and had set the Dutch at ease by the reduction of Guelder and Limburg, and cleared the Rhine by taking Bonne, he did not the third year content himself with walking up and down in the neighbourhood of Holland, where there was no prospect of doing any thing to the purpose, but marched into the heart of Germany, forced the strong post of Schellenburg before the end of June, which is the key of Bavaria; and, had the ammunition and artillery been ready, as the Duke had been assured it was, he had marched directly to Munich, and, without the hazard of another battle, had in a fortnight's time not only extinguished that fatal war, that threatened nothing less than the ruin of the whole Empire, but had gained the Elector

also over to the side of the Allies, who, could he have been persuaded to make their interest his own, might have done the greatest service to the common cause, both in Germany and Flanders. But when that point was lost, and the inability of the Germans to make a siege had encouraged the Elector to break off the treaty he had entered into, and the sword had decided the fate of his country, what part did the Duke of Marlborough take next? Not that of returning to Flanders: No, he improved the rest of that wonderful campaign to facilitate the operations of the next in a part, where France might be more easily attacked. He passed the Rhine before the end of August, and made, or rather submitted to the making the siege of Landau by Prince Lewis, while he covered it: And, that the unexpected length of the siege might not break his design, without waiting for the end of it, he advanced with a body of troops to the Saar, surprized Trever, and possessed himself of other proper posts for erecting magazines, and opening the next campaign with the siege of Saar-Lewis."

1704. their factions and animosities, which were rising in every province, and in most of their towns. Only *Amsterdam*, as it was the most sensible of the common danger, so it was not only quiet within itself, but it contributed not a little to keep all the rest so, which was chiefly maintained by the Duke of *Mariborough's* prudent management; who, having settled all matters relating to the ensuing campaign, embarked for *England*, and arrived at *London* the 11th of December.

and arrives in England. Dec. 11.

Proceedings in the Netherlands. Brodrick,

The occurrences in *Brabant* and *Flanders* this campaign were of no considerable importance. As the great bodies were in such violent motion in *Bavaria*, which was the theatre of the war, little, besides the protection of the Country on each side, was intended here. However, on the 1st of *June*, Monsieur *Auverquerque* decamped from the neighbourhood of *Maebricht*, and marched directly towards the enemy, who, being surprized at this motion, and unwilling to hazard a battle, after they were prevented in their design upon *Tongeren*, marched about, and got into their lines. General *Dopff*, perceiving them to be in some disorder, advanced with thirty squadrons of horse and dragoons, and forced the *French* lines with little opposition. But, a council of war being called, it was thought not advisable for him to continue in that post, lest the enemy should fall upon his detachment with a superior force, before the rest of the army could come up; so that he had not continued there above three hours, before he quitted the lines, and rejoined the army. On the 1st of *July*, the Baron de *Trogne* was detached with a considerable body of men, who marched towards *Liege*, and Monsieur *Auverquerque* followed him. On the 5th, the Baron being reinforced from *Liege* and *Huy*, he advanced to the enemies lines, which he entered at eight in the morning, and took post at *Meerdorp*. Monsieur *Auverquerque* endeavoured to sustain him; but this enterprize had no better success than the former; for, the rivers *Herk* and *Demer* overflowing, and retarding the march of the army, it was judged impossible to come up soon enough to support him; upon which, he retired out of the lines the same evening.

Bruges bombarded by Baron Spaar.

Upon the 2d of *July*, a body of nine thousand *Dutch* troops, commanded by General *Spaar*, appeared before *Bruges*, and were warmly received by the cannon of the town. In the evening they raised batteries, and the next morning began to throw bombs, carcasses, and red-hot bullets into the place, which did great execution, several houses being entirely demolished, and others very much shattered. Whereupon the inhabitants, to prevent farther mischief, offered to pay six hundred thousand guilders in six months time, which the Baron accepted, and so retired to *Maldegem*. On the 22d, the army, under Monsieur *Auverquerque*, passed the *Maele*, and advanced to *Namar*, which they bombarded from the 26th to the 29th, setting on fire their magazines, and doing very great damage to the inhabitants. The loss sustained by the *Dutch* was very inconsiderable, though the garrison fired furiously all the time from their cannon and mortars. During these hostilities, a detachment of horse and foot was sent up to *Dinant*, where they took post, and part of them passed over from thence into the country between the *Sambre* and *Maele*, which struck

such a terror into the neighbouring country, that they exacted from thence great contributions. About the same time, the *Dutch* forces made themselves Masters of fort *Isabella*, and demolished it.

The Elector of *Bavaria*, who had retired to *Brussels* after his misfortunes, formed, at the end of the campaign, a project of surprizing General *Auverquerque*, hoping, by that means, in some measure, to repair the disadvantages, which he had sustained in *Bavaria*. For this purpose he ordered all his forces, with a great number of waggons, to join at *Tirlemont*. The *French* Court, being apprehensive of the Elector's designs, sent Marshal de *Villeroy* to watch his motions, and to prevent an engagement, unless he had a very fair prospect of a return of better fortune. At his arrival in the army, he was surprized to see Monsieur *Auverquerque* waiting in his camp at *Borch-loen*, ready to receive them. This obliged him to represent to the Elector the difficulties of attacking the Confederates; the advantage of their camp; the bravery of their troops, encouraged by the success of their affairs in *Germany*; and the ill consequences, which the loss of a battle would be attended with. The Elector, who was oppressed with disgraces, was determined on nothing but revenge, and insisted upon an engagement. The Marshal, after a very warm debate with him on that subject, told him, that he would not march; and, to put an end to the dispute, produced the King's order. The Elector, being thus frustrated in his designs, returned to *Brussels*, his former seat of pleasure and gallantry.

At sea, this summer, our affairs were carried on much more doubtfully than at land. Sir *George Rooke* sailed into the *Streights*, where he reckoned he was strong enough for the *Toulon* squadron, which was then abroad in the *Mediterranean*. Soon after that a strong squadron from *Brest* passed by *Lisbon* into the *Streights*. Mr. *Meibuen*, the English Ambassador in *Portugal*, apprehending, that, if these two squadrons should join to attack Sir *George Rooke*, it would not be possible for him to fight against so great a force, sent a man of war, which that Admiral had left at *Lisbon*, with some particular orders, which made the Captain very unwilling to carry the message; but the Ambassador promised to indemnify him. The Captain sailed through the *French* fleet, and brought this important advertisement to Sir *George Rooke*, who told him, that on this occasion he would pass by his not observing his orders, but that, for the future, he would find the safest course was to obey orders. Upon this, Sir *George* stood out of the way of the *French* towards the mouth of the *Streights*, and there met Sir *Cloudesly Shovel* with a squadron of our best ships, with which being reinforced, he sailed up the *Streights* again, being now in a condition to engage the *French*. He came before *Barcelona*, where the Prince of *Hesse-Darmstadt* assured him, there was a strong party ready to declare for King *Charles*, as it was certain, there was a disposition in many to do it. But Sir *George* would not stay above three days before that city; so that the motions within the town, and the discoveries which many made of their inclinations, had almost proved fatal to them. He answered, when pressed to stay a few days more, that his orders were positive; and that he must

fail

1704.

fail towards *Nice*, which it was believed the *French* intended to besiege. But, as he was sailing that way, he received advice, that the *French* had made no advances in that design; and therefore he turned his course westward, and came in sight of the *French* fleet, sailing from *Brest* to *Toulon*. The advantage, which he had, was so visible, that it was expected, he would have made towards the enemy, but he did not. What orders he had was not known, for the matter never came under examination. The *French* got to *Toulon*, and he steered another way. The whole *French* fleet was then together in that harbour, for tho' the *Toulon* Squadron had been out before, it was then in port. A very happy accident had preserved a rich fleet of Merchant-ships from *Scanderoon*, under the convoy of three or four frigates, from falling into their hands. The *French* fleet lay in their way in the bay of *Tunis*; and nothing could have saved them from being taken, but that, which happened in the critical minute, in which they needed it. A thick fog covered them all the while that they were sailing by that bay, so that they had no apprehension of the danger they were in, till they had passed it.

Gibraltar
taken.
Hist. of
Europe.

Sir *George Rooke*, as he failed back, fell in upon *Gibraltar*, which, in a Council of war, held, *July* 17, about seven leagues to the eastward of *Tetuan*, it was resolved to attack. Four days after, the fleet got into the bay, and one thousand eight hundred marines, *English* and *Dutch*, with the Prince of *Hesse Darmstadt* at their head, were put on shore on the neck of land to the northward of the town, to cut off any communication with the Country. The Prince, having thus posted his men, sent a summons to the Governor to surrender the place for the service of his Catholic Majesty; which he refusing, the Admiral, the next day, gave orders, that the ships, which had been appointed to cannonade the town, under the command of Rear-Admiral *Byng* and Rear-Admiral *Vanderduffon*, as also those, which were to batter the *South mole-head*, commanded by Captain *Hicks* in the *Yarmouth*, should range themselves accordingly. But, the wind blowing contrary, they could not possibly get into their places till the day was spent. In the mean time, to amuse the enemy, Captain *Whitaker* was sent in with some boats, who burnt a *French* Privateer of twelve guns at the *Old Mole*. On the 23d, soon after break of day, the ships being all placed, the Admiral gave the signal for beginning the cannonade, which was performed with very great fury, above fifteen thousand shot being made in five or six hours time against the town, so that the enemy were soon driven from their guns, especially at the *South-Mole-Head*. Whereupon, the Admiral considering, that by gaining that fortification they should of consequence reduce the town, ordered Captain *Whitaker*, with all the boats armed, to endeavour to possess himself of it; which was performed with great expedition. But Captain *Hickes* and Captain *Jumper*, who lay next the *Mole*, had pushed on shore with their pinnaces and some other boats, before the rest could come up. Whereupon the enemy sprung a mine, which blew up the fortification about the *Mole*, killed two Lieutenants, and about forty men, and wounded about sixty. However, our men kept possession of the great platform, of which

they had made themselves masters; and, Captain *Whitaker* landing with the rest of the seamen, who had been ordered upon this service, they advanced, and took a redoubt or small bastion, half way between the *Mole* and the town, and possessed themselves of many of the enemy's cannon; upon which the Governor desired to capitulate, and surrendered upon honourable terms. This fact is related by an eminent Historian, *Burnet*. with these circumstances, that, after the Admiral had bombarded the town to very little purpose, and with little hopes of success, some bold men ventured to go ashore in a place, where it was not thought possible to climb up the rocks; and yet they succeeded in it; and, when they had got up, they saw that all the women of the town were come out, according to their superstition, to a Chapel there, to implore the Virgin's protection. They seized on them, and that contributed not a little to dispose those in the town to surrender, which they did on the 24th, and they had leave to stay or go as they pleased; and, in case they staid, they were assured of protection in their Religion and every thing else, for the Prince of *Hesse*, who was to be their Governor, was a Papist. But they all went away with the small garrison, that had defended the Place. The Prince of *Hesse*, with the Marines, who were on board the fleet, possessed himself of the place; and they were furnished out of the stores, that went with the fleet, with every thing, that was necessary for their subsistence or defence; and a regular method was laid down of supplying them constantly from *Lisbon*.

Sir *George Rooke*, after he had supplied *Gibraltar*, failed again into the *Mediterranean*, and, in conjunction with the *Dutch* fleet under Vice-Admiral *Callemburg*, met off *Malaga* the Count *Burnet*, *de Thoulouse* with the whole *French* fleet, which was much superior to the *English* in number, and had many galleys with them, that were of great use. Sir *George Rooke* called a Council of war, in which it was resolved to engage the enemy; but there was not due care taken to furnish all the ships with a sufficient quantity of powder, for some had wasted a great part of their stock of ammunition before *Gibraltar*; however they had generally twenty-five rounds, and it had seldom happened, that so much powder was spent in an action at sea. On the 13th of *August*, as the two fleets engaged, Sir *Cloudesly Shovel* advanced with his Squadron to a close fight, for it was the maxim of our seamen to fight as near as they could; and he had the advantage, and the enemy's van gave way in no little confusion, as did their rear soon after, being no less vigorously attacked by the *Dutch*. But the enemies being very strong in the center, and some of the *English* ships being obliged to go out of the line for want of shot (occasioned by the great expence of it at *Gibraltar*) several of Sir *George Rooke's* own Squadron suffered very much. About seven in the evening, one of the *French* Admiral's seconds advanced out of the line, and began a close fight with the *St. George*, commanded by Sir *John Jennings*, but, notwithstanding the *St. George* had already suffer'd much, she met with such rough treatment, that she had difficulty enough to rejoin the line, after the loss of both her Captains and many of her men. The engagement continued till night parted them, and, if the *French* had come to a new engagement

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1704. engagement next day, it might have been fatal, since many of our ships were without shot, whilst others had enough and to spare. In this long and hot action there was no ship on either side, that was taken, sunk, or burnt. The *English* made a flew the next day of preparing for a second engagement, but the enemy bore off, to the great joy of our fleet. The *French* suffered much in the action, and went into *Toulon* so disabled, that they could not be put in a condition to go to sea again in many months. They left the sea, as the field of battle, to the *English*; so that the honour of the action remained with us, though the Nation was not greatly elated with the news of a drawn battle at sea with the *French*: It was long before a certain account of the action was brought to *England*; but the modesty, with which the *French* King wrote of it to the Archbishop of *Paris*, put us out of all fears; for, whereas the *French* stile was very boasting of their successes, in this case it was only said, that the action was to his advantage. From that cold expression the *English* concluded, that the victory was on their side. When the full account was sent home from our fleet, the partialities on both sides appeared very signally. The Tories magnified this as a great victory; but persons skilled in naval affairs, differed much in their sentiments, about Sir *George Rooke's* conduct in that action, some not only justifying, but extolling it as much as others condemned it (1).

Sir *George Rooke*, after the engagement, failed to *Gibraltar*, where he stayed eight days to refit; and, having supplied that place with men and provisions, failed from thence, and returned home with the great Ships, leaving behind him eighteen men of war, under the command of Sir *John Leake*, both for the defence of the coast of *Portugal*, and to be in readiness to succour *Gibraltar*, if there should be occasion.

The success of affairs in *Portugal* this year 1704. was by no means answerable to the expectation of the Allies.

After several Councils of war held in the presence of their Catholic and *Portuguese* Majesties, which passed not without some disputes between Duke *Schomberg* and the *Portuguese* Generals and Ministers; the auxiliary Forces of *England* and *Holland* began to land, the 16th of *March*, N. S. Duke *Schomberg* had warmly insisted, that these auxiliaries might keep in a Body; urging the inconveniences, that might attend their separation. But the King of *Portugal*, being unwilling to trust the defence of the frontier towns to his raw and undisciplined troops, and there happening some coldness between the *English* General and Monsieur *Fagel*, who commanded the *Dutch* forces, at their very first interview, the *English* infantry had their quarters assigned in *Oliveira*, *Elvas*, *Portalegre*, and other places in the province of *Alentejo*; and the *Dutch* were sent up the *Tagus* towards *Abrantes*. The King of *Portugal*, by his treaties with *England* and *Holland*, had engaged to furnish horses to mount the cavalry and dragoons of these two Nations; but, whilst the King of *Spain*, *Charles*, was detained in *Holland* and *England* by contrary winds, the *French* Ambassador in *Portugal*, with great industry, had bought up the best horses of that Kingdom; so that, most of the horses, which his *Portuguese* Majesty's Officers afterwards provided for the *English* and *Dutch* auxiliaries, being neither of a size nor strength fit for service, scarce one third part of the troopers and dragoons were mounted this campaign. Neither was there better provision made for sick soldiers, who, after so tedious a passage, could not but be very numerous, and of whom many died for want of attendance and necessities. Another cause of the ill success of the campaign was, that, though the King of *Portugal*

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Affairs of
Portugal.
Burnet.
Hist. of
Europe.
Lambert.

Sept. 4.
N. S.

(1) Sir *Claude-Joseph Shovel's* Letter on this occasion was as follows:

"This brings news of my health, and that we are on our way homeward: That which sends us home so soon, is a very sharp engagement we have had with the *French*: Our number of ships that fought in the line of battle were pretty equal: I think they were forty-nine, and we fifty-three; but Sir *George Rooke* reserved some of the fifty-gun ships, to observe if they attempted any thing with their galleys, of which they had twenty-four. Their ships did exceed in bigness. I judge they had seventeen three-deck ships, and we had but eleven. The battle began on *Sunday* the 13th instant, soon after ten in the morning, and in the center and rear of the fleet it continued till night parted: but in the van of the fleet, where I commanded, and led by Sir *John Leake*, we having the weather-gage, gave me an opportunity of coming as near as I pleased, which was within pistol shot, before I fired a gun, through which means, and God's assistance, the enemy declined us, and were upon the run in less than four hours, by which time we had little wind, and their galleys towed off their lame ships and others as they pleased; for the Admiral of the *White* and *Blue*, with whom we fought, had seven galleys tending upon him. As soon as the enemy got out of the reach of our guns, and the battle continuing pretty hot a-stern, and some of our ships in the Admiral's squadron towing out of the line, which I understood afterwards, was for want of shot, I

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"ordered all the ships of my division to slack all their sails, to close the line in the center; this working had that good effect, that several of the enemies ships a-stern, which had kept their line, having their top-sails and fore-sails set, shot up a-breast of us, as the Rear-Admiral of the *White* and *Blue*, and some of his division; and the Vice-Admiral of the *White*, and some of his division; but they were so warmly received, before they got a broad-side, that with their boats a-head, and their sprit-sails set, they towed from us without giving us the opportunity of firing at them.

"The ships, that suffered most in my division, were the *Lenox*, *Warpsight*, *Tilbury*, and *Swiftsure*; the rest escaped pretty well, and I the best of all; though I never took greater pains in all my life to be soundly beaten; for I set all my sails, and rowed with three boats a-head, to get along-side with the Admiral of the *White* and *Blue*; but he out-failing me, shunned fighting, and lay along-side of the little ships: notwithstanding, the engagement was very sharp, and, I think, the like between two fleets never has been in any time. There is hardly a ship, that must not shift one mast, and some must shift all; a great many have suffered much, but none more than Sir *George Rooke* and Captain *Jennings* in the *St. George*. God send us well home: I believe we have not three spare top-masts, nor three fives in the fleet, and I judge there are ten jury-masts now up. After the fight, we lay two days in sight of the ene-

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my,

1704. gal himself expressed the best intentions possible, he was much governed by his Ministers, who were all in the French interests. They had an army, but they had made no preparations for taking the field; nor could they bring their troops together, for want of provisions and carriages. The forms of their Government made them very slow, and not easily accessible. They were too proud to confess, that they wanted any thing, when they had nothing; and too indolent to exert themselves, in order to execute what was in their power to do; and the King's ill health furnished them with an excuse for every thing, that was defective and out of order. The Priests, both in Spain and Portugal, were so universally in the French interest, that even the House of Austria, which had been formerly so much in their favour, was now in disgrace with them. Their Alliance with Heretics, and their bringing over an Army of them to maintain their pretensions, had made all their former services be forgotten. The governing body at Rome did certainly engage all their zealots every where to support that interest, which was so determined on the destruction of Heresy. The English and Dutch Generals were likewise upon ill terms with the Portuguese. Duke Schomberg, by his title of Captain-General of the Queen of Great-Britain's forces in Portugal, ought certainly to have commanded, at least, all the English and Dutch auxiliaries: And it had been no bad policy in the King of Portugal to have made him likewise Commander in chief of all his forces; a post, which the Duke's father had formerly executed in that Kingdom with such success, that he refused the Crown of Portugal from the Spaniards, and fixed it in the family, that wear it at present. But though few, if any, of the Portuguese Officers had the necessary qualifications to be made Generals; yet the King of Portugal would not break the established rule of that Kingdom, whereby the Governors of provinces command in chief all the troops within their districts. He had, indeed, made Duke Schomberg Velt-Marshal-General of the Portuguese forces; but then his conferring the

same dignity upon Monsieur Fagel, General of the Dutch forces rather lessened than honoured the Duke, and made Fagel unwilling to obey one, to whose level the King of Portugal had raised him; so that there was little concurrence of councils and designs between these two Generals. To all this may be added, that a French Lady, married to the Duke of Cadaval, the principal person in the Court of Portugal, was not a little instrumental in retarding the preparations for the campaign.

Upon information, that the auxiliaries, which the King of France had sent to his grandson Philip V., consisted, for the most part, of Irish soldiers; Duke Schomberg, pursuant to the Queen's warrant, published a proclamation, Apr. 25. promising "her gracious pardon to all such of her subjects, who, being now in the service of her enemies, would quit the same, to come over to Charles III. King of Spain, or any other of her Majesty's Allies; and that such of them, as were qualified to serve in her Majesty's forces, should be received and entertained in the same quality, as they enjoyed in the service they left: And that such as, by reason of their Religion, could not serve in her Majesty's forces, should be employed in the service of the King of Spain, or of such other of her Majesty's Allies, where they should best like." Charles III. and the King of Portugal published likewise their respective manifestoes; the first setting forth his title to the Crown of Spain, and promising "his pardon to all such of his subjects, as should declare for him within three months time." The other "justifying his Portuguese Majesty's taking up arms, to restore the liberty of the Spanish Nation oppressed by the power of France, and to assert the right of his Catholic Majesty, Charles III. to that monarchy." Their Majesties had intended to be in a readiness to enter Spain by the middle of May, but it was the beginning of June before they reached Santarem, where they continued the rest of the spring-campaign.

The

"my, preparing for a second engagement, but the enemy declined and stood from us in the night."

Another Writer expresses himself thus: "The sea-fight, though very bloody, was far from being decisive, not a ship being lost on either side. 'Tis certain the enemy were superior to us both in weight and number; and, however many among us blamed the conduct of the Admiral, he came off, when all things are impartially considered, much better than could have been expected. Both sides claimed a victory, which in truth neither of them had; both pretending to seek out the other, and to come to a second engagement, for which neither of them cared; and the want of sufficient ammunition, on our side, argued a weakness, to say no worse, and ought not easily to be pardoned." In a letter from an Officer on board the fleet in this engagement, are these words: *All the while we were daring the enemy, we went on the caren, by turns, to stop our shot-holes; so that had they engaged a second time, we must have engaged them board and board, and either have carried them, or sunk by their sides. In a word, we were obliged to leave them, lest they should suspect our weakness, and force us to be desperate.*

During the action, were killed and wounded of the English two thousand three hundred and fifty-eight; of the Dutch four hundred; Sir Andrew Leake,

Captain of the *Grafton*, Captain Cow of the *Ranelagh*, Lieutenant Jennings of the *St. George*, the third Lieutenant of the *Shrewsbury*, and the first Lieutenant of the *Lenox*, were all the Officers of their rank that were killed; Captain Mynga, Captain Baker, Captain Kirkton, Captain Junper, Captain Myghels, Lieutenant Edisbury, and Lieutenant Leflock, were wounded, as were two Lieutenants of the *Barfleur*, and the Chaplain, seven or eight Lieutenants more, three Masters, and about as many boatswains and carpenters.

On the French side were killed the Bailly of Lorraine, Commodore of a squadron, and the Count de Thoulouze's Second; five Captains, of which three were Knights, a Commissary of Marines, six Lieutenants, and five sea Ensigns. Among the latter, the Marshal de Chateaufort's son, and the Sieur de Balem Villers, the Count de Thoulouze's Gentleman; the Count himself was wounded in the forehead, shoulder, and thigh; the Count de Relingues had his leg shot off; the Marquis de Herbault, Intendant of the fleet; Monsieur du Casse, Commodore of a squadron; Monsieur de Chateaufort; the Count de Philepoux, the Count de Comminges, Monsieur de Valincourt, the Count de Thoulouze's Secretary, seven Captains, eight Lieutenants, and about one hundred and fifty other Officers were wounded.

1704. The possessor of the Crown of Spain, stiled by the Allies Duke of Anjou, though the last in proclaiming war, was yet the first in maintaining his title by the sword; and, having invaded Portugal before his enemies were in a condition to oppose him, the Duke of Berwick, his General, (who began to shine there, tho' he had passed elsewhere for a man of no very great character) took the town of Sagura by a stratagem, and so intimidated the Governor of Salva-terra, that he delivered up the place without making any defence, and consented, that himself and his garrison should remain prisoners of war. From Salva-terra the Spaniards advanced farther into the country, and without any resistance made themselves masters of Cebrosos. Pera Garcia stood some discharges of cannon, and then surrendered to Count d' Aguilar. The inhabitants of Zebredo abandoned the place at the approach of the Spanish troops; and the town of Ibaña la Viella, rejecting, the summons of Don Joseph Salazar and the Marquis de Puysegur, was stormed and carried sword in hand. About the same time, the Marquis de Jeoffreville, having entered Portugal on the side of Almeida, put several villages under military execution; and Prince Tsercloes de Tilly, having advanced to Anches, raised great contributions round about, whilst the Marquis de Villadarias penetrated into Portugal another way. These uninterrupted successes of the Spaniards cast the Portuguese into great consternation; and General Pagel, who was posted at Castil-branco with four Dutch battalions, not thinking himself safe in that place, retired towards Abrantes with two battalions. The other two he posted at Sovereira Formosa, where they were soon after attacked by the Duke of Berwick, and, after a brave defence, most of them taken prisoners, with Major-General Weldeven. After this success, the Duke of Berwick passed the Tagus, joined another body of Spaniards, commanded by Prince Tsercloes de Tilly, and King Philip, being arrived in the army, invested Portalegre, the inhabitants of which forced the garrison to surrender at discretion; and amongst them an English regiment of foot commanded by Colonel Stanhope. From thence King Philip brought his victorious army before Castil-davide, which, though almost an open town, yet refused to open her gates, the garrison being encouraged to defend themselves by the resolution of the English regiment of Lieutenant-General Stuart, commanded by Lieutenant-Colonel Hussey. By this time King Charles and the King of Portugal being come to Santerem, it was resolved, that the Marquis das Minas, Governor and General of the arms of the Province of Beira, should make an irruption into Spain, and by that diversion endeavour to draw King Philip's forces from before Castil-davide. The Marquis having gathered a body of about fifteen thousand men, marched accordingly towards the Tagus; took by storm a Spanish place in Castile, called Fuente Grimaldo; defeated a body of French and Spaniards, commanded by Don Ronquillo; and made himself master of Mansinho. But though King Philip sent the Duke of Berwick with a strong detachment to observe the Portuguese, and it was from thence conjectured, that he would give over the attack of Castil-davide; yet the Duke of Berwick, finding, that the Marquis das Minas did not move forwards, re-

turned soon after before Castil-davide. Hereupon Colonel Hussey proposed to the Portuguese to retire into the castle, and defend it to the last extremity; but the militia opened the gates to the Spaniards, and so the whole garrison were made prisoners of war. The weather being, by this time, exceedingly hot, King Philip sent his wearied troops into quarters of refreshment; and, not thinking it possible to preserve all his conquests, ordered his men to abandon them, except Maroan and Salva-terra, and to raze the walls of Portalegre, Castil-davide, and some other towns. About the same time the remainder of the English forces marched from Alentejo into the Province of Beira, and the Portuguese and Dutch into quarters of refreshment about Pena Major.

Thus affairs went on very unsuccessfully in Portugal, so that it was thought, if the Duke of Berwick had followed his advantages, nothing could have hindered his marching to Lisbon. The enemies success gave no small uneasiness in England, and Duke Schomberg, finding his advice had not that weight it deserved with the Portuguese, was desirous to quit a losing game. Upon which, the Queen resolved to bestow the command of her forces in Portugal on the Earl of Galway; who having accepted of it, more in submission to the Queen's command, than out of any great prospect or hope of success, represented the necessity of augmenting the forces and the train of artillery. All his demands were readily complied with, and four thousand men ordered to be sent to Portugal from England and Ireland, the States-General having agreed to send thither a proportionable number of their forces. The Earl having embarked at Portsmouth on board the Tartar man of war, with several French engineers and volunteers, in eight days sailing, safely arrived at Lisbon, where Duke Schomberg resigned to him the command of the English forces. About a month after, the Earl, have reviewed the Portuguese and Auxiliary forces, marched them over the little river Coa, and incamped near Almeida. On the 20th of September, the two Kings of Spain and Portugal came to the army with design to invade Castile; but, when they reached the river Agueda, which they intended to pass near Castil Rodrigo, they found the opposite banks so well guarded by the Spaniards, commanded by the Duke of Berwick, that they did not think it advisable to hazard the Loss of their whole army; and so, retiring farther into the territories of Portugal, they sent their troops into winter-quarters. On the other hand, the Spaniards were so weakened by the detachments sent under the command of the Marquis de Villadarias, to attempt the retaking of Gibraltar, that they were contented to defend their own Country, and had no thoughts of invading Portugal; so that things were quiet on those frontiers all the remaining part of the year.

The Spaniards had drawn all the forces they had in Andalusia and Estremadura together, to retake Gibraltar; and the Marquis de Villadarias had with him some French troops, with some Engineers of that Nation, who were chiefly relied on, and were sent from France to carry on the siege. This gave some disgust to the Spaniards, who were so absurd in their pride, that, though

1704.

July 30.

Oct. 9.
N. S.

June 2.
N. S.

The siege
of Gibralt-
ar.
Burnet.

1704.

though they could do nothing for themselves, and indeed knew not how to let about it, yet could not bear to be taught by others, or to see themselves outdone by them. The siege was continued for four months, during which time, the Prince of Hesse had many occasions given him to distinguish himself very eminently, both as to his courage, conduct, and indefatigable application. Convoys came frequently from *Lisbon* with supplies of men and provisions, which the *French* were not able to hinder or intercept. Monsieur de *Pointis* at last came with a squadron of twenty *French* ships, and laying long in the bay, trying what could be done by sea, while the place was pressed by land. Upon that, a much stronger squadron was sent from *Lisbon*, under the command of Sir *John Leake* and Rear-Admiral *Vander-Dasson*, to relieve the place, and raise the siege, who arrived in the bay of *Gibraltar* on the 9th of *October*. In the mean while, Marshal *de Telfe*, who was sent by the Court of *France*, which was dissatisfied with the conduct of the Marquis *de Villadarias*, had no better success at land than that General; so that the enemy was at last obliged to raise the siege.

The siege is raised.
March 20.

Affairs in Italy,

In *Italy* the Duke of *Savoy* had a melancholy campaign, losing place after place; but he supported his affairs with great conduct, and shewed a firmness in his misfortunes, beyond what could have been imagined. *Vercelli* and *Ivrea* gave the Duke of *Vendosme* the trouble of a tedious siege: They defended themselves against him as long as possible. The Duke of *Savoy's* army was not strong enough to raise these sieges; so that both places fell at last into the enemy's hands. The *French* had not troops both to carry on the war, and to leave garrisons in those places; for which reason they demolished the fortifications. After they had succeeded so far, they sat down before *Venue* in the end of *October*. The Duke of *Savoy* posted his army at *Crescentino*, over-against it, on the other side of the *Po*: He had a bridge of communication; he went often into the place during the siege, to

see and animate his men, and to give the necessary orders. The sick and wounded were carried away, and fresh men put in their stead. This siege proved the most famous of all that had been during the late war: It lasted above five months, the garrison being often changed, and always well supplied. The *French* army suffered much, by continuing the siege all the winter; and they were at a vast charge in carrying it on. The bridge of communication was, after many unsuccessful attempts, at last cut off; and the Duke of *Savoy* being, thus separated from the place, retired to *Chivaz*, and left them to defend themselves as long as they could, which they did beyond what could in reason have been expected. He complained much of the Emperor's failing to make good his promises; but, in a discourse upon that subject with her Majesty's Envoy, he said, though he was abandoned by his Allies, he would not abandon them himself.

The people of the *Cevennes* suffered much this summer. It was not possible to come to them with supplies, till matters should grow better in *Piedmont*, of which there was no prospect. They were advised to preserve themselves the best they could. Marshal *Villars* was sent into the country to manage them with a gentler hand; and the severe methods, taken by those formerly employed, being now disowned, he was ordered to treat with their Leaders, and to offer them full liberty to serve God in their own way without disturbance. They generally inclined to hearken to this, for they had now kept themselves in a body much longer than was thought possible in their low and helpless state. Some of them capitulated, and took service in the *French* army; but, as soon as they came near the armies of the Allies, they deserted, and went over to them; so that, by all this practice, the fire was rather covered at present than extinguished (1).

The disorders in *Hungary* had a deeper root and a greater strength. It was hoped, that the ruin of the Elector of *Bavaria* would have quite

and in the Cevennes.

Affairs of Hungary.

(1) Colonel *Cavallier*, their principal Leader, in his *Memoirs of the Wars of the Cevennes*, B. IV. tells us, that the whole Country was now reduced to a Desert, an hundred Boroughs and Villages plundered and burnt, the prisons full of Protestants, and the succours, which had been promised two years before from *England*, not come, when Marshal *de Villars* arrived in the Province with fresh troops. The first thing he did after his arrival was to give notice to *Cavallier*, that, if he would come to any agreement, and lay down his arms, the Marshal had orders from the King to grant all his just demands; but, if *Cavallier* should refuse, the Protestants should expect no favour. At last, after a Conference between the Marshal and *Cavallier*, the latter in conjunction with his friends drew up Articles in behalf of the Protestants of the *Cevennes*, which were signed by the Marshal and Monsieur *de Bosville*, Intendant of *Languedoc*, in the King's name, on the one part, and by *Cavallier* and his Lieutenant *Bilhard*, on the other; and were as follow:

The humble request of the Protestants, in the Province of *Languedoc* to his Majesty.

I. That his Majesty be pleased to grant us Liberty of Conscience in all the Province, and to hold religious Assemblies in such Country-places, as

they shall think convenient, and not in Cities or walled Towns.

Granted, provided they do not build Churches.

II. That all such, as are detained in the Gallies, only on account of Religion, since the revocation of the Edict of *Nantes*, be set at liberty in six weeks after the Date hereof.

Granted.

III. That all, who have left the Kingdom on account of Religion, shall have free liberty to return, and be restored to their estates and privileges.

Granted, on condition they take the Oath of Allegiance to the King.

IV. That the Parliament of *Languedoc* shall be established on its ancient foot, and restored to its privileges.

The King will advise.

V. That no Capitation-Tax shall be paid by the Province, during the space of ten years.

Refused.

VI. That we shall have the Cities of *Montpellier*, *Cette*, *Perpignan*, and *Aiguemortes*, as cautionary towns.

Refused.

VII. That the inhabitants of the *Cevennes*, whose houses have been burnt in the wars, shall pay no imposts for the term of seven years.

Granted.

1704. quite disheartened the malecontents, and have disposed them to accept of reasonable terms, if the Emperor could have been prevailed upon to offer them frankly, and immediately upon their first consternation, after the conquest of *Bavaria*. There were great errors in the Government of that Kingdom. By a long course of oppression and injustice, the *Hungarians* were grown savage and intractable; they saw they were both hated and despised by the *Germans*. The Court of *Vienna* seemed to consider them as so many enemies, who were to be depressed in order to their being extirpated; upon any pretence of plots, their persons were seized on, and their estates confiscated. The *Jesuits* were believed to have a great share in all these contrivances and prosecutions; and it was said, that they purchased the confiscated estates upon very easy terms. The Nobility of *Hungary* seemed irreconcilable to the Court of *Vienna*. On the other hand, those of that Court, who had those confiscations assigned them, and knew, that the restoring these would certainly be insisted on as a necessary article in any treaty that might follow, did all they could to obstruct such a treaty. It was visible, that *Ragotzki*, who was at their head, aimed at the principality of *Transylvania*; and it was natural for the *Hungarians* to look on his arriving at that dignity, by which he could assist and protect them, as the best security they could have. On the other hand, the Court of *Vienna*, being possessed of that principality, would not easily part with it. In the midst of all this ferment, a revolution happened in the *Turkish* Empire. A new Sultan was set up, so that all things were now at a stand, till it might be known what was to be expected from him. They were soon delivered from this anxiety, for he sent a *Chin* to the Court of *Vienna*, to assure them, that he would give no assistance to the malecontents. That Court, being freed from those apprehensions, resolved to carry on the war in *Hungary* as vigorously as they could. This was imputed to a secret practice from *France* on some of that Court; and there were so many concerned in the confiscations, that every proposition that way was powerfully supported. Thus *Italy* was neglected, and the siege of *Laudau* was ill-supported, their chief strength being employed in *Hungary*. Yet, when the Ministers of the Allies pressed the opening a treaty with the malecontents, the Emperor seemed willing to refer the arbitration of that matter to his Allies. But, though it was fit to speak in that style, yet no such thing was designed. A treaty was opened, but when it was known, that *Zeiber* had the chief management of it, there was no reason to expect any good

effect of it. He was born a Protestant, a subject of the *Palatinate*, and was often employed by the Elector *Charles Lewis* to negotiate affairs at the Court of *Vienna*. He, seeing a prospect of rising in that Court, changed his Religion, and became a creature of the *Jesuits*, and adhered steadily to all their interests. He managed that secret practice with the *French* in the treaty of *Ryswick*, by which the Protestants of the *Palatinate* suffered so considerable a prejudice. The treaty in *Hungary* stuck at the preliminaries, for indeed neither side was then inclined to treat. The malecontents were supported by *France*: They were routed in several engagements, but these were not so considerable as the Court of *Vienna* gave out in their public news. The malecontents suffered much in them, but came soon together again, and they subsisted so well by the mines, of which they had possessed themselves, and the incursions they made, and the contributions they raised from the Emperor's subjects, that, unless the war was carried on more vigorously, or a peace offered more sincerely, that Kingdom was long like to be a scene of blood and rapine.

So likewise was its neighbouring Kingdom of *Poland*. It was hoped, that the talk of a new election was only a loud threatening, to force a peace sooner; but it proved otherwise. A dyet was brought together of those, who were irreconcilable to King *Augustus*; and, after many delays, *Stanislaus Leszczynski*, Palatine of *Polsania*, was chosen and proclaimed their King, and he was immediately owned by the King of *Sweden*. The Cardinal Primate seemed at first unwilling to agree to this; but he suffered himself to be forced into it; and this was believed to be an artifice of his to excuse himself to the Court of *France*, whose Pensioner he was, and to whom he had engaged to carry the election for the Prince of *Conti*. The war was carried on this year with various success on both sides. King *Augustus* made a quick march to *Warsaw*, where he surprized some of *Stanislaus's* party, the latter escaping narrowly himself. But the King of *Sweden* followed so closely, that, not being able to fight him, King *Augustus* was obliged to retreat into *Saxony*, where he continued for some months. There he ruined his own Dominions, by the great preparations he made to return with a mighty force; but his delays induced many to forsake his party; for it was given out, that he would return no more, and that he was weary of the war, which he had good reason to be. *Poland*, in the mean while, was in a most miserable condition. The King of *Sweden* subsisted his army in it, and his temper grew daily more fierce and *Gothic*. He was resolved to make no

The affairs of Poland.

July 12.

Granted.

VIII. That out of a body of two thousand of those, who were actually with Monsieur *Cavalier*, and such as shall be delivered out of the several prisons, he shall raise a regiment of dragoons to serve in *Portugal*; and that he shall receive his orders immediately from the King.

Granted, provided the remainder lay down their arms, that the King will permit them to live undisturbed, in the exercise of their Religion.

By Virtue of a full power we have received from his Majesty, we have granted the above articles to

the New Converts of the Province of *Languedoc*, Given at *Nismes*, the 17th of May 1704.

The Marshal de Villars.
Lamignon de Beville.

J. Cavalier.
Dan. Billiard.

But whether these articles were ever laid before the King, or only before his Ministers, Colonel *Cavalier* was not able to determine; but it is certain, they were very little observed in favour of the Protestants.

1704 peace, till *Augustus* was driven out; but, in the mean time, his own Country suffered greatly. *Livonia* was destroyed by the *Muscovites*, who had taken *Narva*, and made some progress in *Sweden*. The Pope espoused the interests of King *Augustus*; for to support a new Convert of such importance was thought a point worthy the zeal of that See. He therefore cited the Cardinal Primate to appear at *Rome*, and to give an account of the share he had in all that war. The Pope was now wholly in the *French* interest, and maintained the character, which they pretend to, of a common Father, with so much partiality, that the Emperor himself, how tame and submissive soever to all the impositions of that See, yet could not but make loud complaints of it. The Pope had threatened, that he would thunder out excommunications against all those troops, which should continue in his Dominions. The Emperor was so implicit in his faith, and so ready in his obedience, that he ordered his troops to retire out of the Ecclesiastical State; but all the effect this had, was to leave that State entirely in the hands of the *French*, against whom the Pope did not think fit to fulminate, though he pretended still, that he would maintain a neutrality; and both the *Venetians* and the Great Duke adhered to him in that resolution, and continued neutral during the war.

Third Sess.
of the
Parliament meets,
Oct. 29.
P. H. C.
III. 392.

After this view of the state of affairs abroad, it is time to return to *England*, where, on the 29th of *October*, the Parliament met at *Westminster*, according to the last prorogation; and the Queen, being come to the House of *Peers*, made the following speech to both Houses:

My Lords and Gentlemen,

THE great and remarkable success, with which God has blessed our arms in this summer, has stirred up our good subjects in all parts of the Kingdom, to express their unanimous joy and satisfaction; and I assure myself, you are all come disposed to do every thing, that is necessary for the effectual prosecution of the war, nothing being more obvious, than that a timely improvement of our present advantages will enable us to procure a lasting foundation of security for *England*, and a firm support for the liberty of *Europe*. This is my aim. I have no interest, nor ever will have, but to promote the good and happiness of all my subjects.

Gentlemen of the House of Commons,

I must desire such Supplies of you, as may be requisite for carrying on the next year's service both by sea and land, and for punctually performing our treaties with all our Allies, the rather, for that some of them have just pretensions depending ever since the last war; and I need not put you in mind, of what importance it is to preserve the public credit, both abroad and at home.

I believe you will find some charges necessary next year, which were not mentioned in the last Session, and some extraordinary expences incurred since, which were not then provided for.

I assure you, that all the Supplies you give, with what I am able to spare from my

own expences, shall be carefully applied to the best advantage for the public service: And I earnestly recommend to you a speedy dispatch, as that, which, under the good Providence of God, we must chiefly depend upon to disapprove the earliest designs of our enemies.

My Lords and Gentlemen,

I cannot but tell you how essential it is for attaining those great ends abroad, of which we have so hopeful a prospect, that we should be entirely united at home.

It is plain, our enemies have no encouragement left, but what arises from their hopes of our divisions. It is therefore your concern not to give the least countenance to those hopes.

My inclinations are to be kind and indulgent to you all. I hope you will do nothing to endanger the loss of this opportunity, which God has put into our hands, of securing ourselves and all *Europe*; and that there will be no contention among you, but who shall most promote the public welfare.

Such a temper as this, in all your proceedings, cannot fail of securing your reputation both at home and abroad.

This would make me a happy Queen, whose utmost endeavours would never be wanting to make you a happy and flourishing People.

The two Houses immediately voted congratulatory addresses; and, the next day, the following one was presented by the Lords:

WE your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal in Parliament assembled, beg leave to return our humble and hearty thanks to your Majesty for your most gracious speech to your Parliament.

The kindness and indulgence your Majesty hath expressed for all your subjects; your care to create a perfect union among us, by forewarning us of the mischiefs of divisions; your goodness in declaring your own happiness to depend upon that of your people; your desire to see that happiness settled upon a lasting foundation; your strict regard to treaties; your justice to public engagements, abroad as well as at home; and, your noble concern for the support of the liberties of *Europe*, comprehend all the Royal qualities, that can be desired in a Sovereign; and when they are all so manifestly united in your Royal person, we, and the whole Nation, should be inexcusable to God and the whole World, to this Age and to Posterity, if we should not endeavour effectually to accomplish all those great and excellent designs, which your Majesty hath so wisely and graciously recommended.

We, for ourselves, faithfully assure your Majesty, that we will do all in our power to bring this Session to a happy and speedy conclusion, and to improve, to the utmost, the blessed opportunity, that God hath put into our hands.

Upon this occasion of approaching your Majesty, we desire humbly to congratulate the great and glorious success of your Majesty's

The Lords address.

1704.

" jecty's arms, in conjunction with those of
" your Allies, under the command of the Duke
" of *Marlborough*. We can never enough ad-
" mire your wisdom and courage, in sending
" that seasonable and necessary assistance to the
" Empire; and we cannot too much commend
" the secrecy and bravery, with which your
" orders were executed.

" What remains for us to do, is, to be-
" seech God, that the like success may attend
" your Majesty's arms, till you see the Pro-
" testant Religion and the Liberty of *Eu-
" rope*, settled upon a firm and lasting founda-
" tion; and that your Majesty may live ma-
" ny years, to have the pleasure and glory
" of beholding those parts of the world hap-
" py in the enjoyment of those blessings,
" which your Majesty shall have procured
" for them."

To this the Queen answered, " I am ve-
" ry sensible of the great duty and affection
" you have expressed in the several particu-
" lars of this address; and I return you my
" hearty thanks for your congratulation of
" our great success, and for the assurances of
" your readiness to concur in prosecuting it
" effectually."

The Address presented by the Commons,
the same day, was thus expressed:

Most gracious Sovereign,

*The Com-
mons ad-
dress.*

" **W**E your Majesty's most dutiful and
" loyal subjects, the Knights, Citizens,
" and Burgesses in Parliament assembled,
" beg leave to return to your Majesty our
" most humble and hearty thanks for your
" Majesty's most gracious speech from the
" throne; and to congratulate your Majesty
" upon the great and glorious success, with
" which it hath pleased God to bless your
" Majesty in the intire defeat of the united force
" of *France* and *Bavaria*, by the arms of your
" Majesty and your allies, under the com-
" mand, and by the courage and conduct of
" the Duke of *Marlborough*; and in the victo-
" ry obtained by your Majesty's fleet, under
" the command, and by the courage of Sir
" *George Rooke*.

" Your Majesty can never be disappointed
" in your expectation from us, your faithful
" Commons, who all come disposed to do
" every thing necessary for the effectual pro-
" secution of the war; and therefore your
" Majesty may depend upon our providing
" such Supplies, and giving such speedy dis-
" patch to the public business, as may in-
" able your Majesty to pursue these advan-
" tages so happily obtained over the common
" enemy, which we can never doubt but
" your Majesty's wisdom will improve to the

" procuring a lasting security for *England*, 1704.
" and a firm support for the liberty of *Europe*."

" We are truly sensible, that nothing can
" be more essential for the attaining those
" great ends, than to be intirely united at
" home. We shall therefore use our utmost
" endeavours, by all proper methods, to pre-
" vent all divisions among us, and will have no
" contention, but who shall most promote and
" establish the public welfare both in Church
" and State. Thus your Majesty's Reign will
" be made happy, and your memory blessed to
" all posterity."

The Queen " returned them thanks for the
" assurances they gave her of dispatching the
" supplies, and avoiding all divisions; both
" which, as they were extremely acceptable to
" her, so they would be advantageous to them-
" selves, and beneficial to the public."

The Lords address was universally applauded; *Remarks*
but that of the Commons gave great offence, *on the ad-
dress.*
particularly, because it spoke in the same terms
of the Duke of *Marlborough*'s victories and the
advantages gained by Sir *George Rooke* (1). It
was also observed, that the promise, which
they made to the Queen, of *using their utmost
endeavours to prevent all divisions*, was in a man-
ner restrained by the addition of *all proper me-
thods*, which many looked upon as ominous.

However, after the Commons had taken the *Supplies*
services of the army and navy into consideration, *are grant-
ed.*
and, by an unanimous vote, on the 2d of No- *Pr. H. C.*
vember, desired the Queen to bestow her bounty
upon the seamen and land-forces, who had behaved
themselves so gallantly, they proceeded to the
supply. The several sums they granted for the
navy, the army, and other necessary expences,
amounted to four millions, six hundred and se-
venty thousand, four hundred and eighty-six
pounds; which they resolved to levy by a land-
tax of four shillings in the pound, by continu-
ing the duties on malt, by raising eight hundred
and seventy-seven thousand, nine hundred and
thirty-one pounds by sale of annuities, and by
several other ways and means. They made so
great a dispatch, that, on the 9th of *December*,
the land-tax bill received the Royal assent, on
which occasion the Queen made a short speech
to both Houses, wherein, in particular, she re-
turned thanks to the Commons for their early
dispatch of so great a part of the necessary sup-
plies, which she looked upon to be a sure pledge
of their affections for her service.

It was generally wished, and indeed expected, *The Occa-
sional bill*
in the Court, as well as in the City and Coun- *is again
brought in.*
try, that the bill to prevent *Occasional Conformi-
ty*, which was the occasion of great divisions *Pr. H. C.*
and contests in the two former Sessions of this *III. 395.*
Parliament, would not have been revived again *Burnet.*
at this juncture, when all parties ought to have
suspended

(1) The Dukes of *Marlborough* in the *Account of
her Conduct* (p. 146.) makes the following observation
on this occasion: My Lord of *Marlborough*, before he
had had sufficient opportunity of shewing the great-
ness of the General, had, for his first successes in the
war, been complimented by this very House of Com-
mons, as the *Retriever of the glory of the English*

Nation, being then reputed a High-Churchman. But
now, that he was thought to look towards the mode-
rate party, his *complaint Victory at Blenheim* was, in the
address of congratulation to the Queen, ridiculously
paired with Sir *George Rooke's Drunken Battle* with the
French at sea.

1704.

Nov. 23.

Endea-
vours to
tack it to
the Land-
tax bill.Nov. 28.
Pr. H. C.

suspended their animosities, and joined in celebrating the successes of her Majesty's arms. But, notwithstanding all the endeavours used by the Ministry to engage the leading-men of the High-Church-party to restrain their zeal, till they might have an opportunity of gratifying it, without obstructing the public business, the Parliament had not sat long, before Mr. *William Bromley* moved in the House of Commons for leave to bring in that bill. This motion met with great opposition from all the moderate party, among whom appeared many Courtiers, particularly Mr. *Henry Boyle*, Chancellor of the *Exchequer*, who spoke strenuously against it. But, though it was carried in the affirmative, yet the chief of the High-Church-party debated several days in their private Assemblies, Whether they should bring in the bill or not? Though many urged strong reasons for the negative, yet the bill was brought in, but moderated in several clauses; for those, who pressed it, were now resolved to bring the terms as low as possible, in order once to carry a bill upon that head. Upon the first reading of it, after a warm debate, the question was carried for a second reading. This vigorous struggle against the bill, even in the House of Commons, made the patrons of it justly apprehensive, that it would never pass by itself through the Lords; and therefore, after a long consultation in their chief meeting, and (as was then whispered) by the suggestion of Mr. Secretary *Harley*, in whom they still reposed great confidence, but who designed to decoy them into a snare, they resolved to attempt the tacking of it to the Land-tax bill. Accordingly, on the second reading of the *Occasional bill*, Mr. *Bromley* made a long speech, wherein, among other things, he urged, "That the practice of *Occasional Conformity* was such a scandalous hypocrisy, as was no way to be excused upon any pretence whatsoever. That it was condemned even by the better sort of Dissenters themselves. That the employing persons of a different Religion from that established by law had never been practised by any wise Government, and was not allowed even in *Holland*. That the Sacramental-Test was appointed by the wisdom of the Legislature to preserve the established Church; which Church seemed in as much danger from the Dissenters at this time, as it was from Papists, when the act was made. That this law, being so necessary, and having been twice refused in the House of Lords, the only way to have it pass, was to tack it to a Money-bill. That it had been an ancient practice to tack bills, that were for the good of the subject, to Money-bills, it being reasonable, that, while grievous taxes were laid upon the subject for the support of the Crown, the Crown should, in return, pass such laws, as were for the benefit of the People. That the great necessity there was for the Money-bill's passing, was rather an argument for than against this proceeding. For what danger could there be, that the Lords, who pretended to be such great Patriots, should rather lose the necessary Supplies, than pass an Act so requisite for the preservation of the Church. That, however, if they should suppose them so unreasonable, the matter was not yet so bad, for it was only but proroguing the Parliament for a few days, and

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"then the Commons might pass the Land-Tax again without the Tack." He concluded with moving, "That the Bill to prevent *Occasional Conformity* might be tacked to the Land-Tax bill." This motion occasioned a long and warm debate. The design of the party was, that the Lords should be put under a great difficulty; since if they should untack the Bill, and separate one from the other, then the House of Commons would have insisted on a maxim, which was now settled among them as a fundamental principle never to be departed from, that the Lords cannot alter a Money-bill, but must either pass it or reject it, as it is sent to them.—On the other hand, the Lords could not agree to any such Tack, without departing from that solemn resolution, which was in their books signed by most of them, never to admit of a Tack to a Money-bill; and, if they yielded now, they taught the House of Commons the way to impose any thing on them at their pleasure. The party in the Commons put their whole strength on the carrying this point. They went farther in their design; that, which was truly aimed at by those in the secret, was to break the war, and to force a peace. They knew, that a Bill with this Tack could not pass in the House of Peers; for some Lords even of their own party confessed, that they would never pass it in that manner. By this means money would be stopped; and this would throw all matters into great confusion both at home and abroad, and dispose the Allies, as despairing of any help from *England*, to accept of such terms as *France* would offer them. Thus an artful design was formed to break, or at least to shake, the whole Alliance. The Court was very apprehensive of this, and the Lord-Treasurer *Godolphin* opposed it with much zeal. The party disowned the design for some time, till they had brought up their whole strength, and thought they were sure of a majority. The debate held long: Those, who opposed the Tacking, urged, that it was a change of the whole Constitution, and was in effect turning it into a Commonwealth, for it imported the denying, not only to the Lords but to the Crown, the free use of their Negative in the Legislature. If this was once settled, then, as often as the public occasions made a Money-bill necessary, every thing, which the majority in the Commons had a mind to, would be tacked to it. It is true, some Tacks had been made to Money-bills in King *Charles's* time; but even those had still some relation to the Money which was given. But in this case a Bill, whose operation was only for one year, and which determined as soon as the four shillings in the pound were paid, was to have a perpetual law tacked to it, which must continue in force, after the greatest part of the Act was expired. Besides these arguments, Mr. Secretary *Hedges* and the Lord *Cutts* represented to the House, that the Duke of *Marborough* had lately concluded a treaty with the King of *Prussia* for eight thousand of his men, to be employed towards the relief of the Duke of *Saxony*, who was in most imminent danger. That these troops were actually on their march, upon the credit of a vote of that House. That they would make good her Majesty's treaties: And that the obstructing the Money bills, which the Tacking would infallibly do, would put an immediate stop

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stop to the march of those troops, and thereby occasion the intire ruin of the Duke of Savoy. The Lord *Cutts* urged, "That the *English* Nation was now in the highest consideration abroad: That all *Europe* was attentive to the resolutions of this Parliament; and that, if any divisions should happen between the two Houses, it would cast a damp upon the whole Confederacy, and give the *French* King almost as great advantage, as we had gained over him at *Blenheim*." Mr. *Boyle*, Chancellor of the *Exchequer*, spoke on the same side, and asked, "Whether any wife man amongst them would venture his whole estate upon a Vote? And answering himself in the negative, *Then*, added he, *shall we now venture the safety of all England, nay, of all Europe, upon this Vote?* Sir *John Holt* perceiving, that many Members had left the High-Church party, observed, "That for his own part, he had been against this bill from the beginning, but he wondered, that those Gentlemen, who had all along pretended, that the Church of *England* was on the brink of ruin, unless such a bill should pass, did not pursue the only method, that might secure the passing of that bill. I put it (added he) to the conscience of those Gentlemen, who are come over to us, whether they were before satisfied, as to the reasonableness and necessity of this bill, since now they desert their own friends? I wish they had voted on our side two years ago, for it would have saved us a great deal of trouble, the greatest part of the Nation a great deal of uneasiness, and themselves the confusion of abandoning their party at a pinch."

Sir *Thomas Littleton* spoke on the same side, and said, "By the tacking of this bill, we mean to throw a necessity upon the Lords to pass it. But suppose the Lords think fit to untack what we have tacked, and to acquaint us that they are ready to pass the Money-bill, but will consider of the other; whose fault will the Nation account it to be, that the Queen's business is retarded?" In answer to all these objections, some precedents were alleged, and the necessity of the bill for the preservation of the Church was urged, which they saw was not like to pass, unless sent to the Lords so accompanied; which some thought was very wittily expressed by calling it a Portion annexed to the Church, as in a marriage; and they said, they did not doubt but those of the Court would exert themselves to get it passed, when it was accompanied with two millions as its price. Upon the division, the Tack was rejected by a majority of two hundred and fifty-one voices against one hundred and thirty-four.

Thus that design was lost by those, who had built all their hopes upon it, and were now highly offended with some of their own party, who had, by their opposition, wrought themselves into good places, and forsook that interest, to which they owed their advancement. These, to redeem themselves with their old friends, seemed still zealous for the bill, which afterwards went on coldly and slowly in the House of Commons, for they lost all hopes of carrying it in the House of Lords, now that the mine they had laid was sprung. However, it was sent up on the 14th of December; and, the next day, it was read for the first time. If the Queen had not been present, there would have been

no long debate on that head, for it was scarce possible to say much, that had not been formerly said; but to give her Majesty full information, since it was supposed that she had heard that matter only on one side, it was resolved to open the whole in her hearing. The topics most insisted on were, the quiet, that the Nation enjoyed by the Toleration, on which head the severities of former Reigns were laid open, both in their injustice, cruelty, and their being managed only to advance Popery, and other bad designs. The peaceable behaviour of the Dissenters, and the zeal they expressed for the Queen and her Government, were likewise copiously set forth, while others shewed a malignity to it. That, which was chiefly urged, was, that every new law made in the matter altered the state of things from what it was, when the act for Toleration first passed. This gave the Dissenters an alarm: They might from thence justly conclude, that one step would be made after another, till the whole effect of that act should be overturned. It did not appear, from the behaviour of any among them, that they were not contented with the Toleration they enjoyed, or that they were carrying on designs against the Church. In that case it might be very reasonable to look for a further security; but nothing tending that way was so much as pretended: All went on jealousies and fears, the common topics of sedition. On the other hand, to support the bill, all stories were brought up to shew, how restless and inquiet that sort of men had been in former times. The Archbishop of *York* declared, "That he was for so much of the bill as concerned the Church." Whereupon the Earl of *Peterborough* said, "That he was glad to hear that learned Prelate make a distinction between the Ecclesiastical and Political part of the bill; and he hoped, that all the Lords, who, in their consciences, were satisfied, as his Grace seemed to be, that this bill was framed to serve a temporal, as well as a spiritual end, would vote against it." The question being put, whether the bill should be read a second time, it was carried in the negative by a majority of seventy-one voices against fifty; fifty-one Members present, and twenty proxies, being for rejecting it; and thirty-three Peers in the House, and seventeen proxies, for giving it a second reading.

By this time the Lords were engaged in an affair, which made no less noise than the *Conformity-bill*, and was occasioned by a speech of Lord *Haverham*; his Lordship having acquainted the Peers, that he had matters of great importance to lay before them, but that he desired it should be in a full House; all the Lords in town and in the neighbourhood were summoned to attend three days after, when his Lordship made a speech, of which these are the most remarkable passages:

"I would be far from detracting or lessening any man's just praise, and do really believe, that the wonderful victory obtained over the *French*, under the conduct and command of Prince *Eugene* and the Duke of *Marlborough*, if considered in all its circumstances, especially the unusual secrecy, with which the orders were executed, is the greatest any history can shew us.

Debate concerning Scotland. Pr. H. L. III. Hist. of Europe. Burnet.

The Occasional bill sent up to the Lords, is debated and rejected by them. Burnet. Pr. H. C. III.

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" And, though our success at sea was not equal to what it was at land, yet the *English* courage and bravery shewed itself the same. I cannot indeed congratulate Sir *George Rook's* intire victory over the French; but I can, and do most heartily, his safe deliverance from them.

" Let our victories be what they will a shore, while *France* is thus powerful at sea, and more so daily, not only by her new additions, but by our too easy concessions, as were those of *St. Christopher's*, *Newfoundland*, and *Hudson's-bay*; while our trade is thus neglected, and your Lordships faithful and provident advice baffled by the dark counsels of no body knows who; *England*, in my opinion, can never be safe.

" Another thing, that I shall take notice of, is the present state of the coin; and I dare venture to say, that, if such vast exportations be much longer continued and allowed, we shall have very little left at home. *France* may be beaten, but *England* must be beggared. I know we are not so sensible of this, because there is a paper-money now current; but, should there ever happen to be a stop there, I pray God preserve us from sinking all at once.

" The last thing, that I shall mention to your Lordships, is in relation to *Scotland*. I think I need but lay before your Lordships the true matter of fact to convince you how much it deserves your consideration. A little before the last sitting down of the Parliament there, it was thought necessary to make some alteration in that Ministry; and accordingly some were displaced to make room for others, taking some from each party, who might influence the rest. Things being thus prepared, and a *new Ministry* set up, the Parliament met about the 6th of July last. And, though the Succession to the Crown in the Protestant line was the main thing recommended with the greatest earnestness by the Queen in her letter to them, yet was it so postponed and baffled, that at length it came to nothing; partly, because the Ministry was so weak and divided, that, instead of doing every thing, they could do nothing; and partly, from a received opinion, that the Succession itself was never sincerely and cordially intended, either by the Ministry there, or by those, that managed the *Scots* affairs here.

" This is very evident; for, at the opening of the Session, my Lord Secretary himself distinguishes between a *secret* and *revealed Will*. And not only that, but upon the fourth *Sederunt* (as they call it) a motion was made for a *Bill of Exclusion*; I take it formally to be so, though it bears the title of an *Act of Security*, which was read the first time on the 7th, and ordered to lie on the table till they heard from *England*; and, on the 10th, it passed into a law. Now can any reasonable man believe, that those, who promoted a *Bill of Exclusion* there, or those, who here advised the passing of it, could ever be really and cordially for the *English* Succession. I know there is an exception in the *Act* itself; but it is such a one, as might have, full as well, been left out. For he, that asks what, he knows before, will never be granted, only asks the denial. And yet this is not all, but

in this very bill of Exclusion, as I call it, all the Heretors and Boroughs are not only allowed, but ordained (as the word is) to be armed, and to exercise their fencible men once every month.

" This being the fact (and, I think, I have stated it very truly) surely, my Lords, it is what deserves your consideration; and I shall make but one or two observations to your Lordships. There are two matters of all troubles; much discontent, and great poverty; and whoever will now look into *Scotland*, will find them both in that kingdom. It is certain, the Nobility and Gentry of *Scotland* are as learned and as brave as any Nation in *Europe* can boast of; and these are generally discontented. And as to the common people, they are very numerous and very stout, but very poor. And who is the man, that can answer what such a multitude, so armed, so disciplined, with such Leaders, may do, especially since opportunities do so much alter men from themselves? And there will never be wanting all the promises and all the assistance *France* can give.

" Besides this, my Lords, I take it to be of the last danger to *England*, that there should be the least shadow or pretence of a necessity to keep up regular and standing troops in this kingdom in time of peace; for I shall always be of the same opinion, that what has been, may be. In short, my Lords, I think every man wishes these things had not been; and in my opinion, there is no man, but must say, they should not have been. I shall end with an advice of my Lord *Bacon's*. Let men, says he, beware how they neglect or suffer matter of troubles to be prepared; for no man can forbid the sparks that may set all on fire.

The Lords were variously affected with this speech; which, though generally approved, as to that part of it, which related to the *Scots* affairs, yet was it no less unwelcome than unexpected to see the present Ministry reflected upon, to whose counsels and management the Nation owed its prosperity at home, and, in great measure, its successes abroad. And besides, some Peers thought it derogatory to the Duke of *Marlborough*, that Prince *Eugene* should be named before him in the mention of an action, in which that Prince acted but a second part. However, this speech was seconded by the Earls of *Rocheſter* and *Nottingham*; the former particularly lamenting the ill consequences of the exportation of the coin, and insisting on the necessity of putting a stop to that evil. The Lord-Treasurer, who took this to be an oblique reflection on himself, said, " That, though it would not be difficult to demonstrate, that there never was so great a plenty of money in *England*, as at present, yet there was a sure way to increase that plenty, and prevent the exportation of coin, and that was by clapping up a peace with *France*. But then, added he, I leave it to the consideration of any wise man, whether we shall not thereby be shortly in danger of losing, not only all our coin, but all our land to boot."

The *Scots* business being the most material part of the Lord *Haversham's* speech, the 29th of *November* was appointed to consider of it, upon

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1704. upon which day the Queen went to the House of Peers, both to hear the debates about that important point, and to moderate by her presence any heats, which might arise (1). This, however, had not all the desired effect; for the Earl of Nottingham, having reflected on King William with relation to the treaty of partition, the Lord Somers rose up and said, "That it was unbecoming a Member of that House to fully the memory of so great a Prince; and he doubted not, but a man, who could reflect on King William before his Successor, would do the same by her present Majesty, when she was gone." As to the treaty mentioned by the Earl of Nottingham, he added, "That there was a noble Lord there present (meaning the Earl of Jersey) who was the principal Agent and Plenipotentiary in that treaty, and whose duty, as well as interest, it was to vindicate both the memory of his late most gracious Master and his own conduct." In the mean time the Lord Moban consulted with several Peers, whether they should move to send the Earl of Nottingham to the Tower. But, this being the first time the Queen did the House the honour of coming to hear their debates, they thought fit to decline that motion out of respect to her Majesty. As to the main business of the day, the Earls of Nottingham and Rochester urged the ill consequences of the Act of Security passed in Scotland: And it being answered, That the same was granted, to prevent the danger of a rebellion in that Kingdom, it was replied, "That, if the Scots had rebelled, they would have rebelled without arms; whereas, if they had a mind to rebel now, this act had legally supplied them with necessities to support their rebellion." The more moderate represented, That, like skilful Physicians and wise Legislators, they ought rather to apply present remedies to a known evil, than to lose time in enquiring, whether or no it might have been prevented. It was after much declaiming moved, That the Lords might pass some votes upon the Scots act. The Tories, who pressed this, intended to add a severe vote against all those, who had advised it; and it was visible at whom this was aimed. The Whigs diverted this: They said, that the putting a vote against an act passed in Scotland looked like the claiming some superiority over them, which seemed very improper at that time; since that Kingdom was possessed with a national jealousy on this head, which would be much increased by such a proceeding. More moderate methods were therefore proposed, in order to the making up of a breach in this Island, with which it seemed to be threatened; and, at last, the Grand Committee of the Peers came to these resolutions, "That the best method to prevent the inconveniencies, which might happen by the late acts passed in Scotland, was by making such laws here for that purpose: That * the Queen be enabled by act of Parliament, on the part of England, to name Commissioners to

* This vote suggested by the Ld. Wharton.

"treat about an Union with Scotland, provided, that these powers be not put in execution, till Commissioners should be named on the part of Scotland by the Parliament there. That Scotsmen should not enjoy the privileges of Englishmen, except such as are settled in this Kingdom, in Ireland, and the Plantations, and such as are or shall be in our land or sea-service, until an Union be had, or the Succession settled as in England. That the bringing of cattle from Scotland into England be prevented. That the Lord Admiral or Commissioners of the Admiralty, for the time being, be required to give orders to her Majesty's ships, to take such ships, as they shall find trading there from Scotland to France, or to the ports of any of her Majesty's enemies; and that Cruizers be appointed for that end. And that the exportation of English wool into Scotland be carefully hindered." These resolutions being approved by the House, the Judges were ordered to reduce them into bills; one of which, for an intire Union, was read a third time, and passed the 20th of December, and sent to the Commons for their concurrence. On the 9th, the Lords presented an address to the Queen, importing, "That, having taken into consideration divers acts of Parliament lately passed in Scotland, and duly weighed the dangerous and pernicious effects, which were likely to follow from them, they were preparing bills for preventing such great evils; and, in the mean time, they thought themselves bound to represent to her Majesty, as their humble opinion, that it was highly requisite for the safety of this Kingdom, that speedy and effectual orders be given for putting of Newcastle into a condition of defence, for securing the port of Fimouth, and for repairing Carlisle and Hull. They also besought her Majesty to cause the militia of the four Northern Counties to be disciplined, and provided with arms and ammunition; and a competent number of regular troops to be kept upon the Northern borders of England, and in the North parts of Ireland: And to direct the laws to be effectually put in execution against all Papists, in respect to their arms and persons, and to order a particular account of what was done, in execution of her commands, to be laid before her Majesty in Council without delay." To this address the Queen answered, "That she should direct a survey to be made of the several places mentioned in this address, in order to lay it before the Parliament: And what forces could be spared from their attendance here, should be quartered upon the borders, as they had been the last year: And that she would likewise give the necessary directions upon the other particulars of the address." The Commons likewise, having in a grand Committee, considered the state of the Nation with regard to Scotland, resolved on the 13th of December, "that a bill should be brought

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† This by Lord Halifax.

|| This by Lord Ferrers.

‡ This by the Earl of Torrington.

* This by Lord Moun.

(1) The Queen began this winter to come to the House of Peers upon great occasions to hear their debates, which, as it was of good use for her better information, so it was very serviceable in bringing the House into better order. The first time she came,

was, when the debate was taken up concerning the Scotch Act: She knew the Lord Treasurer was aimed at by it, and she diverted the storm by her endeavours, as well as she restrained it by her presence. Burnet Vol. II. 405.

1704. "brought in for the effectual securing the Kingdom of *England* from the apparent dangers, that might arise from several acts lately passed in the Parliament of *Scotland*."

And on the 11th of *January*, Mr. *Conyers* reported from the Committee of the whole House, to whom it was referred to consider of Heads for that bill, the resolutions they had come to, and which were as follow: "That it be one head of the bill to enable her Majesty to nominate and appoint Commissioners for *England* to treat with Commissioners from *Scotland*, for an Union between the two Kingdoms. 2. That all natives of the Kingdom of *Scotland*, except such as are settled, and shall continue inhabitants of *England*, or the dominions thereunto belonging, or at present in the service of the army or navy, shall be reputed as *Aliens*, unless the Succession to the Crown of *Scotland* be settled on the Princess *Sophia* of *Hanover*, and the heirs of her body being Protestants. 3. That a more effectual provision be made to prevent the exportation of wool from *England* and *Ireland* into *Scotland*. 4. That provision be made to prevent the importation of *Scots* linen into *England* or *Ireland*, and to permit the exportation of the linen manufactures of *Ireland* in *English* bottoms into her Majesty's plantations in the *West-Indies*. 5. That immediate provision be made to prevent the conveying of horses, arms, and ammunition, from *England* into *Scotland*. 6. That all the Protestant free-holders of the six Northern counties of *England* be permitted to furnish themselves with arms." These resolutions being read twice, all, except the last, were agreed to by the House, who appointed a Committee to prepare and bring in a bill accordingly; and on the 16th of *January*, upon the second reading of the Lords bill to the same purpose, it was ordered to lie upon the table, because the Commons were resolved to adhere to a notion, which had now taken such root among them, that it could not be shaken, that the Lords could not put into a bill begun with them any clause, containing Money-penalties, as they had done into this. This notion was indeed wholly new, for Penalties upon transgressions could not be construed to be a giving of Money. The Lords were clearly in possession of proceeding thus; so that the calling it in question was an attempt on the share, which the Lords had in the legislature. On the first of *February*, the Commons read it a third time, and passed their own bill relating to *Scotland*; and the following *Christmas* was the day prefixed for the *Scots* to enact the Succession, or, on failure thereof, then this act was to have effect. A great coldness appeared in many of the Commons, who used to be hot on less important occasions: They seemed not to desire, that the *Scots* should settle the Succession; and it was visible, that some of them hoped, that the Lords would have used their bill, as they had used that sent down by the Lords. Many of them were less concerned in the fate of the bill, because it diverted the censure, which they had intended to fix on the Lord-Treasurer. But the Lords were aware of this, and four days after the bill was sent up to them, passed it without any amendment. Those, who wished well to the Union, were afraid, that the prohibition, and the declaring

the *Scots* Aliens after the day prefixed, would be looked on as threatnings; and they saw cause to apprehend, that ill-tempered men in *Scotland* would use this as an handle to divert that Nation, which was already much soured, from hearkening to any motion, that might tend to promote the Union, or the declaring the Succession. It was given out by those, that this was an indignity done their Kingdom, and that they ought not so much as to treat with a Nation, that threatened them in such a manner. The Marquis of *Tweeddale* excused himself from serving any longer, upon which the Duke of *Argyle* was appointed Lord-High-Commissioner in his room.

The Duke of *Marlborough*, upon his return to *England*, and first coming to the House of Peers, received the following compliment from the Lord-Keeper in the name of that House:

My Lord Duke of Marlborough,

"THE happy success, that hath attended her Majesty's arms under your Grace's command in *Germany* the last campaign, is so truly great, so truly glorious in all its circumstances, that few instances in the history of former ages can equal, much less excel the lustre of it.

Your Grace has not overthrown young unskilful Generals, raw and undisciplined troops; but your Grace has conquered the *French* and *Bavarian* armies; armies that were fully instructed in all the arts of war, select veteran troops, flushed with former victories, and commanded by Generals of great experience and bravery.

"The glorious victories your Grace has obtained at *Schellenberg* and *Hochstet*, are very great, very illustrious in themselves; but they are greater still in their consequences to her Majesty and her Allies. The Emperor is thereby relieved; the Empire itself freed from a dangerous enemy in the very bowels of it; the exorbitant power of *France* is checked; and, I hope, a happy step made towards reducing of that Monarch within his due bounds, and securing the liberties of *Europe*.

"The honour of these glorious victories, great as they are, under the immediate blessing of Almighty God, is chiefly, if not alone, owing to your Grace's conduct and valour.

"This is the unanimous voice of *England*, and all her Majesty's Allies.

"My Lord, This most honourable House is highly sensible of the great and signal services your Grace has done her Majesty this campaign, and of the immortal Honour you have done the *English* Nation; and have commanded me to give you their thanks for the same. And I do accordingly give your Grace the thanks of this House, for the great honour your Grace has done the Nation, and for the great and signal services you have done her Majesty and this Kingdom, the last campaign."

The Duke's answer was as follows:

My Lords,

"I am extremely sensible of the great honour

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The Duke of Marlborough complimented at his return by the Lord Keeper. Dec. 15.

The Duke's answer.

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The same day, a Committee of the House of Commons waited on the Duke, to give him also the thanks of that House.

The French prisoners sent to Nottingham and Litchfield.

Marshall de Tallard, with the other French Generals, being now at the Queen's disposal, she had a fair opportunity of shewing her resentment of the late haughty and contemptuous behaviour of the French towards her Royal person and dignity. For, to omit other insults, it is remarkable, that, when the Lord Cuits was about settling a cartel with their commissioners, they would not allow his title of *Lieutenant-General of the Queen of England's forces*, but only of the English forces; upon which, the Conferences were broke off. For this, and some other reasons, it was resolved to give the French prisoners some small mortification, by letting them lie two nights on board the *Catbarine* and *William* and *Mary* yachts in the river; and by suffering no person of distinction to have access to them. And it is to be observed, that the Earl of *Feverisham* having asked the Duke of *Marlborough*, "Whether he might go and see his old friend Marshall de Tallard?" The Duke told him, That he believed the Queen would not refuse him leave, if he asked it of her: Which the Earl took for a soft denial, and forbore to make any application to see the Marshal, who with the rest of the French prisoners, landed on the 16th of December at Blackwall, where they were magnificently entertained at dinner by Mr. Jackson, and, in the afternoon, set out in several coaches for *Barnet*, in their way to *Nottingham* and *Litchfield*, where her Majesty thought fit they should reside (1). They were accompanied by General *Churehill*, and attended by a detachment of the Duke of *Northumberland's* Royal regiment of Horse-guards, who were also ordered to guard them at *Nottingham* and *Litchfield* as prisoners, being allowed all manner of freedom, both in those places and ten miles round about.

On the 3d of January, the standards and colours, taken at *Blenheim*, were set up in *Westminster-Hall*; and, three days after, the Duke of *Marlborough* was entertained by the City of *London*. Two days before, Dr. *Delaune*, Vice-Chancellor of *Oxford*, accompanied by several of the heads of Houses, the Proctors, and other principal Members of the University, attended the Queen with a printed copy of the speeches and verses spoken in the Theatre on New-

year's day. They presented at the same time an address to her Majesty, importing, "That the exercise, performed in their Theatre, was in honour of the great success of her Majesty's arms the last year in *Germany*, under the admirable conduct and invincible courage of the Duke of *Marlborough*; and at sea under the most brave and faithful Admiral, Sir *George Rooke*; actions as beneficial as they were glorious, by which the Empire was freed from the power of *France* and treachery of *Bavaria*, *Charles III.* possessed of *Gibraltar*, a happy preface of his speedy Settlement in his Kingdoms, commerce in the *Mediterranean* secured, and the greatest check, that was ever given to the ambitious designs of *France*. Concluding with their prayers to God, that he would still reward her Majesty's pious care and concern for the Established Church, by the continuance of victory to her arms." The Queen returned a cold answer to this address, desiring, however, the Vice-Chancellor to let the University know, "how kindly she took this instance of their zeal;" but adding, "that, as they might be assured of her protection, so she would not doubt of their care to encourage those principles, which would promote the peace and welfare of herself and all her subjects." The truth was, that the Duke of *Marlborough's* friends were greatly offended with an address, which set the actions of the Admiral upon the same level with those of the Captain-General. And, as the University of *Oxford* spoke the sense of the whole High-Church party, so it was not long before the Court, who now espoused the opposite interest, shewed their resentment of it.

On the 11th of January, the Commons took into consideration the great services performed by the Duke of *Marlborough* the last summer; and Sir *Christopher Musgrave*, who, in a former Session, had chiefly opposed a Motion for rewarding the Duke, being now silenced, as it was thought, by a promise of a place for his son, it was unanimously resolved to present an address to her Majesty, expressing "the great sense this House had of the glorious victories obtained by the forces of her Majesty and her Allies under the command of the Duke of *Marlborough*; and humbly desiring her Majesty to consider of some proper means to perpetuate the memory of the great Services performed by his Grace." The Queen took a few days to consider of this address; and, on the 17th sent the following message to the Commons, "That she inclined to grant the interest of the Crown in the Honour and Manor of *Woodstock* and Hundred of *Wootton*, to the Duke of *Marlborough* and his Heirs; and, the Lieutenantancy and Rangership of the parks, with the rents and profits of the Manors and Hundreds, being granted for two

The Manor of Woodstock settled on the Duke of Marlborough.

(1) At *Nottingham*, Marshall de Tallard; the Marquiss de *Monperoux*, General of Horse; the Count de *Blancaze*, Lieutenant-General; the Marquiss de *Hautefeuille*, General of Dragoons; the Marquiss de *Valjame*, the Marquiss de *Seppville*, the Marquiss de *Silly*, the Chevalier de *Croissy*, the Marquiss de la *Valiere*, Major-Generals; Monsieur de *St. Secund*, Brigadier; the Marquiss de *Vassé*, Colonel of Dragoons: At *Litchfield*, the Marquiss de *Marivaux*, Lieutenant-

General; Monsieur de la *Messière*, Monsieur *Jolly*, Monsieur d'Amigny, Brigadiers; Monsieur de *St. Maurice*, the Count de *Lionne*, the Marquiss de *Laffey*, the Baron d'Est, Monsieur de *Balincourt*, Monsieur de *Sauvebois*, Monsieur de *Montenay*, Monsieur de *Gallart*, Monsieur de *Cressy*, Colonels of Foot; Monsieur de *Legendais*, the Baron de *Heyder*, Colonels of Horse; Monsieur de *Prixe*, and Monsieur d'Arival, Colonels of Dragoons.

1704-5. "lives, her Majesty thought it proper that incumbrance should be cleared." Hereupon the Commons ordered a bill to be brought in, to enable the Queen to grant the Honour and Manor of Woodstock, and Hundred of Wootton, to the Duke of Marlborough and his Heirs; and resolved to address the Queen to advance the money for clearing the forementioned incumbrances. The Queen not only complied with this address, but likewise ordered the Comptroller of her works to build in Woodstock park a magnificent Palace, called *Blenheim-House*. The plan of this magnificent building was formed by Sir *John Vanbrugh*, in which extent and stability seem to be more studied than art and beauty.

By this time Sir *George Rooke* had been laid aside; and it was publicly declared, that the Lord-High-Admiral had appointed Sir *Cloudesly Shovel*, Admiral of the White Squadron, to be Rear-Admiral of England, and Admiral and Commander in chief of her Majesty's fleet. Sir *John Leake*, who had distinguished himself in the late sea-fight, and had been very successful in the seasonable relief of *Gibraltar*, was at the same time appointed Vice-Admiral of the White Squadron; Sir *George Byng*, Vice-Admiral of the Blue; Sir *Thomas Dilks*, Rear-Admiral of the Red; *William Whetstone*, Rear-Admiral of the White; Sir *John Jennings*, Rear-Admiral of the Blue, in the room of Sir *James Wilsburt*, who laid down his Commission.

On the 18th of February, Baron de *Spanheim*, Ambassador Extraordinary from the King of Prussia, having notified to her Majesty the death of the Queen of Prussia, only daughter to the late Elector of Hanover, by the Princess *Sophia*, and great grand-daughter of King *James I.* Some days before this, the House of Commons took into consideration the treaty lately concluded by the Duke of Marlborough, and unanimously resolved, "That an humble address be presented to her Majesty, returning the thanks of this House for concluding the late treaty with the King of Prussia, which was so seasonable a support to the Duke of Savoy, and so great an advantage to the common cause; and also to assure her Majesty, that her faithful Commons would effectually enable her to make good the treaty with the King of Prussia, who, upon so many occasions, had signalized his zeal for the Protestant Religion and Liberty of Europe."

The Commons presented another address to the Queen, "That she would be pleased to use her interest with her Allies, that they might the next year furnish their several compleat quota's both by sea and land, according to their respective Treaties, and to continue her endeavours for an accommodation between the Emperor and his Subjects now in arms in Hungary, in order to the better and more effectual carrying on the present most necessary war." The Queen promised to use her endeavours to obtain a compliance from the Allies with what was desired; and to make application to the Emperor for an accommodation with all imaginable earnestness.

Complaints of the mismanagement both at the board of the Prince of Denmark's Council as Lord-High-Admiral, and at sea, rose now very high. The House of Commons, during the whole continuance of the Parliament, never appointed a Committee to look into those matters,

which had been formerly a main part of their care. They saw, that things were ill conducted, but the chief Managers of sea-affairs were men of their party, and that atoned for all faults, and made them unwilling to find them out, or to censure them. The truth was, the Prince was prevailed on to continue still in the Admiralty by those, who sheltered themselves under his name, though this brought a great load on the Government. The Lords proceeded as they had done in the former Session, examining into all Complaints. They named two Committees, the one to examine the books of the Admiralty, the other to consider the proceedings at sea. No progress was made in the first of these; for, though there was a great deal suggested in private, yet, since this seemed to be complaining of the Prince, none would appear directly against him. But the proceedings at sea afforded matter enough, both for enquiry and censure. The most important, and that which had the worst consequences, was, that, though there were twenty-two ships appointed for cruising, yet they had followed that service so remissly, and the orders sent them were so languid and so little urgent, that three diligent cruising ships could have performed all the services done by that numerous fleet. This was made out in a scheme, in which all the days of their being at sea were reckoned up, which did not exceed what three cruisers might have performed. It did not appear, whether this was only the effect of sloth or ignorance, or if there lay any designed treachery at the bottom. It seemed very plain, that there was treachery somewhere, at least among the Under-officers; for, a French Privateer being taken, there were found among his papers instructions sent him by his Owners, in which he was directed to lie in some stations, and to avoid others; and it happened, that this agreed so exactly with the orders sent from the Admiralty, that it seemed it could not be by chance, but that the directions were sent upon sight of the orders. On the 5th of February, the Lords presented an address to the Queen, concerning the mismanagements of the navy, setting forth in particular, "That, for the three last years, the charge of the navy had exceeded what was designed by the Parliament, the sum of above three hundred and sixty-six thousand pounds. That, in the year 1704, one thousand five hundred and sixty-six seamen were wanting to make up the number of thirty-five thousand, who, with the five thousand marines, ought to have been employed at sea, to make up the number of forty thousand men provided for by Parliament. That there were the last year ten ships in sea-pay, viz. three Admirals, three Vice-Admirals, and four Rear-Admirals, and that three of these were not in their ports. That Mr. *Churebill*, Admiral of the Blue, had not been at sea in any year of this war. That Mr. *Graydon*, Vice-Admiral of the Blue, had been on shore all this last year: And that Sir *James Wilsburt*, though a Rear-Admiral, had been the last year Captain to the Admiral of the fleet. That there were two Vice-Admirals of the Red, and two Rear-Admirals of the Blue, but no Vice-Admiral of the White; which, to their Lordships, seemed to have been very irregular, and to have been done in favour of Mr. *Graydon*, to continue him in the service,"

The Queen of Prussia's death.
P. H. C.
III.

Feb. 8.

Complaint of the Admiralty.
Burnet.
Hist. of Europe.

1704-5. "service, although this House had voted, That his behaviour, in letting the four *French* ships escape, was a prejudice to her Majesty's service, and a great dishonour to the Nation; and that his proceedings in *Jamaica* had been a great discouragement to the inhabitants of that Island, and prejudicial to her Majesty's Service; and hereupon the Lords had, on the 29th of *March* last, made an humble address to her Majesty, that Mr. *Graydon* might not be employed any more in her service; but, having been acquainted, since the report made to them from their Committee, that Mr. *Graydon* was discharged, they besought her Majesty, that he might be no more employed in her service." After this, their Lordships took notice of "the vast increase of pensions, as appeared by the navy books, particularly, a pension of three hundred and nineteen pounds to Sir *John Munden*, though he had not done his duty in the expedition to *Corunna*; whereas the pension to Admiral *Nevis*'s widow had not been paid for two years past; and some Officers of the fleet had been laid aside, without any pension or consideration, though no misbehaviour had been laid to their charge." They farther observed, "That in the ordinary estimate of the navy, there was put down seven thousand pounds for the Prince's Council, though they were only five in number in 1702, five in 1703, and six in 1704; and it did not appear, that more than one thousand pounds a-piece had been paid to them: And that Mr. *Churchill*'s appointments from the navy were, as Prince's Council, one thousand pounds; for pension, five hundred pounds; as Admiral of the Blue, one thousand two hundred and seventy-seven pounds, ten shillings; and for table-money (though not at sea) three hundred and sixty-five pounds; in the whole, three thousand one hundred and forty-two pounds, ten shillings." They likewise represented, "That there was not a sufficient number of proper ships for Cruisers and Convoys;" and they concluded, with "resting assured, that her Majesty would consider of the fittest methods, and give the most effectual orders for restoring and establishing the discipline of the navy, the encouragement of seamen, the guarding of the coasts, and the protection of trade." To this address the Queen made answer, "That it contained many observations, which she would consider particularly, and give such directions upon them, as might be most for the advantage of the public service."

A design was formed in this Session of Parliament, but there was not strength to carry it on at this time. The Earl of *Rocheſter* gave an hint of it in the House of Lords, by saying, that he had a motion of great consequence to the security of the Nation, which he would not make at this time, but would do it when next they should meet together. He said no more in the House, but in private discourse he owned it was for bringing over the Electors of *Hanover* to live in *England*. It seemed not natural to believe, that a party, who had been all along backward at best, and cold in every step, which was made in settling the Succession in that fa-

mily, should become all on the sudden such converts, as to be zealous for it; and therefore it was not an unreasonable jealousy to suspect, that somewhat lay hid under it. It was thought, that they either knew or apprehended, that this would not be acceptable to the Queen; and they, being highly displeased with the measures she took, went into this design both to vex her, and in hopes that a faction might arise out of it, which might breed a distraction in our Councils, and some of them might hope thereby to revive the Pretender's claim. They reckoned, that such a motion would be popular; and if either the Court or the Whigs, on whom the Court was now beginning to look more favourably, should oppose it, this would cast a load on them, as men, who, after all the zeal they had expressed for that Succession, did now, upon the hopes of favour at Court, throw it up: And those, who had hitherto been considered as enemies of that House, might hope, by this motion, to overcome all the prejudices, which the Nation had taken up against them; and they might create a merit to themselves in the minds of that family, by this early zeal, which they resolved now to express for it. This was set on foot among all the party; but the more sincere among them could not be prevailed on to act so false a part, though they were told, this was the likeliest way to advance the Pretender's interest.

The last business of this Session, with which this Parliament ended, was the case of the *Ailsbury* men. It has been related, what proceedings had been at law upon the election at *Ailsbury*. The judgment that the Lords gave in that matter was executed*, and, upon that, five others of the Inhabitants brought their action against the Constables, for refusing their votes. The House of Commons looked on this as a high contempt of their votes, and a breach of their privileges, to which they added a new, and till then, unheard-of crime, that it was contrary to the Declaration† they had made. At the same time they sent their message for these five men (namely, *John Paty*, *John Oviat*, *John Paton*, junr. *Henry Basse*, and *Daniel Herr*) and committed them to *Newgate*, where they lay three months prisoners. They were all the while well-supplied, and much visited, and therefore remained without making any application to the House of Commons. It was not thought advisable to move in such a matter, till all the money-bills were passed; then motions were made, in the interval between the terms upon the statute of *Habeas Corpus*, but, that statute relating only to commitments by the Royal authority, this did not lie within it.

When the Term came, a motion was made in the *Queen's Bench* upon the common law, in behalf of the prisoners for a *Habeas Corpus*. The Lawyers, who moved it, produced the commitment in which their offence was set forth, that they had claimed the benefit of the law, in opposition to a vote of the House of Commons to the contrary. They said, the Subjects were governed by the laws, which they ought and were bound to know, and not by votes of a House of Parliament, which they were neither bound to know nor to obey (1). Three of the Judges

1704-5.

The affair of the five Ailsbury men. Pr. H. C. Hist. of Europe. Burnet. * See p. 641.

† See p. 640.

(1) The pleadings of the Lawyers more at large were as follows: *Page*, *Montague*, *Lechmere*, and *Den-*

1704-5. were of opinion, that the Court could take no cognizance of the matter, and that the prisoners ought to be remanded; but the Chief Justice Holt was of another mind. He thought a general warrant of commitment for breach of privilege, was of the nature of an execution; and, since the ground of commitment was specified in the warrant, he thought it plainly appeared, that the prisoners had been guilty of no offence, and that therefore they ought to be discharged.

Though Holt's judgment seemed clear and solid, yet, as he was but one against three, the majority prevailed, and the prisoners were remanded to Newgate (1). 1704-5.

Upon this, *Paty* and *Oviat*, two of the prisoners, moved for a writ of *Error*, to bring the matter before the Lords. This writ was only to be obtained, by petitioning the Queen, that the judgment of the Court of the *Queen's Bench* might be brought before her Majesty in Parliament.

There were counsel for the prisoners, and, after reading the return of the commitment, Mr. Page said, "That the writ of *Habeas Corpus* was a writ grounded on common law, and therefore this court can bail all persons, who by the law of England are bailable. That he did not say, but that the House of Commons hath privileges, which belong to them, and may commit for breach of such privileges: that he now only enquired, if there be any law for the commitment of the prisoners; and therefore the first question he made, was, *If there was a breach of privilege returned?* Adding, that there being no notice in the return, that the House of Commons has any privilege, he need not argue, whether they have a power, or not, to restrain men from suing in the Queen's Court." The Lord Chief Justice Holt having told Mr. Page, that the question was, *If they were not to take notice of their power, tho' not returned to that Court?* Mr. Page answered, That, tho' the Court would take notice of any power of the House, yet, that not appearing in the return, they could not judge of it, the commitment being by the Speaker, and not by the House. The Lord Chief Justice replying, that the commitment was in pursuance of the order of the House, Mr. Page rejoined, that then it should be shewn to be by the House, the Speaker being in the chair, which was mentioned in the commitment. But this was overruled by the Lord Chief Justice, who said, that by the House, was to be understood the whole House sitting, with the Speaker in the chair. Mr. Montague continued the same objection to the commitment, adding, that it did not appear, that the prisoners were any ways related to the House of Commons, either as Members or Officers: That, as to the Lord Shaftsbury's case, he was a Member: That he agreed every Court must have power to keep order among themselves; but that to take a man out of the House, who was not of the House, nor guilty of any breach of privilege, for aught appeared, by a return, he knew no law for it: That the cause assigned was, because the prisoners had been guilty of bringing and presenting an action, which he did not take to be a crime by any known law: That, in the case of the Constable of *Ailsbury*, there was a judgment at law judicially given, which could not be got over, until some act of Parliament interposed; and the law being so, that a man might bring his action, he did not know, what crime a man could be guilty of, who used this law: That the words of his commitment went further, that bringing this action is contrary to the Declaration, in high contempt of the Jurisdiction, and in breach of the known privileges: That they did not know what this word Declaration meant, neither did they understand what this breach of the jurisdiction was: That as to the words, *against the known privileges of the House*, he was at a loss what action is against the privilege of the House, because they can have no privilege against law, and he was sure it was not against law to bring any action. Then he took notice, that the commitment was during pleasure, adding, that he had known persons committed *per mandatum Domini Regis* bailed; and therefore by strong reason ought they to be bailed if committed by the House of Commons. Mr. Lechmere enforced what had been alledged by the other two, adding, that one part of the commitment, which set

forth the reasons of it, was for bringing an action at law, contrary to the declaration of the House of Commons, in opposition to which declaration, he must alledge the declaration of the Lords: That, this commitment, being also said to be for a contempt of the high jurisdiction of the Commons, the Lords in the case of *Ashby* and *White* had declared against it. He then urged, That no other court, save that of the Lords, and the courts at *Westminster*, and other inferior courts of England, can execute any jurisdiction touching any actions at Law; and that privileges, which are against the known laws of England, are in themselves void. Another objection or exception was, that the continuance of the imprisonment of the prisoners was a new commitment: That the *Habeas Corpus* is the way, which the Queen takes to make disquisition about the Liberty of her Subjects: That, though both Houses of Parliament are proper judges of their own privileges, yet this court has formerly judged of their privileges; to which purpose he instanced in the Lord Shaftsbury's case, wherein notice is taken of a case, where an original was filed against a Member sitting in the House; and that in the case of the Lord Banbury, though the Lords Temporal and Spiritual had declared he was no Peer, yet in this court, when he was brought to be tried for murder, and denied the jurisdiction here, insisting upon the Peerage, this court refused to try him, and allowed his plea. That the laws of Parliament are the customs of Parliament: That there is no precedent in Parliament to commit a man for prosecuting for his Freehold or Franchise; but on the contrary he believed, that in the Rolls of Precedents there might be found a case, where bail had been allowed by this court upon a commitment of the House of Commons. Mr. Denton excepted to the return of the commitment, alledging, 1. That the Warrant did not sufficiently describe the crime. 2. That it did not appear, that the party committed had notice of the vote or declaration of the House of Commons, for every man is not bound to take notice of a vote, because it is but a temporary thing. 3. That it not appearing by this return, that the prisoner was a Commoner, he might, notwithstanding any thing that appeared to the contrary, be a Lord; and then it must be agreed, the Commons had no jurisdiction. That, if it had been a general commitment, without shewing the offence particularly, and said, for a breach of privilege only, perhaps it had been a good commitment; but here the cause was set forth, and it appeared by the judgment of the Lords in the case of *Ashby* and *White*, that was no cause at all of commitment. That bailing the prisoners in this court did not meddle with the privileges of the House of Commons, because, if bailed, yet they are answerable to the House, and are prisoners in *custodia Legis*. That indeed Justices of the Peace can commit for a riot without bail; but this power arises from an express act of Parliament for that purpose. That the Queen herself cannot commit, so as to bind the power of the law; but this court can, in such cases, and always have, upon good causes shewn, bailed, notwithstanding such commitments.

(1) The Judges delivered their opinions in the following manner: The youngest of them declared, that he thought the prisoners ought to be remanded, alledging, that it was the first *Habeas Corpus* of the kind,

1704-5.
Feb. 24. ment. The Commons were alarmed at these petitions, and resolved upon an address to the Queen, "setting forth the undoubted right and privilege of the Commons of England in Parliament assembled, to commit, for breach of privilege; and that the commitments of this House are not examinable in any other Court whatsoever; and that no such writ of Error was ever brought, nor doth any writ of Error lie in this case: And that as this House had expressed their duty to her Majesty, in giving dispatch to all the Supplies, so they had an intire confidence in her Majesty's goodness and justice, that she would not give leave for the bringing any writ of Error in this case; which would tend to the overthrowing the undoubted rights and privileges of the Commons of England."

Ten Judges (two only being of another mind) agreed, that, in civil matters, a petition for a writ of Error was a petition of Right and not of Grace. It was therefore thought a very strange thing, which might have most pernicious consequences, for a House of Commons to desire the Queen, not to grant a petition of Right, which was plainly a breach of Law, and of her Coronation-oath. It was no less strange for them to take upon them to affirm, that the writ did not lie, when that was clearly the work of the Judicature to declare, whether it lay or not, which was unquestionably the right of the Lords, who only could determine that. Besides, their having supplied the public occasion, was a strange consideration to be offered to the Queen, as an argument to persuade her to act

against law, as if they had pretended, that they had bribed her to intrude the law, and to deny justice; since money, given for public service, was given to the Country and to Themselves, as properly as to the Queen. Her answer to this address was to this effect: "That she was much troubled to find the House of Commons of opinion, that her granting the writs of Error, mentioned in their address, was against their privileges, of which she would always be as tender, as of her own prerogative: And therefore they might depend, she would not do any thing to give them any just occasion of complaint. But, this matter, relating to the course of judicial proceedings, being of the highest importance, she thought it necessary to weigh and consider very carefully, what might be proper for her to do, in a thing of so great concern." This answer was thought so cold, that no thanks were returned for it; though a well-composed House of Commons would certainly have thanked her for that tender regard to law and justice. The same day the answer was reported by Mr. Secretary Hedges, the Commons proceeded to carry their resentments to greater extremities, and having continued sitting till the evening, voted, "That Mr. Francis Page, Mr. James Montague, Mr. Nicholas Lacmère, and Mr. Alexander Denton, in pleading upon the return of the *Habeas Corpus*, on behalf of the five prisoners committed by this House, were guilty of a breach of privilege;" and ordered them to be taken into custody. As they were apprehensive, left the Queen

kind, that ever was brought: That, if this return now before the Court had been of an *Habeas Corpus* from an inferior Court, it had been a bad return; but that the House of Commons was superior, and could not be bound by the forms of *Westminster-Hall*, having peculiar laws and customs: That when the Earl of Northumberland petitioned the King, where the question was, Whether the power, that he had raised, was Treason, which petition was ordered to be delivered to the Justices to be considered, the Lords made protestation, that the order thereof belonged to them, and they resolved it not to be Treason. That here was a parallel case: The House of Commons had declared the prisoners guilty of a Contempt; and how could this Court contradict what had been determined by them, who are part of the Legislature, and cannot be supposed to break their trust? Judge *Powis* was of the same opinion as to the remanding of the prisoners, urging, that this case was not like that of the Lord Shaftsbury. That as to the objection made by the Council, that the prisoners were not Members, he answered, that most commitments by the House of Commons were of other persons, not Members, as for arresting a Member, sitting the House, &c. otherwise they could not vindicate the breach of their privileges. As to what was objected, that this commitment was during pleasure, he replied, That it was more beneficial to have commitments so, that persons so committed might, in the mean time, make application and submit: And that the commitments of the House of Commons were like the commitments of this Court upon contempts, which always were understood not to be for any certain time, and therefore during pleasure. That it was likewise objected at the bar, that the commitment was for bringing an action; to which he answered, that privilege stops; and so it is in all actions brought against any servants of Members sitting the House. And as to the case of *Ashby and White*, he did not think it to be the same with this case here. That he saw but two things of substance in this argument: The first, That, if this Court, being an high

Court, and the highest of all inferior Courts, can discharge any person committed *per mandatum Domine Regine*, surely then it may discharge one committed by the House of Commons. To which he answered, that he took this to be a fallacy, because the King is to act by his Ministry and by his Courts, and not by his absolute Will: That, according to Lord Coke, though the King be presumed to be present in this Court, yet he doth act by his Judges here, otherwise he might be a Judge and Party. And to the objection, "Whether the Commons should by a declaration direct who should not be sued;" that we must suppose they have a general jurisdiction of privileges, and contempts, and rights, as well as other Courts: That this commitment was not for a trial, but as upon an adjudication, and as a punishment. That, when they came to a point of jurisdiction, they must consider it by usage: That it is next to impossible for the Courts of *Westminster-Hall* to judge of the privileges of the House of Commons, who have not access to their rolls, where only the privileges of that House are to be seen; and therefore it was very unreasonable to put Judges upon the inquiry. That, if this Court had a jurisdiction over the commitments of the House of Commons, they should have it also over those of the Lords: Concluding, that they were a great Court, but that neither their Ancestors nor They ever yet knew it so great as this would make it. Judge *Powell* concurred in this opinion, alleging, that he could not think they could be Judges of this return, because the prisoners were committed by another law than this Court proceeded by; and that to commit by one law, and discharge by another, would introduce disorder: That as the Ecclesiastical, Admiralty, and Martial Courts, and the House of Peers proceed by their own rules, so the House of Commons proceed by their own rules; this Court can meddle with their privileges in some cases, but not so as to contradict or oppose them: And that he did not know how the House of Commons could have a power of judging, and not of punishing. That this Court can correct excesses of

1704-5. Queen should grant writs of Error, whereby the five *Ailbury* men might be discharged from their imprisonment, they also ordered them to be removed from *Newgate*, and taken into the custody of their Serjeant at Arms; which order was executed at midnight, with such circumstances of severity and terror, as have been seldom exercised towards the greatest offenders. These were such strange and unheard-of proceedings, that by them the minds of all people were much alienated from the House of Commons. But the prisoners were under such management, and so well supported, that they would not submit, nor ask pardon of the House. It was generally believed, that they were supplied and managed by the Lord *Wharton*. They petitioned the House of Lords for relief, who resolved to proceed in the matter by sure and regular steps. They first came to the following general resolutions: "1. That neither House of Parliament has any power, by any vote or declaration, to create to themselves any new privilege, that is not warranted by the known laws and customs of Parliament. 2. That every Freeman of *England*, who apprehends himself to be injured, has a right to seek redress by action at law; and that the commencing and prosecuting an action at common law against any person (not intitled to privilege of Parliament) is no breach of the privilege of Parliament. 3. That the House of Commons, in committing to *Newgate Daniel Horne, Henry Bais, John Paton junior, John Paty, and John Oviat*, for commencing

and prosecuting an action at the common law, against the Constables of *Ailbury*, for not allowing their votes in election of Members to serve in Parliament, upon pretence, that their so doing was contrary to a Declaration, a contempt of the Jurisdiction, and a breach of the Privilege of that House, have assumed to themselves alone a Legislative authority, by pretending to attribute the force of a law to their Declaration; have claimed a jurisdiction not warranted by the Constitution, and have assumed a new privilege, to which they can have no title by the laws and customs of Parliament, and have thereby, as far as in them lies, subjected the rights of *Englishmen*, and the freedom of their persons, to the arbitrary votes of the House of Commons. 4. That every *Englishman*, who is imprisoned by any authority whatsoever, has an undoubted right, by his agents or friends, to apply for and obtain a writ of *Habeas Corpus*, in order to procure his liberty by due course of law. 5. That for the House of Commons to censure and punish any person, for assisting a prisoner to procure a writ of *Habeas Corpus*, or by vote, or otherwise, to deter men from soliciting, prosecuting, or pleading upon such writ of *Habeas Corpus* in behalf of such prisoner, is an attempt of dangerous consequence, a breach of the many good statutes provided for the liberty of the subject, and of pernicious example, by denying the necessary assistance to the prisoner, upon a commitment of the House of Commons,

all inferior Courts, but not of the Parliament, which is superior. That, supposing the Lords would intermeddle with freeholds, though, perhaps, they are not less valuable than their privileges, yet this Court could not prohibit them. That he believed it as customary to make commitments during pleasure as otherwise. That, if we had a long Parliament as formerly, then perhaps it would have been hard. That Bondage was so much lost in *England*, that he believed the Council had almost forgot how to apply that argument. That he did not know how excess of jurisdiction in either House can be good. If it happens, it must be determined by Conference between themselves. That if it should be supposed, that both should insist, and the Commons should do any thing unreasonable, sure then the people of *England* would not chuse them again: And, if the Lords should insist upon unreasonable privileges, then the people of *England*, he believed, would find out a way to chuse such an House, or use such methods, as would rectify and oblige to a submission. These three Judges having thus declared their sentiments, "That the prisoners ought to be remanded," the Lord Chief Justice *Holt* delivered his opinion, "That they ought to be discharged. I am sensible, said he, of the great disadvantage I lie under, because eleven of the Judges are against my opinion. The case being of moment and concern, I did desire to confer with them, before I delivered my thoughts. And it is a second disadvantage, that I have so great an esteem for their sentiments, that I would willingly resign my opinion to theirs. But then I lie under another, which is to encounter an opinion and judgment of the House of Lords. I must confess, the commons of *England* are intrusted with, and are very zealous for our liberties; and therefore I would think it a misfortune to lie under their displeasure. Yet there is another thing, which lies upon me, which, at all events, I am to take care of, and that is a good conscience. I am upon my oath to judge impartially and justly. I do not think this such an imprisonment, that the freemen

and subjects of *England* are to be bound by; and it will affect all the Kingdom, if, by any declaration or prohibition made by the House of Commons, they are restrained from bringing a lawful action. Neither of the Houses of Parliament, separately or jointly, have any power to dispose of the liberty or property of the subject. It must be, with the Queen added. This is the Constitution of the *English Government*. It is said in the return, that the prisoners are guilty of a breach of privilege for bringing an action. I must therefore declare my opinion, that commencing a suit is no breach of privilege, though it be against a Member himself, so he be not affected in his person or lands. The second crime mentioned in the commitment and return is *prosecuting*. What is meant thereby seems not to be so clear, because *prosecuting* may be taken several ways, as entering of a *continuance*, which cannot be said to be any breach of privilege, the person of the Member, or his estate, not being disturbed thereby. Indeed, if you distrain the person of a Member, or do any act to restrain his liberty, then it is a breach, and punishable by the House. Again, the House of Commons should have shewn, that they have a privilege; for, if the High-Constable of *England* should not shew his authority, we should not take more notice of him than of the Constable of *St. Martin's*. The law of the land must take place. A man may legally commence and prosecute an action against a man, that is not privileged, though vexatious or wrong, as appears by 2 *Ric. III.* 9. where all the Judges were of opinion, that there was no punishment for bringing an action, though wrong. If an action is sued and prosecuted against a Peer, no action de *scandalis magnatum* will lie, if there was any probable cause of action. I do not think, that any instance can be shewn, that ever privilege did extend so far, as to exclude or debar any man from bringing any action, but especially where there is just cause. This case has undergone a great and high judgment above upon the Queen's

1704-5. "mons, which has ever been allowed upon all commitments by any authority whatsoever.
 "And, 6. That a writ of Error is not a writ of Grace, but of Right, and ought not to be denied to the subject when duly applied for (though at the request of either House of Parliament) the denial thereof being an obstruction of justice, contrary to *Magna Charta*."

Feb. 28. These resolutions being delivered to the Commons at a Conference, they took time to consider of them till the 7th of March, upon which day, at their desire, a second conference was held, wherein the Commons delivered a long answer, in which they set forth, that the right of determining elections was lodged only with them; and that therefore they only could judge who had a right to elect: That they only were judges of their own privileges, and that the Lords could not intermeddle in them. They quoted very copiously the proceedings in the year 1675, upon an appeal brought against a Member of their house; and urged, that their prisoners ought only to apply to them for their liberty; and that no motion had ever been made for a writ of Error in such a case.

The Lords, upon this, desired a free Conference, which was held with the Commons on the 9th of March; but that it ended without success, was not surprizing, considering the temper, with which the Commons came to it, and which appeared from the votes they made the day before, after they had agreed to the free Conference. For, upon information, that their Serjeant at Arms had been served with two writs of *Habeas Corpus*, returnable before the Lord-

Keeper, in behalf of Mr. *Montagu* and Mr. *Denton*, two of the Gentlemen, who had been of Council for the five prisoners, they came to these resolutions, "That no Commoner of England, committed by the House of Commons for breach of privilege, or contempt of that House, ought to be by any writ of *Habeas Corpus* made to appear in any other place, or before any other Judicature, during that Session of Parliament, wherein such person was so committed. That the Serjeant at Arms attending that House do make no return, nor yield any obedience to the said writs of *Habeas Corpus*; and, for such his refusal, that he have the protection of the House of Commons. And that the Lord-Keeper be acquainted with the said Resolutions, to the end that the said writs of *Habeas Corpus* might be superseded, as contrary to law and the privilege of the House." Five days after, the Commons ordered the report of the free Conference, which was made by Mr. *Bromley*, to be entered upon their Journals; and resolved, "That the proceedings of the House, in relation to the *Ailbury* men committed by the House for breach of privilege, and the other proceedings of that House in that matter, were in maintenance of the ancient undoubted rights and privileges of the Commons of England." And they ordered all the proceedings in relation to the *Ailbury* men, the report of the Lords Journals, and the report of the Conferences, and of the free Conference, to be printed. The next day, the Lords attended the Queen with a full Representation of the whole

March 13;

"Queen's writ of Error. My brother *Powis* says, that he does not know, that this is the same case with that of *Ashby* and *White*. But if he will look upon the return, he will be soon satisfied, that it is. Another part of the return says, *That the prosecution was contrary to the declaration, and in breach, &c.* I do not well know, what is meant by a prosecution contrary to a declaration: But suppose there was a declaration, I much question, if that declaration will make that a breach of privilege, which was not so before. There is no precedent for it; and, if any man can bring such a precedent, it will go a great way with me. Privilege is not unlimited, but established by the rules of law. If a Member break the peace, he must find sureties; or, if he commit high-treason or felony, sitting the House, he must answer. If the declaration does claim a privilege, and says it is so; yet, if it was not so before, the people of England are not estopped to say it is so; so neither the one House, nor the other, can enlarge their privileges. They concern the liberties of a people in a high degree; and nothing but an act of Parliament can make a man's person subject to imprisonment, but where originally he was so subject. The reason why Judges do not give their opinions to the Lords about their privileges is, because it is *lex parliamenti*; and the Lords themselves, being always there, are presumed to know their privileges best themselves. But, whenever the question is about privilege in *Westminster-Hall*, we must judge of it according as it appears to us, and according to the law of the land. Suppose in this case the House of Commons had not interposed; the Plaintiffs had gone on, and the Defendants had pleaded the whole matter of the privilege specially, and the Plaintiffs had demurred, we then should have judged of it, because it would have been a plea to the jurisdiction of the Court. All appears upon record now before the Court, and therefore we are to judge of it as much as if it had been pleaded. The Parliament-law of privilege is *lex*

terra, as much as any law used in *Westminster-Hall*; and my Lord *Clarendon* gives us an account of privilege in the first volume of his history, p. 310, 311, 312. If it was privilege in the House before, then how comes it, that *Ashby* was not committed, who was the ring-leader, but is still at liberty? Another observation upon this return is, that they do not say for a breach, but in breach; neither do I see, how bringing an action at law in one Court, is in contempt of another Court. This Court here can hold plea in any action whatsoever. The House above cannot award process there; and then I cannot see, how a man suing here can be guilty thereby of a breach of the privileges of that Court. These words are terrible, and would frighten men, when said, *In contempt of the privileges of the House of Commons*, because every man is bound to maintain them in their lawful privileges. No doubt but they can commit in any case of privilege, as for a contempt committed in their Court: But when the fact is mentioned, and the cause is a just action at law, no doubt but the proceeding in such action is just, and no contempt; such an action being grounded on the common law. As to my Lord *Shaftsbury's* case, it was for facts done in the House; and the House may at any time commit a man for a contempt in the face of the House: Whereas the prisoners are committed, not for a breach of privilege or contempt, but because they have brought their actions, which are legal, and so adjudged by the Lords in the writ of Error. To conclude, the case of the Lord *Banbury* is considerable with me: He petitioned the House of Lords to sit, and also to have the King's leave. The Lords determined he was not a Lord; yet when he was brought upon an Indictment by the name of *Charles Knowler*, Esq; he here pleaded and insisted, that he was a Peer; which plea was allowed, and he was not tried." But notwithstanding the Chief Justice's opinion, the Prisoners were remanded.

1704-5. whole thing, wherein having recited the matter of fact relating to this affair, they laid before her, "That the proceedings of the House of Commons against the *Atisbury* men were wholly new and unprecedented. That it is the birth-right of every *Englishman*, who apprehends himself to be injured, to seek for redress in her Majesty's Courts of Justice. That if there be any power, that can controul this right, and can prescribe when he shall, and when he shall not, be allowed the benefit of the laws, he ceases to be a freeman, and his liberty and property are precarious. That the Crown lays claim to no such power, and their Lordships were sure the law has trusted no such authority with any subjects whatsoever." They urged, "That in former times the opinion of the House of Commons was very different from what it was at present," of which their Lordships gave several instances; and they concluded with an humble request, "That no importunity of the House of Commons, or any other consideration whatsoever, might prevail with her Majesty to suffer a stop to be put to the known course of Justice, but that she would be pleased to give effectual orders for the immediate issuing of the writs of Error."

This representation was thought so well drawn, that some preferred it to those of the former Sessions; it contained a long and clear deduction of the whole affair with great decency of style, but with many heavy reflections on the House of Commons*.

* See Pr. H. L. II. 126, 144. By this time the whole business of the Session was brought to a conclusion; for the Lords, who had the money-bills, would not pass them till this was ended. The Queen, in answer to their representation, told them, "That she should have granted the writs of Error, they desired, but that, finding an absolute necessity of putting an immediate end to this Session, she was sensible there could have been no further proceedings upon that matter." This answer being reported to the House of Lords, was looked on by them as a clear decision in their favour, and therefore they ordered, "That the humble thanks of their House be immediately presented to her Majesty for her most gracious answer, in which she had expressed so great a regard to the judgment of their House, so much compassion to the prisoners, and such tenderness to the rights of the subject."

About an hour after, the Queen came to the House of Lords, and, after passing the bills, ended the Session with the following speech to both Houses:

My Lords and Gentlemen,

The Queen's speech at the end of the first Parliament. Pr. H. C. III. 441. I Cannot put an end to this Session, without doing you the justice to acknowledge, you have fully made good the assurances you gave me at the beginning of it, by the great readiness you have shewn in the dispatch of the public business. And I make no doubt, but this dispatch will prove a real advantage to us, and a great discouragement to our enemies.

Gentlemen of the House of Commons,

I return you my hearty thanks in particu-

lar for the great Supplies with which you have enabled me to carry on this necessary war. I assure you, they shall be carefully applied to the uses, for which they have been given; and I persuade myself, I shall always have the cheerful assistance of my dutiful and loving subjects, in the prosecuting of the present war, till our enemies are obliged to such a peace, as shall be a lasting advantage and security to Us and our Allies.

My Lords and Gentlemen,

"We have, by the blessing of God, a fair prospect of this great and desirable end, if we do not disappoint it by our own unreasonable humour and animosity, the fatal effects of which we have so narrowly escaped in this Session, that it ought to be a sufficient warning against any dangerous experiments for the future."

"I conclude therefore with exhorting you all to Peace and Union, which are always commendable, but more particularly necessary at this time, when the whole Kingdom being shortly to proceed to new elections, it ought to be the chief care of every body, especially of such as are in public stations, to carry themselves with the greatest prudence and moderation. Nothing will contribute more to our reputation abroad, and our security at home."

Then the Lord-Keeper, by her Majesty's command, prorogued the Parliament to *Thursday* the 1st of May following.

The narrow escape, intimated by the Queen in her speech, was universally understood to be meant of the *Tack*, as indeed it could be meant of nothing else.

Thus this Session, and with it this Parliament, came to an end. It was no small blessing to the Queen and to the Nation, that they got so well out of such hands. They had discovered on many occasions, and very manifestly, what lay at the bottom with most of them; but they had not skill enough to know how to manage their advantages, and to make use of their numbers. The constant successes, which had attended the Queen's Reign, put it out of their power to compass that, which was aimed at by them, the forcing a peace, and consequently the delivering up all to France. Sir *Christopher Muirgrave*, the wisest man of the party, died before the last Session; and by their conduct after his death it appeared, that they wanted his direction. He had been at the head of the opposition, that was made in the reign of King *William* from the beginning to the end; but he gave up many points of great importance in the critical minute, for which there were good grounds to believe, that he had twelve thousand pounds from that King at different times. At his death he appeared to be much richer than by any visible computation he could be valued at; which made some cast an imputation upon his memory, as if he had received great sums even from France.

Before we take leave of this Parliament, it will be proper to take notice of some things, which were begun, but not finished in it. There was a bill offered for the Naturalization of some hundreds of *Frenchmen*, to which the Commons added a clause, disabling the persons so naturalized

Bills not passed. Burnet.

1704-5. lized from voting in elections of Parliament. The true reason of this was, that it was observed, that the *French* in *England* gave in all elections their votes for those, who were most zealous against *France*; and yet, with an apparent dissimulosity, some of the Members gave it as a reason for such a clause, that they must be supposed so partial to the interests of their own country, that it was not fit to give them any share in the Government. The Lords looked on this as a new attempt, and the clause added was a plain contradiction to the body of the bill, which gave them all the rights of natural born subjects; while this took from them the chief of them all, the chusing their Representatives in Parliament. They would not therefore agree to it, and the Commons resolved not to depart from it; so that, without coming to a free Conference, the bill fell with the Session.

Another bill was begun by the Lords against the Papists. It was occasioned by several complaints brought from many parts of the Kingdom, especially from *Cheshire*, of the practices and insolence of those of that Religion. A bill therefore was ordered to be brought in with clauses in it, which would have made the act, passed against them four years before, prove effectual, which, for want of these, had hitherto been of no effect at all. This passed the Lords, and was sent to the Commons, who had no mind to pass it, but, to avoid the ill effects of their refusing such a bill, they added a clause to it (1), containing severe penalties on Papists, who should once take the oaths, and come into the Communion of the Church of *England*, if they should be guilty of any Occasional Conformity with Popery afterwards. They imagined, that this of Occasional Conformity was so odious to the Lords, that every clause, that condemned it, would be rejected by them. But when they came to understand, that the Lords were resolved to agree to the clause, they would not put it to that hazard; and therefore the bill lay on their table till the prorogation.

A general self-denying bill was offered by those very men, who, in the first Session of Parliament, when they hoped for places themselves, had opposed the motion of such a bill with great indignation. Now the scene was a little altered; they saw they were not like to be Favourites, and therefore pretended to be Patriots. This looked so strangely in them, that it was rejected; but another bill of a more restrained nature passed, disabling some Officers, particularly those, who were concerned in the

Prize-Office, from serving in Parliament. To this a general clause was added, that disabled all, who held any office, that had been created since the year 1684, or any officer that should be created for the future, from sitting in Parliament. This bill had a quick and easy passage among the Commons, being brought in on the 16th of *January*, and sent up to the Lords on the 23d of that month, who did not think fit to agree to so general a clause, but consented to a particular disability put on some offices by name. The Commons did not agree to this alteration; but insisted on the whole, and therefore the bill fell.

Among the many ways and expedients, by which the Tory-party of the House of Commons endeavoured to secure their interest against a new election, they thought it necessary to procure an act, whereby the Commissions of the Peace should be lodged in the hands of men of estates; and thereupon a bill was brought in, and passed on the 2d of *February*, for qualification of Justices of Peace; but, the same being sent up to the Lords, they did not think fit to give it their concurrence.

On the 5th of *April*, the Parliament, according to the Triennial act, being near expiring, a Proclamation was issued out for dissolving it; and, on the 23d, another was published for calling a new Parliament (2).

The conclusion of the Parliament set the whole Nation in a general ferment; both parties studied how to dispose the minds of the people in the new elections, with great industry and zeal.

The affairs of *Europe* were now thought in such a situation, that the war could not run beyond the period of the next Parliament. A well-chosen one must prove a public blessing, not only to *England*, but to all *Europe*; as a bad one would be fatal at home, as well as to the Allies abroad. *France* was now reduced to great Exigencies. All methods of raising money were so much exhausted, that they could afford no great Supplies; so that, in imitation of our *Exchequer* bills, they began to give out *Mint* bills; but they could not create that confidence, which is justly put in Parliamentary credit. The *French* had hopes from their party in *England*; and there was a disjoining in the several Provinces of the *United Provinces*; but, as long as *England* continued firm and united, it had a great influence on the *States*, at least, to keep things entire during the war. It was visible, therefore, that a good Election in *England* must

(1) It was as follows: "Provided always, that all persons, who, by virtue of this act, shall be obliged to take the oaths of allegiance and supremacy, and subscribe the declaration, shall, at the same time, declare himself to be a Member of the Church of *England*, as now by law established; such declaration to be entered on the same roll, where the said oaths and declarations, so to be taken and subscribed, are to be entered. And in case any such persons shall, after their taking such oaths, and making such declarations, as aforesaid, knowingly and wilfully resort to, or be present at any Conventicle, Assembly, or Meeting, under colour or pretence of any exercise of Religion, in other manner, than according to the Liturgy and Practice of the Church of *England*, in any place within this Kingdom, he

"shall forfeit the sum of one hundred pounds, for every time he shall be present at such Assembly, Conventicle, or Meeting."

(2) On the 10th of *April*, the Queen, with his Royal Highness, went to *Newmarket*. Two days after, Dr. *Ellis*, Vice-Chancellor of the University of *Cambridge*, waited on her, and desired her to honour them with her presence at dinner. The Queen having accepted the invitation, was magnificently entertained in *Trinity-College-Hall*. Eleven Noblemen were made Doctors of Law, and *Pellet, Arbuthnot, and Vernon*, Doctors of Physic. *James Montague*, Council for the University, the Vice-Chancellor, and the famous *Isaac Newton*, Mathematical Professor, were knighted.

1705. give such a prospect for three years, as would have a great influence on all the affairs of Europe.

*Protest-
ings in the
Convoca-
tion.*

The Convocation sat at the same time with the Parliament, though it was then so little considered, that scarce any notice was taken of them; and they deserved that no mention should be made of them. As the House of Commons thought fit, in their address at the beginning of the Session, to put the successes by sea and land on a level, the Lower-House of Convocation were resolved to follow their example, and would have the sea and land both mentioned in the same terms; but the Bishops would not vary from the pattern set them by the House of Lords, so no address was made by the Convocation. The Lower-House continued to proceed with much indecent violence, and brought up injurious and reflecting addresses to the Upper-House, which gave a very large exercise to the patience and forbearance of the Archbishop and Bishops. On December 1, they presented another representation, signifying their grief at the general complaint of the Clergy, that, though Convocations had been held now for some years, after a long discontinuance, yet the public had not hitherto reaped the Benefits that might be expected: That this tended to disparage the Constitution of the Church, and tempted some to speak against the necessity and usefulness of Ecclesiastical Synods. They promise, for time to come, to do what they can to silence that complaint: And intimate, that the fault did not lie in them that more had not been done. That the unhappy disputes between the two Houses had been their hindrance, but that they neither raised them, nor omitted any means they could contrive for bringing them to a regular determination. They begged leave again to take notice, of the many pernicious books that were published and dispersed, and requested their Lordships (as formerly) to use their interest in Parliament for a bill to repress the licentiousness of the press. They represented also the increasing difficulties of the Parochial Clergy, about administering the Holy Sacrament indifferently to all persons that demand it, in order to qualify themselves for offices; because they saw not how they could in several cases act conformably to the Rubricks and Canons of the Church, in repelling such persons as were unworthy, and particularly notorious Schismatics, without exposing themselves to vexatious and expensive suits at law. They begged they would use their interests for the freeing them from these difficulties, and, in the mean time, give them directions how to behave themselves under such exigencies. The Archbishop and Bishops made large remarks on this paper. They observe, that it was not directed to the President, whom they had endeavoured to deprive of his ancient title. They tell them, that it is they, who, by their unwarrantable claims and encroachments, made it impossible for the Convocation to do the Church any service. That, should their innovations run on, there would be a new danger of Presbytery; for Presbyters were enabled hereafter to bid defiance to their Ecclesiastical Superiors, and to act independently from them in the highest and most general concerns of the Church. That it is strange any of the Clergy should understand so little of the Constitution, as to complain,

that no business is finished, when the Royal licence has not enabled to begin any: Or, that they should hope, that an attempt to do business, while this was wanting, could have any other effect than the increasing differences. For that they would be still running into irregular practices, against which their brethren would enter their protestations, and against which their Lordships must find some other method of proceeding. That their Lordships could not but look upon the seeming earnestness of the Clergy to proceed to business, as a design to render themselves popular, and their Superiors odious: And that it was dangerous to those whom they represented. That in 1689 the Lower-House was for superseding all business with a Royal licence in their hands, &c. That there are Laws and Canons in being sufficient to correct and punish offenders. That, if any thing hindered discipline, it was the reproaches industriously spread amongst the Clergy against the Bishops and their Proceedings. That the present disputes grew purely from the attempts of some of the Clergy to disengage themselves from the authority of the Bishops, by privileges, which their predecessors never claimed nor pretended to, and therefore they were amazed at their solemn contrary declaration. The steps the Bishops had taken are reckoned up, by which they had testified their desire of peace and good agreement. That the Convocation has really no authority to pass such censures upon books as they desired: That grievances of the Clergy may be regularly offered by their Representatives in Convocation. But that it is without precedent for Presbyters to expect, that their Metropolitans and Bishops should be accountable to them for their conduct and behaviour in their several Visitations. And that, as concerning directions about their refusal of the Holy Sacrament to unworthy persons, they could give them no better than the Rubricks and Canons of the Church, which he, that would strictly and religiously observe, could not be wanting, either in a dutiful regard to his Superiors, or in a conscientious care of the Flock. The Lower-House sent up two other papers, in one of which they complain of the *Dissenting Teachers* presuming to administer Baptism in private Houses, and of the increase of non-licensed schools and seminaries; and in the other they accuse the Bishop of Sarum of insinuating, that many of the persons, concerned in preparing their representation of grievances last winter, were enemies to their Lordships, the Queen, and the Nation.*

As the Lower-House still held their intermediate Sessions, the Archbishop, on February 14, his Triennial Visitation, 1704. asked the Prolocutor, if they had held any intermediate Sessions since the last Synodical day: The Prolocutor answered, they had held one the Monday before. The Archbishop told him it was very irregular, and that he admonished them to hold no more intermediate Sessions, which was a violation of the President's right, and contrary to the constant custom of Convocations.

February 23. The Prolocutor told the Archbishop, that their House had taken his admonition into consideration; and represented in return, that they had not been guilty of any irregularity by their intermediate Session; that the holding such Sessions, as oft as they shall see cause, is no violation of the President's right,

* Alluding to his charge at his Triennial Visitation, 1704.

1705. nor contrary to the custom of Convocations, but an unquestionable right of the Lower-House, from which they could not depart. And that, if the admonition was intended as judicial, they protested against it as void and null, and of no effect in law, and to which no obedience can be due: And desired, that this their answer and protestation (for which they were ready to assign their reasons) might be entered in form by the Register in the acts of the day.

However this put a stop to their intermediate meetings, for they would not venture on the censures, that must in course follow, if no regard was had to the *Admonition*. On March 15, at the final prorogation, the Archbishop dismissed them with a wise well-composed speech. He told them, that, whereas they had brought up many complaints, the greatest part of them did not require any answer, after so many former expressions of the judgments and resolutions of the Bishops concerning them. That their paper, of December 1, was of so undutiful a nature, that it might justly be accounted an act of clemency in their Lordships to pass it by without censure: And yet they drew up observations upon it, and entered them in their Register, and they might be seen by any one that desired it. That there is no such thing as adjournments, in the language or practice of Convocations, and that prorogations have been all along managed by Commissioners, from the Restoration to the Revolution. That their representation concerning unlicensed schools and seminaries was a matter of law. That their former complaints against the Bishop of Sarum had not sufficient ground. That, in what they now complained of, the Bishop referred to flying reports set about to the prejudice of the Upper-House, which they had all reason to complain of; though they prayed God to forgive the guilty, and pitied those who were led away by wilful and perpetual misrepresentations. That their Lordships would govern themselves by the Articles and Rubrics, the Canons and Statutes; and that they knew no way of retrieving the honour of Convocations, but by the departing of the Clergy of the Lower-House from unwarrantable claims and innovations, and returning to the antient Canonical methods.

He added, that this Convocation was near an end, and a new one would probably be summoned: And that, if new occasion should be offered, he should think himself obliged to ex-

ert his authority, seeing no better fruit had been reaped from his past conduct, which some ascribed to fear, and others to remissness. And he told them, he wished, that the Clergy of the next Convocation might govern themselves by the Constitution as it is, and not as they would desire it might be; that they might not divide in two that body of the Convocation, which is but one; but prevent all irregularities, and thereby all censure, by meeting together with such peaceable tempers and dutiful dispositions, as became their function and order.

The governing men among the Lower-House were headstrong and factious, and designed to force themselves into preferments by the noise they made, and by this ill humour, that they endeavoured to spread among the Clergy, who were generally soured, even with relation to the Queen herself, beyond what could be imagined possible.

Before the Queen went to Cambridge, she resolved at last to fill the See of *St. David's*, which had now been long vacant. Dr. Bull was promoted to it in the room of Dr. *Watson*, deprived for his enormities (1). Bull had writ the most learned treatise, the age had produced, of the doctrine of the primitive Church, concerning the Trinity. This treatise had been so well received all Europe over, that, in an Assembly General of the Clergy of France, the Bishop of Meaux was desired to writ over to a correspondent he had in London, that they had such a sense of the service he had done their common faith, that upon it they sent him their particular thanks: I read the letter, says *Burnet*, and so I can deliver it for a certain truth, how uncommon soever it may seem to be. The Queen had, a little before this, promoted Dr. *Beveridge* to the See of *St. Asaph*, who had shewed himself very learned in the Ecclesiastical knowledge. They were both pious and devout men, but were now declining; both of them being old, and not like to hold out long. Soon after this, the See of *Lincoln* became vacant by that Bishop's death, and Dr. *Wake* (late Archbishop of *Canterbury*) was promoted to it. He was a man eminently learned, an excellent writer, a good preacher, and, which is above all, a man of an exemplary life.

It was no small mortification to the High-Church party, that the Duke of *Buckingham* was removed, and the Privy-Seal given to the Duke of *Newcastle*, whose interest was great with the Whigs.

(1) *Watson's* affair was debated this last Session in the House of Lords, which the Queen came to hear in person. His business had been kept long on foot in the Courts below, by all the methods of delay that Lawyers could invent: After five years pleading, the concluding judgment was given in the *Exchequer*, that he had no right to the temporalities of that Bishoprick: And that, being affirmed in the *Exchequer-chamber*, it was now by a writ of error brought before the Lords in the last report: But, as the House seemed now to be set, he had no mind to let it go to a final decision: So he delayed the assigning the errors of the judgment, till the days were lapsed, in which, according to a standing order, errors ought to be assigned upon a writ of error; in default of which, the record was to be sent back. He suffered the time to lapse, though particular notice was ordered to be given him, on the last day, in which, according to the standing order, he might have assigned his errors: And the

House sat that day some hours on purpose waiting for it. Some weeks after that, when the Session was so near an end, that he thought his cause could not be heard during the Session, and so must in course have been put off to another Session, he petitioned for leave to assign his errors: This was one of the most solemn orders, that related to the judicature of the Lords, and had been the most constantly stood to: It was not therefore thought reasonable to break through it, in favour of so bad a man, of whom they were all ashamed, if parties could have any shame: He had affected, in every step he had made, to seek out all possible delays, for keeping the See still void, which, by reason of a bad Bishop and a long Vacancy, was fallen into great disorder: Yet, after all this, he had still by law the benefit of a writ of error, which he might bring in any subsequent Session of Parliament. For which reason the Queen resolved to fill the See.

(1) On

1705. Whigs. About the same time, the Earl of *Peterborough* and the Lord *Cholmondeley* were sworn of the Privy-Council. The Lord *Cutts* was appointed to command the forces in *Ireland* under the Duke of *Ormond*; but this seeming preferment was, in reality, a kind of disgrace, for his Lordship would gladly have changed this command for an equivalent in the service abroad. The Earl of *Montague* was created Marquis of *Mounthermer*, and Duke of *Montague*.

Before the operations of the campaign are related, it will be necessary to give an account of the proceedings in the Parliaments of *Scotland* and *Ireland*.

The affairs of Ireland.
Burnet.
Hist. of Eng.

In *Ireland*, the new heat among the Protestants there, raised in the Earl of *Rochester's* time, and connived at, if not encouraged by the Duke of *Ormond*, went on still: A body of hot Clergymen, sent from *England*, began to form meetings in *Dublin*, and to have emissaries and a correspondence over *Ireland*, on design to raise the same fury in the Clergy of that Kingdom against the Dissenters, that they had raised here in *England*: Whether this was only the effect of an unthinking and ill-governed heat among them, or if it was set on by foreign practices, was not yet visible. It did certainly serve their ends, so that it was not to be doubted, that they were not wanting in their endeavours to keep it up, and to promote it, whether they were the original contrivers of it or not; for indeed hot men, not practised in affairs, are apt enough, of their own accord, to run into wild and unreasonable extravagances.

The Parliament met at *Dublin* the 5th of *March*, and voted a hundred and fifty thousand pounds for the support of the necessary branches of the Establishment. A few days after, the Lower-House of Convocation of the Clergy of the Church of *Ireland* being informed, That heads of a bill, for the better improvement of the hempen and flaxen manufactures of that Kingdom, were brought into the House of Commons, wherein there was a clause to ascertain the

March 12. tythes of hemp and flax: They presented a memorial to the House of Commons, desiring, that the clause might not pass in the bill, being, as they apprehended, very prejudicial to the rights and properties of the Clergy of *Ireland*, with the care of which they were intrusted. This message was signed by the Prolocutor, and delivered by their Actuary, who was a servant to the Upper-House of Convocation. Upon the receipt of the memorial, the Commons, instead of appointing a time for hearing their reasons upon it, voted the person, that brought it, guilty of a breach of the privilege of the House; and, ordering him to be taken into custody, further resolved, "That it appeared to them, that the Convocation, in pretending to have the care of the civil rights of the Clergy, were guilty of a contempt and breach of

"the privilege of that House." The Commons expected, that the Convocation should make a submission, and acknowledge, "That they had nothing to do with the civil rights; and that their meddling with those rights was a contempt and a breach of privilege." But, instead of that, the Convocation sent them a letter, wherein they justified their memorial, "as no ways inroaching upon the privileges of the House of Commons, and consequently no breach of privilege." Hereupon the Commons voted, "That all matters relating to the memorial should be razed out of the journals and books of Convocation." Which being like to raise greater heats, the Duke of *Ormond* thought proper to send a message to both Houses, that they should adjourn to the 1st of *May* ensuing; which was done accordingly.

During this adjournment, the Duke made a progress into the North of *Ireland*; and, having taken some able Engineers along with him, caused plans and schemes to be made, to increase the strength of several fortified towns. He was received every where with great respect; and the Presbyterians, who had been misrepresented, upon account of some late transactions in *Scotland*, thought this a proper opportunity to clear themselves of the aspersions cast upon them; and therefore, while the Duke was at *Antrim* and *Londonderry*, some of the Presbyterian Ministers waited on him, and delivered to him very dutiful addresses. But that did not hinder the Convocation from inveighing against them, in a Resolution passed by them soon after.

Upon the Duke's return to *Dublin*, the Parliament sat again; and the House of Commons, taking notice of the restless endeavours of the enemies of the public peace, to create divisions among the Protestants of that Kingdom, to strengthen the interest of the pretended Prince of *Wales*, and obstruct the Succession in the Protestant line, came to the following unanimous resolutions: May 25.

"I. That endeavouring to create or promote misunderstanding betwixt the Protestants of this Kingdom, tends to the advantage of the Papists, and the weakening the Protestant interest, is seditious, and of dangerous consequence to her Majesty's Government, and the Succession in the Protestant line as by law established.

"II. That by writing or dispersing pamphlets, or otherwise to insinuate danger to the Established Church from the Succession as by law established, tends to promote Popery, and the interest of the pretended Prince of *Wales*.

"III. That it is the indispensable duty of all Magistrates in this Kingdom to put the laws strictly in execution, against all persons who shall be guilty of such pernicious practices. (1)" These vigorous resolutions were chiefly owing to Mr. *Molesworth*.

On

(1) On the 1st of *June*, the Attorney-General reported, from the Committee appointed to consider the state of the Nation, the following Resolutions, which were also unanimously agreed to by the House: "I. That to suggest by words or writings, that the Established Church is not well-affected to the Succession of the Crown in the Protestant line, as settled by acts of Parliament, or any way inclined to

"countenance Popery, is a false and malicious aspersion, and tends to create a dangerous division amongst Protestants, and to promote the designs of Papists and Traytors in favour of the pretended Prince of *Wales*. II. That the erecting and continuing any Seminary for the instruction and education of youth in principles contrary to the Established Church and Government, tends to create "and

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On the other hand, the Convocation of the Clergy, to clear themselves from the aspersions of being enemies to the Protestant Succession, passed the following resolutions: "1. That this Church and Nation, having lately been in the utmost danger of being over-run by Popery and Tyranny, were happily delivered from both, by means of the late Revolution, brought about (under God's Providence) by his late Majesty King William III of glorious Memory. 2. That the continuance and improvement of these blessings are due (next under God) to the auspicious Reign and happy Government of her Majesty Queen Anne, whom Almighty God long preserve. 3. That the future security and preservation of this Church and Nation depends wholly (under God) on the Succession of the Crown, as it is now settled by law, in the Protestant line. 4. That if any Clergyman of this Church shall either by word or writing declare any thing in opposition to the foregoing resolutions (which we hope will never happen) we shall look upon him as a fower of divisions among the Protestants of the Established Church, and as an enemy to our Constitution. And, after this public and solemn declaration, we hope no person whatsoever will be so unjust and uncharitable, as to declare and insinuate, that the Clergy of the Church of Ireland, as by Law established, were not intirely in their affections for the late King William of glorious Memory, or are not in the true interest of the present Government; or that they are any way disaffected to the Succession in the Protestant line, as by law established." But to these four resolutions the Convocation added a fifth, levelled against the Presbyterians: "That for any person to teach or preach against the Doctrine, Government, Rites, or Ceremonies of this Church; or to keep up and maintain Schools and Seminaries for the education of youth, in principles contrary to those of the Established Church, is a contempt of the Ecclesiastical laws of this Kingdom, is of pernicious consequence, and serves only to continue and widen the unhappy schisms and divisions in the Nation."

June 16.

Soon after these resolutions and Votes, the Parliament was prorogued to the 13th of June 1706, and the Duke of Ormond embarked for England, leaving the Administration of the Government of Ireland in the hands of Sir Richard Cax, Lord-Chancellor, and of the Lord Cutts, Commander in chief of the Queen's forces, who were appointed Lords Justices during the Duke's absence.

The affairs
of Scot-
land.
Burnet.
Lockhart.
Hist. of
Eur.

A great change was now made in the Ministry of Scotland. The English Ministry, having with difficulty escaped being attacked upon account of the *act of Security* passed there, resolved to use their utmost endeavours to get the *Protestant Succession* settled there, or to pro-

cure an *Union* of the two Kingdoms. The Dukes of Argyle and Queensberry took this opportunity to serve each other; and severally to represent to the Whig Lords, "That the Marquis of Tweeddale and his party had been zealous promoters of the *act of Security* : That they were so insignificant and so despised through the whole Nation, that they could do nothing; but, granting they should prevail, and carry the *Succession* with the limitations insisted on, of what dangerous consequence must even that prove, since thereby a great part of the chief means England had to continue Scotland in dependance was removed, perhaps never to be recovered? That the Duke of Queensberry had been laid aside for no crime, and no reason given, but what testified his firmness and resolution in opposing every thing, that was disagreeable and inconvenient to England. And that the Duke of Argyle, being a young man, of a forward bold spirit, and lively natural parts, who had gained the leading of the Presbyterians, as his father had done before him, was therefore a proper person to be employed at this juncture." These, and the like considerations, had the desired effect with the Whig Lords, who prevailed with the Queen and her Ministers to lay aside the Motley Ministry of Scotland; and, accordingly, the Marquis of Tweeddale, the Earls of Rothes, Roxburg, and Selkirk, the Lords Belhaven, Mr. Bailie of Jerviswood, and Mr. Johnston were removed; and the chief management of affairs was committed to the Duke of Queensberry, though with the bare title of Lord Privy-Seal. At the same time the Duke of Argyle was declared High-Commissioner to the next Parliament; the Earl of Seafield reinstated Chancellor; the Marquis of Annandale and the Earl of Loudon made Secretaries of State; Sir James Murray of Philiphaugh Register; and all the Privy-Councillors laid aside by the last Ministry (except Sir James Fowles of Colington, and Mr. Lockhart of Cornwarth) were reformed.

The Duke of Argyle's Instructions were, that he should endeavour to procure an act, settling the Succession as it was in England; or to set on foot a treaty for the Union of the two Kingdoms. When he came to Scotland, and laid his instructions before the rest of the Ministers there, the Marquis of Annandale pressed, that they should first try that, which was first named in the instructions; and he seemed confident, that, if all, who were in employments, would concur in it, they should be able to carry it. Those of another mind, who were in their Hearts for the pretended Prince of Wales, put this by with great zeal, alledging, they must not begin with that, which would meet with great opposition, and be perhaps rejected: Opposition would beget such an Union of parties, that, if they miscarried in the one, they should not be able

"and perpetuate misunderstandings among Protestants. III. That saying mass, preaching or teaching in separate Congregations by persons, who have not taken the oath of abjuration, and hearing, maintaining, and countenancing such persons, tends to defeat the Succession of the Crown in the Protestant line, and to encourage and advance the interest of the pretended Prince of Wales. IV. That all No. 44. VOL. III.

"Judges and Magistrates are under the highest obligation to make the most diligent inquiry into all such wicked practices; and, to their utmost, endeavour to discover and punish the authors of them; and such, as wilfully neglect the same, ought to be looked upon as enemies to her Majesty's Government and the prosperity of this Kingdom."

1705.

able to carry the other; therefore they thought, that the first proposition should be for the Union: Not only as it was a popular thing, but as it seemed to be remote: And consequently, there would be a great opposition made to a general act about it. Those who intended still to oppose it, would reckon they should find matter enough in the particulars to raise a great opposition, and to defeat it. This court was agreed on; at which the Marquis of *Annandale* was so highly offended, that he concurred no more in the counsels of those, who gave the other advice. Some sincerely desired the Union, as that which would render the whole Island happy. Others were in their hearts against it: They thought it was a plausible step, which they believed would run by a long treaty into a course of some years: That, during that time, they should be continued in their employments; and they seemed to think, it was impossible to adjust all matters, as to frame such a treaty, as would pass in the Parliaments of both Kingdoms. The Jacobites concurred all heartily in this. It kept the settling the Succession at a distance, and very few looked on the motion for the Union as any thing but a pretence, to keep matters yet longer in suspense.

At the opening of the Session of Parliament, which met on the 28 of *June* 1705, there appeared three different parties; the *Cavaliers*, or *Anti-Revolutioners*; the *Squadrons*, or *Flying Squadrons*, consisting of discarded Courtiers, who pretended to hold and turn the balance of the contending parties (1); and the present Courtiers, who consisted of zealous Presbyterians and Revolutioners. The *Cavaliers*, headed by the Duke of *Hamilton*, applied to the Marquis of *Tweeddale* and his party, the flying squadron, to persuade them to unite again, to oppose the Courtiers; but they positively refused to treat or concert measures with the *Cavaliers*, resenting the disappointments they had met with the last year.

Many Members being absent at the opening of the Session, the Lord-Commissioner adjourned the Parliament to the 3d of *July*, when being met again, the Queen's letter to them was read, wherein her Majesty "recommended to them with the greatest earnestness, the settling the Succession in the Protestant line; and, to prevent any objection to the settlement, that could be suggested from the views or fear of future inconveniencies, that might happen to Scotland from thence, she told them, she should be ready to give the Royal assent to such provisions and restrictions, as should be found necessary and reasonable in such a case. That being fully satisfied, that great benefits would arise to all her subjects by an union of Scotland and England; and that nothing could contribute more to the composing of differences, and extinguishing the heats raised and fomented by the enemies of both Nations, than the promoting of every thing, that tended to the procuring the same: Therefore she earnestly recommended to them to pass an act for a Commission, to set a treaty on foot be-

between the two Kingdoms, as her Parliament of England had done. Concluding with the usual demand of the necessary Supplies, and acquainting them with her choice of the Duke of *Argyle* to be her commissioner, whom she had fully empowered to declare her firm resolution to maintain the Government both in Church and State, as by law established, and to consent to such further laws, as should be thought necessary for that end, for the better improving of trade and manufactures, and generally for the good and advantage of the Kingdom." The Lord Commissioner, and the Earl of *Seafeld*, Lord Chancellor, in their respective speeches, inferred the necessity of what was recommended in the Queen's letter; and the same day was read another letter from the Queen to the Lord-Commissioner, appointing Lord *Archibald Campbell*, his first cousin, to have the place and voice of Lord High-Treasurer, in this Session of Parliament.

On the 6th of *July*, the Marquis of *Annandale* presented a proposal, "That the Parliament would go upon the consideration of such limitations and conditions of Government, as should be judged proper for the next Successor in the Protestant line; and that, at the same time, a Committee be appointed to consider the condition of the coin of the Nation, and the state of its commerce or trade, as to export and import, and to prepare and bring in the most proper remedies and regulations for that end." Hereupon the Earl *Maribial* presented a resolve, "That the House, previous to all other affairs, would make such regulations of the trade and coin of this Kingdom, as might be most for the Advantage of the Nation." Another resolve was also presented by the Earl of *Mar*, "That the House would, preferably to all other business, take into their consideration the Nation's circumstances, as to England, and how to enter into a treaty with them."

This last being seconded by few, his Lordship thought fit to withdraw it till another time; but the House fell into a debate of six hours upon the two first motions, and at last it came to the question, whether to proceed first to the consideration of coin and trade, or that of limitations; and the first was carried. Then a second question was put, Whether the coin and trade should be taken into consideration by way of resolve, which excluded all other business till that should be determined, or by way of proposal, which admitted of other business; and this was carried likewise by a great majority. It was the opinion of many, that the *Cavaliers* made a wrong step in postponing the more material affairs, and trifling away the beginning of the Session in matters of no importance; for, if they had immediately called for the Queen's letter, in order to return an answer to it, the treaty with England would naturally have fallen under consideration, and the Duke of *Queensberry's* friends not being yet gone off from them, they might have either rejected it, or at least clogged it as they pleased, and chosen such Mem-

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(1) The chief of the *Squadron*, besides the Marquis of *Tweeddale*, were the Earls of *Roths*, *Roxburgh*, *Haddington*, and *Marchmont*. They were in great cre-

dit, because they had no visible bias on their minds. Their number was between twenty and thirty. *Burnet*, II. 460.

(1) The

1705. Members as they thought fit to be commissioners. Whatever ground there may have been for this conjecture, it is certain, that the three next * and many other *federunts* or fittings were spent in the consideration of trade; in relation to which several overtures or proposals were laid before the House, some of which passed into laws, and the others were rejected. Amongst the rest there were two proposals made for *supplying the Nation with money by a Paper-credit*. The first was offered by Dr. *Hugh Chamberlane*, whose project by a *land-bank* had, some years before, miscarried in *England*, and reduced him so low, that he was obliged to fly from his creditors into *Scotland*. The other was proposed by *John Law*, the son of a Goldsmith in *Edinburgh*, a man of subtle parts, who, having squandered away his small fortune, was forced to live by gaming, but who, being an agreeable debauchee, found the way to ingratiate himself with the Duke of *Argyle*, and the leaders of the *flying Squadron*. Upon the confidence of their support, he presented a very plausible scheme, which was readily espoused by all the Courtiers, and many of the *flying Squadron*, because it was so framed, that, in process of time, it would have brought all the estates of the Kingdom to depend upon the Government. But the House rejected the proposal, and came to a resolution,

* July 10,
12, 13.

“ That the establishing any kind of Paper-credit, so as to make bills pass for current coin, was an improper expedient.” A Council was likewise appointed, with power to put the laws relating thereto into execution; and it was recommended to them to bring the export and import of the Nation to a balance, and lay the same before the House next Session.

Before this act was brought to perfection, the Cavaliers made all possible efforts to prevent the settling of the succession, for which purpose the Duke of *Hamilton*, on the 17th. of *July*, presented the following resolve, “ That this Parliament will not proceed to the nomination of a Successor, till they have had a previous treaty with *England* in relation to commerce, and other concerns with that Nation.” And further, “ That this Parliament will proceed to make such limitations and conditions of Government for the rectification of the Constitution, as may secure the Liberty, Religion, and Independency of this Kingdom, before they proceed to the nomination of a Successor.” The Court, and most of the *flying Squadron*, united against this resolve; but the Cavaliers insisted vigorously upon it, and, by the assistance of some of the Duke of *Queenberry's* friends, carried it by a great majority. Upon this occasion the Lord *Belhaven* made a long speech (1), which had

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(1) The Speech was as follows:

My Lord Chancellor,

“ By what experience I have had in this world, I always found, that when divisions are once come to that confusivity, as to form themselves in factions upon different measures and opposite designs, that then reason and reasoning make but a very small impression upon either of the parties. Therefore I shall not enter into the merits of this *Resolve*, nor of its expediency or unexpediency at this time, that I may not give the least rise to debate, or occasion of misunderstanding amongst ourselves. What I shall say on this head, is to advance this position, *viz.* That there is more danger to our Nation, and National concerns by divisions and factions, than by any mistakes in fit and adequate measures, if they be unanimously gone upon.

“ A wrong measure, especially in resolutions, may be rectified and redressed, when we come to a fuller view of the affair. And, though sometimes they prove unsuccessful, yet unanimity endures a shock with firmness; but divisions and factions increase and multiply, and that from very small beginnings, so as to render all persuasions abortive; and that more especially amongst men of honour, who, as they are generally more grateful, constant, and firm to their words and parties, so upon disappointments they are more prone to resentment and revenge, the most dangerous of all passions, and the most fatal to the very being of Nations.

“ What I plead for, my Lord, at this time, is *Unity*. Would you have limitations? Go upon them unanimously. Would you have a treaty? Do the like. Would you settle the Succession upon limitations without a treaty? Would you settle the Succession on treaty without limitations? Would you have neither done at this time? In short, whatever you would have done, let it be done *nemine contradicente*, and it will not want its own weight; for I am persuaded, that, whatever resolution this honourable House shall come to, a wrong measure is preferable to a good one, if there

“ be unanimity in the one, and faction at the bottom of the other.

“ My Lords, I could bring in instances from the *Histories of Europe*, to confirm what I have said, and from none more than that of our neighbours, the *States of Holland*, whose *Unity* has raised them to the grandeur and riches they are possessed of at this day. They wanted not wrong measures and unsuccessful attempts; but their unanimous firmness in the vindication of their liberty hath made good the verity of their Motto, *Concordiæ Res parvæ crescent*.

“ But, waving what is foreign, I shall confine myself to our own *Histories*, and by four examples I shall make it evidently appear, that our Predecessors, when in good understanding amongst themselves, were always in a condition to defend their rights and liberties against the *English*, and that they never did prevail over us, save when we were divided and broke by factions.

“ The first instance is of that famous controversy about the right of Succession of *Alexander the Third*. The story is so well known, that I shall not give this Honourable House the trouble of hearing it repeated, but shall only say, we divided upon it. What followed upon that? The King of *England* gave us a King. What was the consequence of that? Both of us paid very dear for it. For, as the *Historians* of both Nations tell us, there followed upon it the longest and most bloody war, that ever was betwixt two Nations. Then, and not before, could it be said, that *England* had any pretence of homage from us.

“ Pray, my Lord, had it not been better, that our Predecessors had of themselves chosen the worst of competitors, yea the worst men of the Nation by a general consent, rather than to have sustained those calamities, which followed on that division?

“ The other time, my Lord, that we groaned under *English* bondage, was by *Cromwell*, who knew as well how to divide, as how to fight. We had called home King *Charles the Second*, as Successor to his Father. *Cromwell* enters *Scotland* with an army, and prevails. What was the reason of it? Was his army comparable to ours in number? He knew very well King *Charles the First*, his Master,

“ had

1705. had such an effect, that, after some debate, the Duke of *Hamilton's* resolve was approved. On the 20th of *July*, the Parliament met again, and read the draught of a letter presented by the Marquis of *Tweeddale*, in answer to her Majesty's letter to the Parliament; as also a draught of an *act* for a treaty with England, presented by the Earl of *Mar*; another draught of an *act* for a treaty with England presented by the Marquis of *Lolbrian*; a draught of an *act* concerning the way of chusing Officers of State, Privy-Counsellors, and Members of the *Exchequer* and *Treasury*, in case of her Majesty's decease, without heirs of her body to succeed, presented by the Earl of *Rothes*; and some other draughts of *acts* relating to trade: All which were ordered to be printed.

On the 23d of *July*, the Duke of *Queenberry* arrived at *Edinburgh*, where he made a public entry with greater splendor and magnificence, and was received with greater demonstrations of joy, than the three times he had been Commissioner. The next day he went to Parliament, where the draught of a letter, in answer to the Queen's, was read, intimating "the Parliament's readiness to establish the same Successor with *England*; begging her Majesty would grant them such limitations to her Successors, as were necessary for that purpose;

"and assuring her, that, if this was once done, they would cheerfully set about the work." But, a motion being made, that, preferably to that letter, the House should take into consideration *acts* relating to trade, the same was agreed to.

This being over, the Cavaliers inclined to proceed upon the limitations, proposing thereby, in the first place, to obstruct the Establishment of the succession, in case the projected treaty should fail; for they knew the Court would not grant them the Royal assent, and that the Succession would then miscarry. In the next place, to lay all the restraints possible on the Monarch, in case the House of *Hanover* should come to the Crown. And lastly, to ingratiate themselves with the people, who thought themselves oppressed by *England*, and were extremely fond of every thing, that seemed to free them from it. A motion being made on the 31st of *July*, to grant the first reading to an *act* of Commission for a treaty with England, the Duke of *Hamilton*, in opposition thereto, moved, that the House would proceed to the enacting the limitations; and, a vote being stated in these terms, Proceed to consider the *act* for a treaty, or limitations, the latter was carried. In the next *sedesunt*, on the 2d of *August*, several *acts* for that purpose were presented; the most considerable of which was,

"had come upon us with a far better army, and we less prepared, and less accustomed to war; and yet, though sword in hand, he was necessitated to give us a valuable treaty at the *Birks*. He knew very well, that we had the remains of that gallant army, which had procured us so good conditions at the treaty of *Rippon*, and who afterwards had raised the Parliamentary power above that of their Sovereign. He knew, that we had the brave troops, that had preserved the North of *Ireland* from the *Irish* rebels. Whence then came all those hopes of *Olivier*? It came, my Lords, from our divisions: We were united in those former times, and broken then. In short, we had the *Hamiltons*, *Grahams*, and *Campbells*, each driving on opposite designs. Nay, my Lord, faction was come to that height of Enthusiasm, that, when we came to fight *Cromwell* at *Dunbar*, we would not fight but as *Gideon* did the *Midianites*, although we had no such warrant for it. I pray God, my Lord, things come not to such an height now, especially when we, as they, mind more, who shall do such and such things, than what things are fittest to be done; so that every Commissioner now must have the board swept clean, before he undertakes the Queen's business. I speak not this, my Lord, out of any resentment I have, by being lately turned out of a post, I profess I have not the least resentment upon it. Why should not the Queen employ what servants she thinks fit? But I speak of it, because I am afraid it proves a seed to faction, it having proved so prolific already, as to have two crops in one year, though in this Northern climate.

"The two instances, where our Unity preserved us from the fatal consequences of war with *England*, are those of King *David* and King *James* the First, after we had recovered under the conduct of the noble *Bruce*, who had forced the Grand-child, by a most solemn renunciation, to yield up the claim of homage, unjustly imposed by the Father upon us. Two unhappy accidents put these two Kings in the hands of the *English*. Did they let go the opportunities to trump up their claim of homage? No, my Lord. What hindered them to proceed further? King *David* had lost a considerable battle, was there made prisoner himself, many of the Nobility killed and taken, *England* successful against *France*

"at the same time, and their King prisoner in *England*. King *James* the First was their prisoner, being forced to fly from the unjust designs of his uncle *Robert*, and as unjustly made prisoner by them. These occasions, my Lord, did appear favourable enough for *England* to make use of; but our firm unanimity put a stop to their designs. We declared we would not obey our Kings as long as they were under *English* power and influence; and so both our armies in *France*, and Peers in *Scotland*, refused their oaths, as long as they were in *England*, looking upon them not as their King's commands, but the commands of an Enemy. And thus we were preserved, and our Kings delivered to us upon ransom.

"My Lord, I have observed, that *England* never let go any opportunity, neither before nor since the Union of the two Crowns, to bring us under their power; and I am persuaded, that the heats and animosities amongst us these several Sessions of Parliament have, amongst other things, occasioned that threatening and unaccountable act of Parliament, wherein they characterize our Ministers, and criticize our acts; as it hath also given birth to those contemptible and ignorant pamphlets, published of late against the Sovereignty and Independency of our Nation. Will you prevent the consequences of what is designed against us? Be as united as they in your actions against them. Did Whig and Tory differ about us? No, my Lord: The two Houses, though in civil war among themselves, did vie with one another, which of them should have the honour to give us the sharpest and severest blow.

"To conclude, Would you quench the fire, that appears to be raised against us in *England*? Would you have a successful treaty and good limitations? Be unanimous; and, I hope, the case is not as yet so desperate, but what our Predecessors have found, we may yet find the like.

"It may be asked, my Lord, How shall we be unanimous, and who shall yield? I think providence has made that very easy with relation to this resolve. For suppose some be for limitations, that are not for a treaty; and others for a treaty, that are not for limitations; and that those, who are against a treaty, are against it, because they do not expect reasonable and good conditions from *England*; and

"that

1705. was, An act for regulating the chusing the Officers of State, enacting, "That from and after her Majesty's decease, without heirs of her body, all Officers of State, and Privy-Counsellors, and Lords of Session, should be chosen and appointed by the Parliament; and in case of the decease of any of them, during the vacancy of Parliament, the office to be supplied by one nominated by the Council, who should continue in the same till next Session of Parliament: And that all the Officers of State and Privy-Counsellors should be accountable to the Parliament." The Court offered, on the 16th of *August*, a clause, giving the power of chusing Officers of State (which by this act was solely lodged in Parliament) to the King, with consent of Parliament, which was carried in the negative; as was also a motion, that there should be three Presidents of the Session, to preside by turns each two months. On the 22d, the whole act was approved, and, the next day, an act for a Triennial Parliament was read in these terms: "Our Sovereign Lady, being willing to restore to her ancient Kingdom their ancient custom and right to frequency of Parliaments, does therefore, with the advice and consent of Parliament, statute and ordain, That there shall be a new Parliament called and indited, to meet, sit, and act; and that once every third year after the 1st of *August* in the year. And her Majesty does hereby declare, with consent aforesaid, that this present Parliament shall not continue and endure any longer than the 1st of *August* aforesaid; and this, without prejudice of her Majesty and Successors Royal prerogative and power to dissolve Parliaments sooner than the said term of three years, as shall be thought fit. And further, with the advice aforesaid, statutes and ordains, that, from and after the 1st day of *August* aforesaid, no Farmer or Collector of her Majesty's customs or excise, or any other branch of her Majesty's revenue, shall be capable to be a Member of Parliament, nor to sit and vote therein after the date aforesaid; and it

"shall be a sufficient objection against any Member, that he is concerned, directly or indirectly, as a Farmer or Collector, in any part of her Majesty's revenue, to remove him from his place and vote in Parliament." The Courtiers saw it was to no purpose to oppose this act; and, being afraid of a new Parliament, they only proposed, that this act should not take place during her Majesty's life. The Cavaliers, on the other hand, insisted, that it should commence immediately; but many Members, who doubted their own interest to be elected anew, proposed a medium betwixt the two, that it should take place three years after the date, that is, the 1st of *August* 1708; with which, as the least of the two evils, the Courtiers joined and carried it, and so the whole act was approved. Another act ordaining, that the *Scots* Ambassadors, representing *Scotland*, should be present, when the Sovereign had occasion to treat with foreign Princes and States, and accountable to the Parliament of *Scotland*, was also approved: But several other overtures were made, that never were ingrossed into acts. Nor did the abovementioned act obtain the Royal assent, though the Court promised it often to many of the Members, and thereby kept them in good humour, while the act for a treaty was framing, they thinking themselves in a tolerable good state by those acts of limitation, and never imagining, that the treaty would terminate as it did. But *Fletcher of Salton*, having, in a long discourse, set forth the deplorable state, to which the *Scots* Nation was reduced by being subjected to *English* counsels and measures, while the same person was King of both Kingdoms, concluded, that those acts were not sufficient, and therefore presented a scheme of limitations, which he proposed to be ingrossed into an act, and taken into consideration; "I. That elections should be made at every *Michaelmas* Head-Court for a new Parliament every year, to sit the 1st of *November* next following, and adjourn themselves from time to time till next *Michaelmas*. That they chuse their own President, and that every thing be determin-

"ned

"that those, who are against limitations, are against them, because they would prove of no long continuance, and consequently look upon them only as an amusement to bring us to the *English* Succession: There is no reason, my Lord, in all this, why both parties should not agree in the resolve. For, suppose all those suppositions should prove true, shall we then be in any worse condition than we are at present? Shall it be said, we will not so much as resolve to treat with *England*; or that limitations, which are in our power, both to make and to keep, shall be looked upon by us as things impracticable, and of no duration? No, my Lord, we have a gracious Queen, that will assist us in both, and who, in her gracious letter, seems to desire both.

"I do consider *England*, with relation to the Succession of *Britain*, as so many fishes inclosed in a large strong net. They have room to swim, to fly, and tumble; but, as long as the fisherman keeps his hold, they cannot break through. I believe by this time they are sensible, that the Succession to the two Kingdoms in *Britain* ought not to have been designed, much less settled, without acquainting one part of *Britain* with the design, and that one part independent upon the other. Therefore if we be united, and keep our hold, and make no unreasonable demand, either of limitations from our Queen,

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"or conditions from *England*, but merely such as the necessity of the Nation requires; I hope, by the blessing of God upon our just endeavours, and the cordial support of our excellent Sovereign, that we shall have all our desires granted, and a good understanding betwixt the two Nations promoted, not for this time only, but for ever: Which, if they do slight at this time, I dare pretend to prophecy, that the time will come, when they will give with less ceremony.

"Thus, my Lord, I have frankly told you my mind, and that with all deference and submission to this honourable House; and though I do not pretend to the thanks of this Parliament, as the Lord *Howersham* had of the House of Lords, yet I will not yield to his Lordship, as to my integrity and sincere concern for the Commonwealth of *Britain*. And in one thing, I think, I have the advantage, that what I have said tends to the composing of differences; first, amongst ourselves, and then betwixt our neighbouring Nations and us. Whereas his Lordship's speech, if I be not as much mistaken, as his Lordship was at the time he spoke it, tends directly the quite contrary way. Therefore I am for the resolve, and for the beginning with the limitations."

1705. "ned by balloting in place of voting. II. "That so many lesser Barons should be added "to the Parliament, as there had been Noble- "men created since the last augmentation of "the number of Barons : And that in all time "coming, for every Nobleman, that should be "created, there should be a Baron added to the "Parliament. III. That no man should have "a vote in Parliament, but a Nobleman, or "elected Member. IV. That the King should "give the Royal assent to all the laws offered "by the Estates ; and that the President of the "Parliament be empowered by his Majesty to "give the Royal assent in his absence, and have "ten pounds Sterling a day salary. V. That "a Committee of thirty-one Members, of "which nine be a *Quorum*, chosen out of their "number by every Parliament under the King, "should have the administration of the Go- "vernment, be his Council, and accountable to "the Parliament, with power, on extraordina- "ry occasions, to call the Parliament together : "And that, in the said Council, all things be "determined by balloting, instead of voting. "VI. That the King, without consent of the "Parliament, should not have the power of "making peace and war, or of concluding any "treaty with any other State or Potentate. "VII. That all places and offices, both civil "and military, and all pensions formerly con- "ferred by the Crown, should ever after be gi- "ven by Parliament. VIII. That no regiment "or company of horse, foot, or dragoons, be "kept on foot in peace or war, but by consent "of Parliament. IX. That all the fencible "men in the Nation, betwixt sixty and sixteen, "be armed with bayonets and firelocks, all of "a caliver ; and continue always provided in "such arms and ammunition suitable. X. That "no general indemnity, or pardon for any tran- "sgression, should be valid, without consent of "Parliament. XI. That the fifteen Senators "of the College of Justice should be incapable "of being Members of Parliament, or of any "other office or pension, but the salary, that "belongs to their place, to be increased as the "Parliament should think fit. That the office "of President should be in three of their num- "ber, to be named by the Parliament, and that "there be no extraordinary Lords : As also, "that the Lords of the Justice-Court should be "distinct from those of the Session, and under "the same restrictions. XII. That, if any "King should break in upon any of these con- "ditions of Government, he should, by the "Estates, be declared to have forfeited the "Crown." *Fletcher* enlarged upon every arti- "cle, endeavouring to shew, that the first *eight* "were necessary to prevent *English* influence over "Scots affairs ; the *ninth*, to inable the Nation to "defend its rights and liberties ; and the *tenth*, "to deter Ministers of State from presuming to "give the King bad advice, and doing things "contrary to law (1). The *eleventh* article he said "was necessary to preserve the Judicatories from "corrupt Judges : "And if the *twelfth*, conclu-

"ded he, be not approved, sure, I am, this 1705. "House must own, the last King *James* was "barbarously and unjustly treated." However "this scheme of limitations was never framed into "an act.

Another material point, under the considera- "tion of this Parliament, was the *Plot*. They "had, in the former Session, addressed the Queen "to transmit to them such persons, as were evi- "dences in, and such papers as related to, that af- "fair ; and, in the beginning of this Session, the "Dukes of *Hamilton* and *Arbol* were very desirous "to prosecute it to the utmost. But the Cava- "liers were not so forward ; first, because they "were under a kind of engagement to the Earl "of *Mar* and Sir *James Murray* of *Philipsburgh*, "that, if the Duke of *Queensberry*'s friends opposed "the Marquis of *Tweeddale* and his party, as in "the former Session, they should not insist on "that affair ; which would irritate the Duke's "friends to such a degree, that many of them "would not concur in opposing the act for a trea- "ty. In the next place, the Cavaliers considered, "that the edge of many people's indignation a- "gainst the *Plot* was blunted, by its lying so long "dormant. And being, at the same time, apprehen- "sive of being baffled, if they attempted any "thing against the Duke of *Queensberry*, they re- "solved to stand neuter, at least till they saw, "whether the Dukes of *Hamilton* and *Arbol* could "prove any thing. It being moved, on the 28th "of *August*, that the House might be acquainted "what answer the Queen had returned to the "address, the Lord-Commissioner declared, That "he had received a letter from her Majesty re- "lating to that matter, and would signify her "pleasure therein to the Parliament in a few days. "Accordingly, on the 11th of *September*, the "Lord-Chancellor acquainted the House, that the "rest of the papers relating to the late plot were "now transmitted ; and that they should be given "to the Clerk Register, to be perused by the "Members of the House. But, when the House "took these papers into consideration, it was "urged, that they were only copies, and that the "principal evidences, such as Sir *John Maclean*, "Mr. *Keith*, and others remained in *London* ; and "that the Parliament could not proceed any fur- "ther in that affair, unless the original papers, and "the persons, who were evidences, were at their "command. However, the Dukes of *Hamilton* "and *Arbol*, and *Baillie* of *Jerviswood*, made "speeches in their own vindication, asserting, that "the accusation against them in the discovery of "the pretended plot was false and calumnious. The "Duke of *Arbol*, in particular, made a long nar- "rative of the beginning, progress, and conclu- "sion of the whole affair ; accused the Duke of "Queensberry of endeavouring to give the Queen "sinister impressions of her good subjects ; pro- "duced copies of letters sent from him to her Ma- "jesty, affirming, that all the Cavaliers had an "hand in the plot, or, at least, were enemies to "her ; and that, the better to carry on his design, "he had employed and held correspondence with "Frazier or Lord *Levat*. But, notwithstanding all "this

(1) The Earl of *Stair* having spoken against this "scheme, *Fletcher*, in answer, said, "It was no won- "der his Lordship was against it ; for, had there "been such an act, his Lordship had been long before

"hanged for the advices he gave King *James*, the "murder of *Glenca*, and his conduct since the Revo- "lution." *See* *Vol. I.*

1705. this great clamour, no further notice was taken of this affair.

The business, which the Court had principally at heart, was the *act for a treaty with England*. The Earl of Mar had, in the beginning of this Session, presented an *act for appointing Commissioners to treat with Commissioners from England of an Union*; which lay upon the table, till most of the overtures in relation to trade and the limitations were discussed; but, these being over, the other was reassumed. This act was much of the same nature and import with the act passed in *England*, both empowering Commissioners to meet and treat of an Union of the two Kingdoms of *England* and *Scotland*, and restraining them from treating of any alterations of the Church-Government, as by law established, in the respective Realms. The only material difference was, that the *English* act not only gave the Queen the nomination of the Commissioners on the part of *England*, but required also, that the Queen should name and appoint the *Scots* Commissioners; whereas, in the draught presented by the Earl of Mar, there was a blank for the power of the nomination. This gave occasion to *Fletcher of Salton*, in a pathetic speech, on the 28th of *August*, to inveigh against the haughty and imperious proceedings of the *English* in this affair; exhorting the House to resent this treatment, as became *Scotsmen*, for which purpose he offered an address to be presented to her Majesty, importing, "That the act passed in the Parliament of *England*, containing a proposal for a treaty of Union of the two Kingdoms, was made in such injurious terms to the honour and interest of the *Scots* Nation, that they, who represented that Kingdom in Parliament, could no ways comply with it; which they had the greater regret to refuse, because a treaty of Union had, in this Session, been recommended to them by her Majesty. But that they should be always ready to comply with any such proposal from the Parliament of *England*, whenever it should be made in terms no ways dishonourable or disadvantageous to the *Scots* Nation." The House, rejecting this motion, called for the Earl of Mar's draught, and for the *English* act, both which were read. The Cavaliers and Country-party observing, that there was a great inclination in the House to set a treaty on foot, thought it improper to oppose it any longer in general terms; and therefore resolved to endeavour to clog the Commission with such restrictions and provisions, as should retard the treaty's taking effect. In order thereto, the Duke of Hamilton presented a clause to be added to the act, importing, "That the Union to be treated on should no ways derogate from any fundamental laws, ancient privileges, offices, rights, liberties, and dignities of the *Scots* Nation." This the Courtiers vigorously opposed, as inconsistent with the intended intire or incorporating Union, of which the abolishing the *Scots* Parliament was a necessary consequence. And thereupon they urged, "That, since *Scotland* and *England* were under one Sovereign, who mediated between her two Kingdoms, and *England* had already given ample powers to their Commissioners, it would be unbecoming in *Scotland* to restrain their Commissioners. That it would shew a jealousy of her Majesty; and, might put a stop to the treaty,

since *England* could not but expect, that the *Scots* Commissioners should have as ample powers as theirs. That there could be no danger in giving unlimited powers to their Commissioners, since it was expressly provided, that no matter or thing treated of, and agreed to, should be of any force, unless it were first approved of and ratified by the Parliaments of both Kingdoms. And therefore, when their Commissioners should make their report of the scheme of Union, that should be agreed on, then it would be proper for the House to consider, whether they would ratify or reject the same." To this it was answered, "That *Scotland* and *England*'s being under one Sovereign made this clause necessary, since woful experience taught them, and it had been often complained of in the House, that their Sovereign was under *English* influence, and subject to the counsels of her *English* Ministers, who regarded the interest and honour of *Scotland* no farther, than was consistent with that of *England*. That the adding of this clause could never imply the least mistrust of the Queen's inclinations towards her ancient Kingdom, since all that could be made of it was, that the *Scots* Parliament being sensible, that the Queen was not in a capacity to know the interest and circumstances of *Scotland* so well as those of *England*, had taken care to prevent any inconveniencies, that might arise from thence. That there were some things so sacred, that the least innovation or alteration, much less the abrogating or suspending them, was never to be attempted, or the subject of any treaty. And the particulars of this clause, such as the *Sovereignty, Independency, and Freedom of the Nation*, being of this nature, ought therefore to be added. That *England* could not take it amiss, since they themselves had refrained their own Commissioners from treating of any alteration in the Church-Government of that Kingdom. That the *Scots* were a free independent people, and had a power to give what instructions, powers, and restrictions they pleased to their Commissioners. Neither was it to be imagined, that *England* would refuse to treat upon account of this clause, because the very clause, in the same express words, was inserted in the act of the treaty in the Reign of King *James VI.* and to the same purpose in most of the subsequent acts of treaty; and yet neither that King (who would have had good reason to be offended at any disrespect or distrust shewn towards him) nor his Successors, nor the Parliament of *England*, made any scruple upon that account, to meet and treat with the Commissioners of *Scotland*." These and many other arguments were urged for and against the clause; but the question being put, Whether it should be added, or not? It was carried in the negative by two voices only, thro' the neglect of seven or eight of the Cavaliers and Country-party, who happened to be absent.

This being over, another clause was offered, importing, "That the Commissioners should not go out of *Scotland*, to enter into any treaty with those to be appointed for *England*, until there was an act passed by the Parliament of *England*, rescinding that clause in the *English* act, by which it was enacted, that

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1705. "the subjects of *Scotland* should be adjudged "and taken as Aliens, after the 25th of *December 1705*." The Cavaliers insisted upon this clause as necessary to vindicate the honour of the Nation from the injustice of the *English* in that act, upon a belief, that, if it were added, the *English* would not comply with it, and so the treaty would come to nothing. Upon the same consideration the Courtiers opposed it; but, observing it took with the House, they did not presume to do it openly, but by this artful motion, "That the clause should be approved, though not, as was proposed, ingrossed with the body of the act for a treaty; but a resolve of the House passed, that, after the act were finished, the House would immediately proceed to consider, whether the clause should be of force by a particular act, or by an order of the House;" and the question being stated, "Add the clause to the act, or by a separate way," the latter was carried. By this the Courtiers were sure of having a treaty; for, if the clause was turned into an act at the close of the Session (when they had no more to require of the Parliament) they might grant the Royal assent to the act of treaty, or refuse it to this, as they should be directed from *England*: And in case the clause was turned into an order of the House, then they might dissolve the Parliament, by which means the act, empowering the Commissioners to treat, remained in force, and the order ceased. Before the vote was stated, upon the act for a treaty, the Duke of *Arbol*, on the 1st of *September*, entered his protest in these terms: "In regard, that by an *English* act of Parliament made in the last Session thereof, intituled, *An Act for the effectual securing England from the dangers, that may arise from the several acts lately passed in Scotland*, the subjects of this Kingdom are to be adjudged Aliens, born out of the allegiance of the Queen, as Queen of *England*, after the 25th of *December*, 1705; I do therefore protest for myself, and in the name and behalf of all such, as shall adhere to this my protestation, that, for saving the honour and interest of her Majesty, as Queen of this Kingdom, and maintaining and preserving the undoubted rights and privileges of her subjects, no act for a treaty with *England* ought to pass in this House, unless a clause be adjoined thereto, prohibiting and discharging the Commissioners, that may be nominated and appointed for carrying on the said treaty, to depart the Kingdom, in order thereto, until the said act be repealed and rescinded by the Parliament of *England*." To this protest most of the Cavaliers and Country party, and all the *Squadrons* adhered, making in all twenty-four Peers, thirty-seven Barons, and eighteen Boroughs. While the rolls were calling, upon this resolve (it being very late) many of the Members, after they had given their votes, went out of the House, expecting, that the Parliament would not have proceeded to any more business that night; but, immediately after the last name in the roll was called, Duke *Hamilton*, addressing himself to the Chancellor, moved, that the nomination of the Commissioners for the treaty should be left wholly to the Queen. Upon this unexpected motion fourteen or fifteen of the Cavaliers ran out of the House in rage and despair, saying aloud, "That it was to no

purpose to stay any longer, since the Duke of *Hamilton* had deserted and so basely betrayed them." However those, who remained, strenuously opposed the motion; and a hot debate arose upon it, wherein the Cavaliers used the very arguments, which Duke *Hamilton* had often urged: "What! leave the nomination to the Queen? No; she is in a manner a prisoner in *England*; and the estates of *Scotland* had taught us our duty in a case nearly related to this, during the captivity of King *James* the First. Our Queen knows none of us, but as introduced by her *English* Ministry, and recommended by our inclinations to serve that Kingdom. Our Queen never had an opportunity to know the true interest of our Country; and, though she did, yet in her present circumstances, cannot shew her regard for it: And who then so proper to nominate *Scots* Commissioners to treat of *Scots* affairs as a *Scots* Parliament?" Little or nothing was offered in answer either to these arguments, or against the motion, "That no person, who had any estate in *England*, should be of the number of the Commissioners." Which was levelled at the Duke of *Hamilton*. But the Courtiers still insisting, that the sense of the House might be known in this matter, the question was put, "Whether the nomination of the Commissioners be left in the Queen, or to the Parliament?" And, by reason of the absence of the Members before-mentioned, it was carried for the Queen by a majority of eight voices only. Duke *Hamilton's* proceeding in this affair was highly resented by the Cavaliers; but he endeavoured to vindicate himself, by alledging, That after the Parliament had rejected the several clauses, that were proposed to be added to the act, he thought it in vain to contend any longer; and, since the Court would have had a majority, to give the nomination to the Queen, he might be allowed to make her the compliment. Besides, it was the Duke's opinion, that, if the Commissioners named by the Queen should do any thing, that should not be approved in the subsequent Parliament, they might be the more severely censured for it, than if the Parliament had named them. But it is thought, that the Duke had a mind to be one of the Commissioners himself; and fearing, that he should not be named by the Parliament, he resolved to rely upon the Duke of *Argyle's* and the Earl of *Mar's* promise of his being named by the Queen; who having refused to do so, the Duke of *Argyle* resented it so far, that he would not suffer himself to be named, and even threatened to oppose the Union, though means were afterwards found to induce him to alter his mind.

In the next sitting of the Parliament, on the 4th of *September*, two draughts of an address were presented, one by the Earl of *Sutherland*, the other by *Fletcher of Salton*, beseeching her Majesty to use her endeavours with the Parliament of *England* to rescind that part of the *English* act, declaring the subjects of *Scotland* to be Aliens; both which draughts were read, as was also the overture of an act, ordaining, that the Commissioners on the part of *Scotland* should not enter upon the treaty for an Union with *England*, until that clause were repealed. Hereupon the Courtiers moved, that the Parliament should proceed by way of order to their Com-

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1705. Commissioners, and by address to her Majesty, and not by way of act; and, after some debate, the question being put, was carried for the order and address, which were immediately drawn up, and unanimously agreed to. Then an overture of an act was presented, *discharging the Peers of Scotland from going into England, without leave of the Privy-Council*; but, on the 6th of September, after a first reading of this overture, it was rejected. After this, the House considered the act for a treaty with England, and made some amendments to the clause containing the powers to be given to the Commissioners. The Cavaliers took this occasion to renew the motion, "That an Union should not derogate from any fundamental laws, ancient privileges, offices, rights and dignities, and liberties of the Kingdom of Scotland;" but, after some debate, the question being put, Whether that clause should be added, it was carried in the negative, and then the act was approved, and received the Royal assent. However, the Duke of Athol protested against it, for the reasons contained in his former protest, and was adhered to by twenty Noblemen, thirty-three Barons, and eighteen Boroughs. Two days after, the act for granting the Queen a Supply of six months cess, amounting to four hundred and thirty-two thousand, eight hundred pounds (*Scots money*) for maintaining the army, garrisons, and frigates for one year, was approved. On the 18th of September, the House went upon the public accounts, and allowed to the Commissioners of the same two hundred pounds Sterling each; fifty pounds to the Clerk, and twenty pounds to other Servants; fifteen hundred pounds to the Lord Belhaven; three hundred pounds to the Duke of Queensberry, and three thousand pounds to the Duke of Argyll, as being due to him; which sums were paid out of the fifty thousand pounds Sterling granted to the Queen. After which, the Parliament was adjourned to the 20th of December following (1).

Not long after the adjournment, the Earl of Mar, who, during the whole Session, had done considerable service to the Court, was made Secretary of State in the room of the Marquis of Amundale, who was appointed Lord President of the Council in Scotland, and who was removed from the post of Secretary, because he was thought to hold a private correspondence with the *Squadrons*, being rather inclined to favour the Protestant Succession without, than with an Union; and therefore would not follow the Duke of Queensberry's dictates further than he pleased; upon which account, he was much caricatured by the Cavaliers.

Having thus given a full relation of the Parliamentary affairs of this year, it is now time to turn to the progress of the War.

The Duke of Marlborough, having delivered the Empire by the victory at *Blenheim*, had long considered how to improve that success; and having communicated his several projects to the Cabinet Council, none seemed so judiciously laid, as the making an impression upon the frontiers of France. The design therefore was, that the *Moselle* should be the scene of action; and care was taken to lay up magazines of all sorts in *Friers* for that purpose. To carry on this design, two things were absolutely necessary; first, the concurrence of the *Dutch*, who seemed unwilling to let their troops go so far from their frontiers, lest they should lose, in one campaign, the barrier, which they had been forming in two or three; and, secondly, the quickening the slowness of the *Germans*, without whose joint assistance, the Duke of Marlborough could not act there with probability of success. The *States*, however, consented, that he should carry the greatest part of their army to the *Moselle*, and resolved to lie on the defensive upon their own frontiers; for they reckoned, that, how strong soever the Elector of *Bavaria's* army was at that time, yet, when *France* should be pressed with so great a force, as they computed would be on the *Moselle*, he would be ordered to send such detachments thither, that his army would be soon diminished, and so would not have the superior strength long.

This being the Duke of Marlborough's scheme, he set out on the 26th of March 1705, from *St. James's* towards *Harwich*, where he embarked on the 30th, and landed in *Holland* on the 2d of April. Upon his arrival at the *Hague*, he had several Conferences with the Pensionary and other Members of the Assembly of the *States-General*, in which he laid before them the great advantages, which would arise to the whole Confederacy, from the vigorous prosecution of his design; which would deprive *France* of the means, either of enlarging her conquests in *Piedmont*, or of protecting *Spain*, by reducing her to the necessity of defending herself at home. The Duke had likewise another motive, which concurred to put him upon these measures. The Marshal de *Villars*, lately made a Duke of *France*, was the principal dependence of *Lewis XIV*: The Duke therefore judged, that to triumph over and ruin the reputation of the Marshal, by a single defeat, would be a service to the common cause preferable to all others. The consequence of such a defeat would have been the submission of the three Bishopricks; after which, nothing could have prevented his making himself master of *Thionville*, and even of *Luxembourg* itself.

The *Dutch* were soon made sensible of the reasonableness of the Duke's plan; but the difficulty was to bring Prince *Lewis* of *Baden* to concur

(1) On the 16th of August, it was moved and resolved, that Mr. *James Anderson*, Writer to her Majesty's signet, having written a Book intitled, *An Historical Essay, shewing that the Crown and Kingdom of Scotland, are imperial and independent*, have a reward of four thousand eight hundred pounds *Scots money* for that good service; and that the thanks of the Parliament be given him by the Lord Chancellor in presence of the Lord High Commissioner; which was done accordingly. It was also moved and resolved, that Mr. *James Hodge*, who in his No. 45. Vol. III.

Writings had served the interests of the *Scots Nation*, should have the like reward. But on the other hand, complaint being made of a Book intitled, *The Superiority and direct Dominion of the Imperial Crown of England over the Kingdom of Scotland*, and also of the Pamphlet, intitled, *the Scots Patriot unmasthead*, both written by Mr. *William Atwood*, as scurrilous, full of falsehoods, and reflecting upon the honour and independency of the *Scots Nation*; the same were ordered to be burnt by the hand of the Common Hangman.

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concur in it. That Prince had seemed to approve of it so well, during the winter, that no doubt was then made of his being both able and willing to enter upon this new scene of the war. But, as the Duke of *Mariborough* was setting out, depending on his concurrence, he received an express from him, excusing himself, both from his own want of health, and because the force he had about him was not considerable, nor was that, which he expected, like to come to him so soon as might be wished for. This could not stop the Duke of *Mariborough*, who had set his heart upon opening the campaign in those parts, and had great hopes of success. He resolved therefore to push the affair as far as he could, and accordingly went to confer with the Prince at *Rastadt*, where he arrived on the 19th of *May*. The Prince's ill health seemed only a pretence. It was true, that the Princes and Circles of the Empire had not sent in their quota's; but it appeared, that there was already strength enough, in conjunction with the army, which the Duke of *Mariborough* was to bring, to advance, and open the campaign with great advantage, at least till detachments should come from others parts. The Prince of *Baden* at last consented to this, and promised to follow with all the forces he could bring.

expecting the Prince of Baden, who failed him. The Duke, being satisfied with these assurances, went from *Rastadt*, on the 22d of *May*, to view the lines of *Biehl* and *Stolhoffen*, from whence he proceeded to *Manheim*, and then to *Triers*, where he arrived on the 26th, and having assembled all the troops in the neighbourhood of that place, the *English* and *Dutch* forces, which were encamped near *Jegel* on the other side of the *Moselle*, passed that river, on the 3d of *June*, over several bridges, and from thence marched to those prepared for them over the *Saar*, which river they passed also at *Consaarbruck*. The *Hessians*, *Danes*, and *Lunenburghers* passed the *Saar* at the same time, and so all the forces joined. After a difficult march of near eight hours, they at last advanced within a quarter of a league of *Sirk*, near which place Marshal *Villars* was incamped with a numerous army. It being too late to incamp, the troops lay on their arms all that night. The next morning they incamped at *Elft*, the right being at *Perle* near *Sirk* on the *Moselle*, and the left at *Hollondorp* within sight of the enemy's army. Upon the appearance of the Allies the day before, the enemy immediately prepared for a retreat, which they now put in execution with great precipitation, and marched from *Sirk* towards *Coningfmacheren*, possessing themselves of a very advantageous camp, which they made yet stronger by casting up intrenchments, and felling trees; so that there was no possibility of attacking them in that post with the least probability of success. This indeed was no disappointment to the Duke, for he did not design to attack them; and his advancing so far was only to cover the intended siege of *Saar-Louis*. The taking of that place was of so great importance, that the success of the whole campaign on that side depended on it; and, time being very precious, the Duke dispatched frequent expresses to quicken the march, not only of the Imperialists, but of the *Wirtembergers*, *Prussians*, and *Palatines*, and to exhort the Princes, who had promised to furnish artillery, horses,

and waggons, to send them with all possible expedition. His requests, though seconded by those of the *States-General*, were however to little purpose. Some Imperial troops were indeed detached from *Lauterberg* for the *Moselle*, but they kept so truly to their own usual pace, and marched so slowly, that, instead of being on the *Saar* the 9th or 10th of *June*, N. S. as they should have been, they were not arrived on the 20th, nor were there either horses or artillery provided. Prince *Lewis* of *Baden*, who had promised to come in person, came indeed as far as *Creutznach*, and then, falling sick, took an opportunity to go to the wells of *Schwalbach* and the bath at *Schlungenbade*, leaving these forces under the command of the Count de *Frieze*. Thus his former excuse of want of health and force was repeated, not without shrewd suspicions of treachery; for it appeared plainly, that the *French* knew what he intended to do, and their management shewed they depended on it, because they ordered no detachments to augment *Villars's* army. The Duke of *Wirtemberg* made a little more haste with four thousand men in the pay of the *States*, and the *Prussians* arrived before the grand army was obliged to decamp.

In the mean time the enemy, on the 28th The French take Huy, and be- of *May*, invested *Huy* with a detachment under the command of Count de *Gasse*; and, on the 10th of *June*, the castle surrendered, the garrison being made prisoners of war. After this *Liege*, the Elector of *Bavaria* and Marshal de *Villeroi*, being willing to make the best use of the Duke of *Mariborough's* absence, marched with their army towards *Liege*, and resolved to form the siege of that place. This disagreeable news had no sooner reached the Duke's army, but he received a letter from the *States*, wherein they represented to him "the loss of *Huy*; the siege of *Liege*, which was begun; the threats of the Elector and Marshal de *Villeroi*, that they would recover the former conquests of the Allies; the necessity, which there was to make a powerful diversion to oppose their enterprises; and, if that could not be done on the *Moselle*, the *States* desired him to return with his army towards the *Maese*." The Duke perceiving, that the delay of the *German* troops would render the siege of *Saar-Louis* abortive; the difficulty of subsisting a numerous army in a ruined Country; and the impracticableness of attacking Marshal *Villars*, who, besides his superiority of troops, was posted in an inaccessible camp, resolved at last to march to the relief of *Liege*. He decamped, on the 17th of *June*, and moved towards *Triers*, where it was resolved in a Council of war, that the forces, under his command, should march back to the *Maese*, except seven thousand *Palatines* in the pay of *England* and *Holland*, who were left for the security of *Triers*, and other posts on that side, under the command of Lieutenant-General *Aubach*. In pursuance of this resolution, the Duke, after having spent some weeks in this fruitless attempt, marched for the *Netherlands* by the shortest way, very much mortified at the ill usage he had received; and the Imperial troops, the *Prussians*, and *Wirtembergers*, moved towards the *Upper Rhine*.

The Prince of *Baden's* conduct, throughout this whole affair, was liable to great censure, and he was suspected to have been corrupted by

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1705. the *French*; while those, who did not carry their suspicions so far, attributed his acting as he did to his pride; and thought, that he, envying the Duke of *Marlborough*, and apprehending, that the whole glory of the campaign would be ascribed to him, chose rather to defeat the whole design, than to see another carry away the chief honour of any successes, that might have happened.

The French take possession of Trier. Marshal *Villars*, having now no enemy before him, sent a detachment to reinforce the Elector of *Bavaria*, and another for the army under Marshal de *Marfin* in *Alsace*, and advanced with the rest towards the *Saar*. Upon the first notice of which, the *Palatine* General sent orders to the Governor of *Saarbrück* to quit the castle, and blow up the fortifications, which he accordingly performed. And to complete the ill conduct of the *Germans*, on the 25th of *June* (even before the enemy appeared in sight) he destroyed all the magazines at *Triers*, blew up the fortifications, burnt the boats designed to make bridges, and in a dishonourable manner quitted that important post, which had cost the Allies immense sums of money. The enemy immediately took possession of the place, and *Villars* marched to join de *Marfin*, and with him drove the Imperialists from the lines of *Croon-Weysenburgh*; and General *Thungen* found it very difficult to maintain himself in the lines of *Lauterburgh*. These unpardonable mismanagements obliged the Duke of *Marlborough* to send Colonel *Durcl*, one of his Aids de Camp, to represent the whole matter to the Emperor.

The Duke of Marlborough forces the French lines. In the mean time, the Duke, by his diligent march, arrived time enough to save the Citadel of *Liege*; so that the face of affairs was immediately changed in the *Netherlands*; for the enemy, upon advice of his approach, sent back their artillery to *Namur*, and retired in great precipitation to *Tongeren*. On the other hand, the Duke, continuing his march, arrived at *Mastricht* on the 27th of *June*, and, having taken measures with Monsieur *Auverquerque* and the other Generals to march towards the enemy, they decamped for that purpose; but the *French* thought fit to prevent them, and retired from *Tongeren* nearer to their lines. On the 2d of *July*, the Duke passed the *Moselle*, and advanced to *Haness*, while the forces under Monsieur *Auverquerque* marched at the same time to *Theys* upon the *Saar*. The enemy, having notice of this march, decamped in haste, and, as it were, fled into their lines, having sent away most of their heavy baggage the day before.

The *French* having thus secured themselves within their Lines, the Confederate Generals thought fit to undertake the siege of *Huy*, before they proceeded further; and, to that end, made a detachment under General *Scholten*, to invest that place on the 6th of *July*, while the Duke of *Marlborough* and Monsieur *Auverquerque* made each a small motion to cover the siege. Two days after, the batteries began to play against fort *Picard*; and, the dispositions being made for attacking it, the Allies soon made themselves masters of the covered way, and were resolutely climbing up the fort, which the enemy perceiving, fled into the Castle, having quitted the Red Fort two hours before. The next day, *July* the 11th, a battery was brought to play against the castle, and another was erected in fort *St. Joseph*; so that, a considerable breach

being made, the enemy beat a parley, and demanded to march out, and be conducted to *Namur*; which being refused, they surrendered upon the same conditions, as had been granted to the *Dutch* two months before, the Governor and Garrison being made prisoners of war. The garrison consisted of five hundred men, commanded by Monsieur de *St. Pierre*, a Brigadier-General in the *French* service; besides whom, there was a Governor appointed by the Elector of *Cologne*. They marched out of the place on the 12th, to the number of four hundred and fifty men, besides the sick and wounded, and were conducted to *Mastricht*.

After the reduction of *Huy*, the Duke of *Marlborough* was resolved to undertake some more considerable action; and, as nothing appeared more advantageous in its consequence, than the attacking the enemy's lines, he sent General *Hompesch* to propose it to the *States-General*, who returned answer, "That, having an intire confidence in his conduct and prudence, they left it intirely to him to do what ever he should think fit, for the good of the common cause." Upon this, the Duke held a general Council of war, wherein that undertaking was debated; but, nothing being concluded the first time, a second Council was called, when some of the *Dutch* Generals opposed it; but Monsieur *Auverquerque*, the Prince of *Hesse*, Count de *Noyelles*, and some others, gave unanswerable reasons, why it ought to be undertaken: so the attack was resolved on.

The enemy were posted along their lines with near a hundred battalions, and a hundred and forty-six squadrons; and the Allies having ninety-two battalions, and a hundred and sixty squadrons, the two armies were pretty near equal. It was resolved therefore to make a feint, to divide the enemy's forces; and, accordingly, the army under Monsieur *Auverquerque* made a motion on the other side of the *Mebaigne*, and the Duke of *Marlborough* made another at the same time, as if he intended to support him in the attack of the lines about *Messelen*, where they were not so strong as in other parts. This stratagem succeeded to the wishes of the two Generals; for these motions, particularly the passing the *Mebaigne*, gave great jealousy to the *French*, so that they bestowed their chief attention on that side. Whereupon the Duke made the following disposition, in order to march with the whole army, in the night, between the 17th and 18th of *July*.

Lieutenant-General *Scholten* having rejoined the army with ten battalions and ten squadrons only, thirteen squadrons more out of the right of the Duke's second line were added to them; and five of those squadrons were given to Colonel *Chanclos*, who, being perfectly acquainted with the lines and the nature of the ground, was ordered to march at the head of all. Eleven battalions, and all the horse of the right wing of the Duke's army, to the number of twenty-four squadrons, were also detached, in order to march at the head of the first line; and those two detachments were to be commanded by Count *Noyelles*, General of the infantry, having under him the Lieutenant-Generals *Lumley*, *Hompesch*, *Scholten*, and Count d'*Ost Frise*; the Major-Generals *Wood*, *Ross*, *Erbach*, *Welder*, Prince of *Hesse-Homburg*, and *Weack*; and the Brigadiers *Iley*, *Palmo*, *Baldwin*, *Sacken*,

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1705. *ken, Gravendorf, Poforn, Mereditb, and Hamilton.* On the 17th about four in the afternoon, the Duke gave orders for the whole army to get ready to march; that all the baggage should assemble at fix near *Tourine*, behind the camp, under the guard of a Colonel with four thousand foot, and a hundred horse; that, at nine in the evening, Count *Noyelles* should advance with the two bodies abovementioned, filing off by their right, that which assembled before their first line to the left, and that of Lieutenant-General *Scholten* to the right, marching through the route, which the guides would shew them, directly towards *Wangen* and *Elixheim*, which two posts they were to attack, if the posture of the enemy would permit. That the Duke's army should march likewise at ten o'clock, following the same route, which the two detachments took: That the artillery should move at the same time on the right of the army: That Monsieur *Auverquerque's* artillery should follow the same way: That, an hour before the army marched, all the horse of the left wing of the Duke's army should move along the two lines, and repair to the right of the infantry: That at the same time the body of horse commanded by the Earl of *Albemarle* should advance forwards from their camp: That Monsieur *Auverquerque's* army should repass the *Meibaigne* over the twelve bridges made there for that purpose, and should join, with the right of his foot, the left of the Duke's army: That, when Monsieur *Auverquerque* should begin to move, he should detach a party of dragoons towards *Gerbise*, to give the alarm in the enemy's line on that side; and that the detachment commanded by the Lord *Albemarle* should bring up the rear of all. This disposition being made, and the gun, which is usually fired for the tattoo, being now the signal for taking down the tents, the two armies began their march between ten and eleven in the evening, filing off by their right in two columns, leaving *Cortis, Montenaken, Houtein, and St. Gertruydenland*, to their right; and the villages *Troyne, Cras, Auvergne, Baudwin, Reilshoven, Over-Winden, and Neer-Winden*, to their left; and marching directly towards their line, where the two first detachments were to attempt to force their passage at *Elixheim*, the castle of *Wangb*, and the villages of *Wangb, Neer-bespen, and Oostmalen*.

The darkness of the night somewhat puzzled the guides, who conducted these detachments, so that it was half an hour past four in the morning, and broad day, before they came near the abovementioned posts, which, according to information, were found to be but thinly guarded. Count *Noyelles* caused the castle of *Wangb*, which defended a stone-bridge, that was there on the *Geete*, to be attacked; but the *French* immediately abandoned that post, and gave an opportunity to the grenadiers, who were ordered on that service, to march forwards, and attack the barrier of that line, which the guards did not defend much better than the other had done the castle, and so the troops entered the line on that side with little or no opposition, although the enemy had twelve squadrons of dragoons incamped behind *Oostmalen* (within a cannon-shot of the place, where the first detachment entered) who immediately mounted their horses, but durst not advance to defend their barriers. At the same time three battalions pos-

1705. sessed themselves of the bridge and village of *Heilsheim*, a quarter of a league from *Wangb* on the left, which was done with as little opposition. Nor did Lieutenant-General *Scholten* meet with greater resistance at the villages of *Over-bespen* and *Neer-bespen*, so that, being masters of those bridges and barriers, and having made several other bridges, the horse went over them, and immediately ranged themselves in order on the eminence, extending their right towards the village of *Hackendoren*, and some battalions drew up along the line, and behind the horse.

While the pioneers were busy in making passages through the line, ten of the enemy's squadrons, and four battalions, were perceived between the villages of *Gonchancourt* and *Eftmale*; but they gave time to the Confederate forces to extend themselves, endeavouring only to advance to the village of *Elixheim*. Count *Noyelles* caused all the troops, which he had with him, to go over as fast as possible; and thereupon, the Duke of *Marlborough* arriving with his whole army, his cavalry went over the line with extraordinary expedition, as the rest had done, and so they all made up towards the enemy, who by this time were reinforced to the number of fifty squadrons and twenty battalions, and advanced with great resolution behind the hollow way, that goes from *Elixheim* to *Tirlemont*. This obliged the Confederate horse to make a stand a few minutes, till some battalions advancing lined the hollow way, and, firing upon the enemy's horse, obliged them to retire out of the reach of their muskets, and to form themselves before their infantry, which gave an opportunity for the Confederate horse to pass the hollow way. In the mean time, the *French* caused eight pieces of cannon with treble barrels to advance, with which they made a terrible fire on the Confederate horse. But, the Duke of *Marlborough* being come in person at the head of fresh squadrons, and seeing, that the enemy were continually receiving reinforcements, and that their infantry was going to join them, he resolved to charge them with horse only; which was done with that ardour and courage, that the cavalry of the two Crowns being soon broken and put to flight, they went to rally themselves behind their infantry, whilst his victorious horse possessed themselves of the cannon and ammunition-waggons. The enemy, being joined with some squadrons, and having interlined some battalions with them, moved again towards the Confederates; but the latter, being likewise reinforced, and sustained by their infantry, made advances to receive them.

The right of the Confederate horse, coming too near the hedges of the village of *Eftmale*, which were lined with *French* and *Bavarian* foot, were somewhat disordered by their fire, and obliged to shrink back. But, having soon after extended themselves more towards the right, to make way for some battalions, that marched against the enemy's foot, they both charged with that bravery and briskness, that the enemy's horse was soon defeated and cut in pieces, and their infantry, left alone in the plain, with great difficulty got away in disorder between the villages of *Heilsheim* and *Gerbise*, where they met with the rest of the army, and formed themselves as well as they could. In the mean time, the Duke of *Marlborough* caused all the rest

1705. rest of the troops to enter the lines, and extended the right of his army towards the *Great Geete* before *Tirlemont*, in which Town they took the battalion of *Montuc*, which, upon the first summons, surrendered at discretion.

In this action the Marquis *d'Aligre* and Count *de Horne*, Lieutenant-Generals, a Major-General, two Brigadiers, and several other Officers of all ranks, besides abundance of private men, were made prisoners. All the troops of the Allies behaved themselves with great bravery and resolution; but, amongst the horse, the regiment of Brigadier *Cadogan* distinguished themselves, having had the honour to charge first, which they did with such success, that they defeated four squadrons of *Bavarian* guards, drove them through two battalions of their own foot, and took four standards, and all this with the loss of only Lieutenant *Austin* and some few men. Nor was the loss of the other troops greater in proportion. The Duke of *Marlborough*, having very much exposed himself in the action, was in great danger of his life; for, as he was leading on several squadrons, a *French* or *Bavarian* Officer quitted his post, and advanced sword in hand to attack him; but, as he was raising himself upon his stirrups to reach him, he fell off his horse, and was presently killed. The *Bavarian* horse, which consisted of twenty-four squadrons, offering to oppose the Confederates, was almost intirely ruined; as were likewise the two regiments of *Alsace* and *la Marque*.

The body of troops, commanded by Monsieur *d'Aligre*, being thus defeated, the Elector of *Bavaria* and Marshal *de Villeroi* consulted for the safety of the rest of the army; and, de-camping in the night of the Confederates, passed the *Geete* and the *Dyle* with all imaginable diligence, and possessed themselves of the strong camp at *Park*, with their left at *Roselaer*, and their right against the height of *Louvain* at *Winfelsen*. From thence the Elector wrote to the Baron of *Malknecht*, his favourite, in this manner: "Dear Baron, God forgive those, who suffered themselves to be surprized. "The whole army is here, and the evil is not so great as to be past remedy. The Country of *Brabant* may be saved, as well as *Antwerp*, if it pleased God. I am well, but exceedingly fatigued."

On the other hand, the Duke of *Marlborough's* army passed the *Great Geete*, and incamped with the right at *Rosbeek*, and the left behind *Tirlemont*; and that of Monsieur *Auverquerque* extended itself with the right to *Grain*, and the left to *Elixheim*. The next day the confederate army moved, and in their march took about one thousand two hundred prisoners, who could not follow the precipitate march of the enemy; and incamped the same evening within cannon-shot of *Louvain*.

But though by this success the enemy were forced to abandon *Dieft*, *Sichem*, *Archeot*, and some other small places; yet the suffering them to possess themselves of the strong post of *Park* was thought a very great oversight. Some will have it, that the troops were too much fatigued to march to that camp the same day after the action; while others pretend, that some of the *Dutch* Generals were against it. The Duke afterwards endeavoured to force some pass upon the *Dyle*, but, not succeeding, he

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1705. marched from thence to *Meldert*, and sent the Baron *de Honpesch* to propose a new project to the *States-General*, who approved of it by directions to their Deputies in the army, to make two or three marches without calling a Council of war, to favour the design formed by the Duke. To countenance that expedition, Baron *Spaar's* *Spaar*, who commanded a small body of *Dutch* expedition. troops in *Flanders*, marched from *Riemen* with all his grenadiers, and a sufficient number of fusileers to support them, being followed by the rest of the forces under his command, and in his march defeated a party of *French* troops. He came in the night to *Rebott* on the canal, that goes from *Bruges* to *Ghent*, where his men made a bridge and passed over it, although the enemy had a guard there, who pretended to make some opposition. After this, he attacked their lines, which were defended by several forts, forced them sword in hand at *Lovendegen*, and, in less than three quarters of an hour, took possession of four of those forts, and made several officers, with three hundred private men, prisoners at discretion. He then marched towards *Bruges*, but, having intelligence, that the enemy were advancing towards him with a superior force, which they had drawn out of several garrisons in the *French* and *Spanish* *Flanders*, he thought fit to retire, carrying away with him several hostages, for the security of the payment of contributions; and having burnt the palisadoes, houses, and *Corps de guard*, along the *French* lines, thrown the cannon, he found there, into the canal, and destroyed all the ammunition.

The Duke of *Marlborough*, having left two battalions at *Tirlemont*, and as many at *Dieft*, for the security of these places, marched with his army from *Meldert*, and incamped at *Corbais*; the *Dutch* forces, under the command of the *French* *Auverquerque*, advancing at the same time to *St. Martin's*. The next day the two armies continued their march to *Genap*, and there united into one body; and the day following advanced to *Fischermont*, the right being at *Hulpen*, and the left at *Braine la Leu*; General *Churchill* being detached at the head of the line with twenty battalions and as many squadrons. In that day's march, *Auverquerque* caused one of the posts of the enemy, called *Waterlo*, defended by Brigadier *Pasteur*, with two regiments of dragoons and as many battalions of foot, to be attacked by a detachment commanded by Lieutenant-General *Dompere*, who drove the enemy from that post, and pursued them about a league in the wood of *Soignies*.

This sudden march of the Confederates kept the enemy in great apprehensions, and gave them an equal fear for some places in *Brabant* and *Flanders*. However, upon the Duke of *Marlborough's* advancing from *Ghent* to *Hulpen*, the Elector of *Bavaria* and the Marshal *de Villeroi* only stretched out their right to *Over-Elche* near the Wood of *Soignies*, and kept still their left at *Neer-Elche*, with the little river *Elche* before them, by which means they covered both *Brussels* and *Louvain*.

On the 18th of *August*, by break of day, the Confederate army filed off with the right wing in two columns, and passed the long narrow road of *Hulpen*, where they were not a little surprized to find no enemy to defend that difficult pass. About noon, the whole army was

1705. were opened on the 19th, and the attacks were carried on with so much vigour, that the garrison, consisting of about four hundred men, surrendered, on the 24th, prisoners of war. The Confederates found in the place four hundred sacks of meal, four pieces of cannon, four hundred muskets, and twelve barrels of powder; and the taking of it gave an opportunity to the Imperialists closely to block up *Fort-Louis*. On the 28th, *Hagenau* (1) was invested by a strong detachment, commanded by General *Thunberg*, having under him the Generals *Erffa* and *Arnsheim*. The Polish infantry of the King of *Prussia*, and that of *Wurtemberg*, were employed in that siege, with twenty squadrons: And, though the place had a good counterescarp, a large ditch full of water, and a strong wall, yet the garrison made but a slender resistance, offering to surrender the 5th of *October* upon articles; but, none being allowed, but to be made prisoners of war, they resolved to quit the place in the night, and retire to *Savern*. The place not being invested on that side, they put their design in execution, to the great dissatisfaction of Prince *Lewis* of *Baden*. The taking of *Drusenheim* and *Hagenau* enabled the Germans to secure their quarters on that side of the *Rhine*, and very much facilitated the projects of the ensuing campaign. Thus nothing was done by that noble army, under the Prince of *Baden*, equal either to their numbers or strength, or to the reputation, which he had formerly acquired. This was contrary to the general expectation; for it was thought, that, being at the head of so great an army, he would have studied to signalize himself, if it had been but to rival the glory, which the Duke of *Marlborough* and Prince *Eugene* had acquired.

The Emperor
for Leo-
pold V.
died in
May 1705.
Busnet.

The Emperor *Leopold V.* died in *May* this year. He was the most knowing and the most virtuous Prince of his communion; only he wanted the judgment, which was necessary for conducting great affairs in such critical times. He was almost always betrayed; and yet he was firm to those, who had the address to insinuate themselves into his good opinion and confidence, that it was not possible to let him see those miscarriages, which ruined his affairs so often, and brought them sometimes near the last extremities. Of these every body else seemed more sensible than he himself. He was devout and strict in his religion, and was so implicit in his submission to those Priests, who had credit with him, and particularly the Jesuits, that he owed all his troubles to their counsels. The persecutions, they began in *Hungary*, raised one great war; which gave the *Turks* occasion to besiege *Vienna*, by which he was almost entirely swallowed up. This danger did not produce more caution: after the peace of *Carlowitz*, there was so much violence and oppression in the government of *Hungary*, both of Papists and Protestants, that this raised another war there; which, in conjunction with the revolt of the Elector of *Bavaria*, brought him a second time very near utter ruin. Yet, he

could not be prevailed upon, either to punish, or so much as suspect those, who had so fatally intangled his affairs, that without foreign aid nothing could have extricated him. He was naturally merciful to a fault; for even the punishment of criminals was uneasy to him. Yet all the cruelty in the persecution of Heretics seemed to raise no relentings in him. It could not but be observed by all Protestants, how much the ill influence of the Popish Religion appeared in him, who was one of the mildest and most virtuous Princes of the age, since cruelty in the matters of religion had a full course under him, though it was as contrary to his natural temper as it was to his interest, and proved oftener than once almost fatal to all his affairs. His Son *Joseph*, elected King of the *Romans*, succeeded him both in his Hereditary and Elective Dignities. It was given out, that he would apply himself much to business, and would avoid those rocks, on which his father had struck, and almost split, and correct those errors, to which his father's easiness had exposed him. He promised to those Ministers, whom the Queen and the States had in his court, that he would offer all reasonable terms to the *Hungarians*; and he consented to their setting on foot a treaty, in which they were to be the Mediators, and become the Guarantees for the observance of such articles, as should be agreed on; and he gave great hopes, that he would not continue in that subjection to the Priests, to which his father had been captivated. He desired to confer with the Duke of *Marlborough*, and to concert all affairs with him. The Queen consented to this, and the Duke set out from the army, and arrived on the 12th of *November N. S.* at *Vienna*, where he was treated with great freedom and confidence, and had all the assurances, that could be given him in words. He found, that the Emperor was highly dissatisfied with Prince *Lewis* of *Baden*; but that Prince had such credit in the Empire, especially with the Circles of *Swabia* and *Franconia*, that it was necessary to bear with that, which could not be helped. The Duke of *Marlborough* returned through the Hereditary Dominions to *Berlin*, where he learned so perfectly to accommodate himself to the King of *Prussia's* temper, that he succeeded in every thing, that he proposed, and renewed all treaties for one year longer. He went from thence to the court of *Hanover*, and there he gave them full assurances of the Queen's adhering firmly to their interests, in maintaining the succession to the Crown in that family; with which the Elector was fully satisfied; but it appeared the Electress had a mind to be invited over into *England*. From thence he came back to the *Hague*, where having settled several important matters with the *States-General*, particularly the taking ten thousand men more into the pay of *England* and *Holland*, to reinforce Prince *Eugene's* army in *Italy*, he returned to *England*, and arrived at *St. James's* on the 30th of *December* (2).

1705.

Prince

(1) *Hagenau* is a city of Germany, in the Circle of the Upper Rhine, and Lantgravedom of *Alsacia*, once Imperial, but in an uncertain state, since the taking of *Landau* by the Germans in 1702; for, in 1703, the French re-possessed it, and, in 1704, drew lines by it,

which Prince *Lewis* of *Baden* forced this campaign, and took the town. It was retaken by the French in 1706. It stands on the river *Maierbrun*, thirteen miles almost North of *Strasbourg*, and as many West of *Baden*.

(2) The Earl of *Sunderland* was sent Envoy Extraordinary

1705. Prince *Eugene* encountered this year with great difficulties in *Italy*. He had a weak army, and it was both ill provided, and ill paid. He was long shut up within the country of *Bergamo*: at last he broke through *Cusano*, where there was a very hot action between him and the Duke of *Vendosme*. Both sides pretended they had the victory, yet the Duke repassed the river, and the *Imperialists* kept the field of battle. The *French* threatened *Turin* with a siege; but they began with *Cibias*, which held out some months, and was at last abandoned. The Duke de *Feuillade* commanded the army near *Turin*, and seemed to dispose every thing in order to a siege; but the design was turned upon *Nice*, though late in the year. That place made a brave resistance for many weeks, but in December was obliged to capitulate, and demolished by the *French*.

The firmness, which the Duke of *Savoy* expressed in all these losses was the wonder of all *Europe*. He had now but a small army of eight thousand foot and four thousand horse, and had scarce territory enough to support these. He had no considerable places left him but *Coni* and *Turin*. But he seemed resolved to be driven out of all, rather than abandon the Grand Alliance. His Dukes with all the Clergy, and indeed all his Subjects, desired him to submit to the necessity of his affairs. But nothing could shake him. He admitted none of his Bishops nor Clergy into his Councils, nor had any certain Confessor, but sent sometimes to the *Dominicans*; and sometimes to the *Franciscans*, for a Priest, when he intended to go to Confession.

Gibraltar was defended with great bravery and resolution. Sir *John Leake* (as has been related, who was left with part of the confederate fleet in those seas, upon notice that *Pointi* with a squadron of *French* men of war was arrived at *Gibraltar* in order to besiege the place by sea, as the *Spaniards* had done by land, sailed from *Lisbon* in October, and came so unexpectedly that he surprized two of the enemy's frigates of thirty-four guns each, one of twelve, a fireship and two *English* prizes, all which, being run ashore, were burnt; and one of thirty guns was taken. Whereupon, having reinforced the garrison with two thousand men, he returned to *Lisbon*.

In the end of February following, Sir *John Leake* received advice that *Pointi* was again arrived in the bay of *Gibraltar* with fourteen men of war and two fire-ships, and that the *French* and *Spanish* army designed to make a general assault upon the town. Upon this advice, Sir *John Leake* sailed again from *Lisbon* to its relief. In his way he met Admiral *Dilkes*, who was sent from *England* to increase his force. By this addition he had a strong fleet of thirty men of war, and therefore held on his course with the utmost expedition, hoping to find *Pointi* in the

bay of *Gibraltar*. But, on the 9th of March, he discovered five sail of the enemy's sailing out of the bay to follow the rest of their squadron, which went off upon the notice of his approach. He followed them closely, and chased to, and soon after one of them, called the *Argos* of sixty guns, was taken; and seven or eight others, the *Adrest* of sixty-two, and the *Magnus* of fifty-six, after some little resistance. The other two, the *Magnus* of seventy-four, and the *Lis* of eighty six guns, were run ashore and burnt by the enemies themselves near *Morilla*. Sir *John* sailed up the *Mediterranean*, to see if he could overtake the rest of the *French* squadron; but, after a fruitless pursuit for some days, he returned back to *Gibraltar*, which was now so well supplied, that the *Spaniards* lost all hopes of being able to take it, and therefore raised the siege, turning it into a very feeble blockade.

The campaign in *Portugal* had a very promising beginning. For the vigorous defence of *Gibraltar*, as it obliged the *French* and *Spaniards* to draw most of their forces that way, so it gave an opportunity to the *Portuguese* and their Allies to invade *Spain*, both on the frontiers of *Boya*, and those of *Almaga*. This, however, was undertaken against the advice of some great men of the Court of *Lisbon*, who urged, that, considering how much the auxiliary forces had been weakened by the detachments sent by the Lord *Galloway* to *Gibraltar*, the confederate army could not take the field, till they were joined by the recruits expected from *England* and *Holland*. But the Earl of *Galloway* over-ruled that pretence, and, by his care and industry, the preparations for an early campaign were not much retarded by the King of *Portugal*'s indisposition, during which the Queen Dowager of *England* was intrusted with the Regency of the Kingdom. Most of the troops appointed to take the field, being assembled near *Evreux*, they began their march from thence on the 24th of April, N. S. the *Comte* de *Galvezas*, a *Portuguese*, having the chief command; the *Comte* de *la Corfona*, the Earl of *Galloway*, and Baron *Fagei*, commanding under him, each his week alternately; the *Comte* de *Villaverde*, being General of the horse, and the Viscount of *Barbarena*, General of the artillery. Four days after, the army, being joined by a considerable number of horse and foot from *Elvas*, was found to consist of above twenty-four thousand men; and, having no enemy to oppose them in the field, the Generals resolved to attack their fortified towns. *Valencia d'Alcantara* was first besieged, and carried by storm on the 14th of May, N. S. The garrison of *Albuquerque*, having the same fate, surrendered the place, on the 22nd of that month, upon articles. After which, several Councils were held, in which the Earl of *Galloway* and General *Fagel* proposed the siege of *Badajoz*; but it was opposed by the *Portuguese* upon

Affair in Spain and Portugal. Burnet. Hist. of Eng. Imp Inquiry.

traordinary to the Emperor *Joseph*, with compliments of condolence on the death of his father the Emperor *Leopold*, and of congratulation on his Imperial Majesty's Accession to the Throne; both which had been promised to our Court by Count *Galen*, the Imperial Envoy Extraordinary, upon which something happened worth remembering. It was debated in Council, whether the Queen and the Court should be intending for the late Emperor, and the majority of the Council

gave their opinion for the negative? because the Emperors of *Germany*, assuming too great a superiority over other crowned heads, had hitherto refused to mourn for the Monarchs of *Great-Britain*. But Count *Galen*, having in his Master's name promised, that for the future the Emperor would mourn for the Kings and Queens of *England*, her Majesty went into mourning for the late Emperor.

1705. upon several pretences, The *English* and *Dutch* Generals continuing their instances, and offering several expedients to remove all difficulties, it was resolved to draw near *Badajoz*, and endeavour to fall on *Marshall de Tbesse*, who was posted with about four thousand horse and foot on the banks of the *Guadiana*, to cover that important place. Accordingly the army marched, on the 4th of *June*, N. S. and made some preparations to pass the *Guadiana*; but, not being able to get a sufficient number of pontoons to make bridges, and wanting other necessaries for a siege, it was thought proper to lay aside that enterprize, and, in the mean time, to send the troops into quarters of refreshment.

While these things passed on the side of *Alentejo*, the *Marquis das Minas*, who commanded the *Portuguese* forces in the province of *Beyra*, attacked the town of *Salvatierra*, and made the garrison prisoners of war; after which, the *Portuguese* plundered and burnt *Sarca*, which the *French* garrison and inhabitants had abandoned upon their approach. But the *Marquis das Minas's* progress was soon stopped by a body of *French* and *Spaniards*, which marched against him, and obliged him to retire to *Panamacos*.

Notwithstanding the Earl of *Galway's* incessant solicitations, and the solemn engagements of the *Portuguese* to King *Charles of Spain* to take the field in the beginning of *September*, in order to give the *Spaniards* a diversion, they continued in their quarters till the end of that month, when, all the Confederate forces being drawn together in the neighbourhood of *Eivas*, several Councils of War were held to regulate the operations of the autumn campaign. Some proposed to march directly to *Merida*, to destroy the magazines, which the enemy had in that place; others, to march into *Spain* another way than by *Esfremadura*; and others again, the siege of *Badajoz*, which the Earl of *Galway* at last prevailed with the *Portuguese* to undertake, as the most proper means to give the enemy so considerable a diversion, that they should not be able to oppose the Earl of *Peterborough's* attempt on *Catalonia*.

The Generals being sensible, that the divisions among them about the punctilios of command had hitherto been a great obstruction to the execution of their projects, resolved, if possible, to prevent the like inconveniences for the future; and, in order thereto, agreed, that the Earl of *Galway*, Baron *Fagel*, and the *Comde de Corsana* should command each in turn, for a week, as *Camp-Masters-General*, under the *Marquis das Minas* Generalissimo. This great difficulty about the command being removed, the army marched on the 1st of *October*, N. S. towards *Badajoz*, which they reached the 3d, and opened the trenches the next day. The siege was carried on with so good success, that it was thought almost impossible, that the enterprize should miscarry, as it did by an unforeseen accident. On the 11th of *October*, in the afternoon, a bomb of the enemy falling on one of the batteries of the Besiegers, and blowing up the powder with some of the gunners, the Earl of *Galway* and Baron *Fagel* repaired thither immediately, to encourage the foldiers, and give the necessary directions; and, as they had both their arms lifted up, a cannon-ball from an old Castle passed between them, took off the sleeve of Baron *Fagel*, and struck off the Lord *Gal-*

way's right-hand, a little below the elbow. The Earl being obliged to be carried away, Baron *Fagel* took upon him the command of the army, and direction of the siege; and the batteries continued firing with so great execution, that the Besiegers reckoned to storm the place on the 15th. But the *Marquis de Tbesse*, having assembled three thousand horse and five thousand foot at *Talavera*, marched the night between the 13th and 14th with such expedition and secrecy, that in the morning they were drawn up in battalia, flanking the left wing of the Confederates. After some time spent in consultations, the whole Confederate army passed the *Guadiana*, in order to fight the enemy; but the *Marquis de Tbesse*, having thrown a relief of a thousand men into *Badajoz*, retired over the *Cabeira*, with as great diligence as he advanced; and, on the 17th of *October*, N. S. the Confederates thought fit to raise the siege. Baron *Fagel*, who being weary of a service, where there was little or no harmony among the Generals, had some time before demanded and obtained to be recalled, set out immediately for *Lisbon*, and there embarked for *Holland*, with the mortification of having the miscarriage before *Badajoz* imputed to him, of which he endeavoured to clear himself in print. As for the Earl of *Galway*, besides his being consoled by the King of *Portugal* in a letter, and receiving another from the Queen, written all with her own hand, he had the satisfaction of having it generally believed, that, if the disposition, which he had made for preventing the enemy's design, and was approved in the Council of war the morning he lost his arm, had been executed, the Confederates would not have been obliged to raise the siege of *Badajoz*.

By this time all *Europe* was attentive to the great success of the Confederates in *Catalonia*. Towards the latter end of *May*, the *English* fleet, with about five thousand land-forces on board, under the joint command of Sir *Cloudfely Shovel* and the Earl of *Peterborough*, sailed from *St. Helen's*, and arrived at *Lisbon* the 20th of *June*, N. S. a week after the *Dutch* fleet, commanded by Admiral *Allemonde*, was come into that river. The Earl of *Galway*, with the other Generals, being about the same time come to *Lisbon*, several Councils were held about the intended expedition of the Confederate fleet: and, upon the pressing instances of the Earl of *Peterborough*, the Earl of *Galway* was prevailed with to let him take with him the best part of two *English* regiments of dragoons, the Lord *Raby's* and *Cunningham's*. The prince of *Hesse d. Rhynstadt*, arriving at this juncture at *Lisbon* from *Gibraltar*, gave King *Charles III.* positive assurances of the inclinations of the Province of *Catalonia* and Kingdom of *Valencia* to declare for him, which, together with his being weary of *Portugal*, made him resolve to try his fortune with the Earl of *Peterborough*. This, however, was vehemently opposed by some *Spanish* Grandees; but, their reasons being over-ruled by the Earl of *Peterborough's* stronger arguments, the King was confirmed in his resolution, and having sent back the Prince of *Armstadt* to *Gibraltar*, to get the garrison of that place in readiness to embark, he went on board the *Ranelagh* with the Earl of *Peterborough*. They put to sea on the 28th of *July*, N. S. and, a few days after, arrived in the Bay of *Gibraltar*, where he was received





1705. as lawful Sovereign; and having taken on board the battalion of *English* Guards, and three old regiments, which had lately so bravely defended the place, and left two new raised battalions in garrison there, they sailed again the 5th of *August*, *N. S.* Six days after they came to anchor in the Bay of *Altea*, in order to water; and the Earl of *Peterborough* caused a manifesto to be published in *Spanish*, declaring, "That he was not come into these parts to take possession of any place, in the name of her *Britannic* Majesty, or of the *States-General*, but to maintain the just right of the most August House of *Austria* to the Monarchy of *Spain*, and to defend the good and loyal subjects of the *Spanish* Monarchy, and free them from the insupportable yoke of a Government of foreigners." Hereupon, all the inhabitants of *Altea*, and the neighbouring villages, came to acknowledge his Catholic Majesty, imploring his protection, and brought with them the fruits of the country, and other necessary provisions. At the same time, about eight hundred or a thousand men in the adjacent mountains, being weary of the *French* yoke, declared for King *Charles III.* and seized the town of *Denea*, not far from *Altea* Bay. His Catholic Majesty appointed Major-General *Ramos*, who had assisted the Prince of *Hesse d'Armstadt* in the siege of *Gibraltar*, to be Governor of that place, sending with him about four hundred men for its greater security. All this while the motions of the Confederate fleet not only kept the *French* and *Spaniards* in alarms, but the Allies themselves in suspense; there being various conjectures about the true design of this expedition. It appears by a letter from on board the *Britannia* in *Altea* Bay, dated *August* 14, *N. S.* "That the Earl of *Peterborough* having got nineteen battalions of infantry, about one thousand three hundred horse, with a good train of artillery, and the King of *Spain* on board the fleet, his Lordship designed to have gone directly for *Italy*, where, with the forces that were to join him, either from the Duke of *Savoy* or Prince *Eugene*, he might have driven the *French* out of *Italy*, and set his Royal Highness at liberty to employ his forces another way. But, when letters arrived at *Lisbon* from *Turin* and *Genoa*, advising of the good disposition of the *Catalans* in favour of *Charles III.* that four thousand of them had actually taken up arms, this broke his Lordship's former measures, and obliged him, contrary to his inclinations, to frame designs upon *Catalonia*, according to new orders." But, whatever ground there was for this, the fleet, having sailed from *Altea* Bay about the middle of *August*, *N. S.* arrived in the Bay of *Barcelona* the 22d of the same month (1).

The Prince of *Anhalt d'Armstadt* being sent before with two frigates, to inquire into the posture of affairs in those parts, he put into *Alteira*, four leagues from *Barcelona*; and having advised the people of *Vick*, who had declared for King *Charles*, to come down to the sea-side, he rejoined the fleet on the 23d of *August*; and the infantry were landed, not only without any disturbance, but even with the assistance of the country people, who expressed great joy for the arrival of the fleet, and the Catholic King. The next day, the dragoons, and part of the horse, were set on shore, and joined the rest of the forces, which were incamped about a quarter of a mile from the town of *Barcelona* on the East-side, in a place well fortified by nature. The circumference of the town being so large, that the forces from the fleet were not sufficient to invest it, the people of the country assisted them in securing all the avenues.

After the artillery and heavy baggage were landed, King *Charles* resolved to go on shore, to encourage the expedition by his presence, and shew himself to the people of the country, who came from divers parts in great multitudes, to see him. Accordingly, he landed on the 28th, *N. S.* at four in the evening, and, when he went from on board, the whole fleet saluted him, that by this the inhabitants of *Barcelona* might be assured, that his Catholic Majesty was come with the fleet. As soon as the King got on shore, an infinite number of people, who came from *Vick*, and divers other towns and villages, with great acclamations, and repeated cries of *Long live the King*, ran to the water-side, cast themselves at his feet, and kissed his hand with all possible demonstrations of joy, inasmuch that it was difficult for him to get from among so great and joyful a multitude. But at last, mounting on horseback, he rid to the camp, where the forces were all drawn up in a line to receive him.

Barcelona had a garrison in it of five thousand men, who were commanded by Officers intirely in the interests of King *Philip*. It seemed a very unreasonable thing to undertake the siege of such a place with so small a force: They could not depend on the raw and undisciplined multitudes, which came in to join them, who, if things succeeded not in their hands, would soon abandon them, or perhaps study to merit a pardon by cutting their throats.

A Council of war was called to consult on what could be proposed and done, in which both *English* and *Dutch* were all of opinion, that the siege could not be undertaken with so small a force (2), those within being as strong as they were; nor did they see any thing else worth the attempting. They therefore thought, that no time was to be lost, but that they were all to

go

(1) Bishop *Burnet* says, The first design of this expedition was concerted with the Duke of *Savoy*; and the forces, they had on board, were either to join him, or to make an attempt on *Naples* and *Sicily*, as should be found most advisable: There were agents employed in different parts of *Spain*, to give an account of the disposition people were in, and of what seemed most practicable. A body of men rose in *Catalonia* about *Vick*; upon the knowledge King *Charles* had of this, and upon other advertisements, that were sent to our Court, of the dispositions of those of that Prin-

ce, the orders which King *Charles* desired were sent, and brought by a runner, that was dispatched from the Queen to the fleet; so the fleet steered to the coast of *Catalonia*, to try what could be done there. The Earl of *Peterborough*, who had set his heart on *Italy*, and on Prince *Eugene*, was not a little displeased with this, as appeared in a long letter from him, which the Lord Treasurer shewed the Bishop. Vol. II. 420.

(2) Dr. *Friend*, in his *Account of the Earl of Peterborough's Conduct in Spain*, p. 9. 3d Edit. observes, That his Lordship, upon incamping before *Barce-*
lona,

1705. go again on board, and to consider what course was next to be taken before the season was spent, when the fleet would be obliged to return back again; and, if they could not fix themselves any where before that time, they must sail back with the fleet. The Prince of Hesse d'Armstadt only was of opinion, that they ought to sit down before *Barcelona*, alleging, that he had secret intelligence of the good affections of many in the town, who were well known to him, and on whom he relied; and he undertook to answer for their success. This could not satisfy those, who knew nothing of his secrets, and consequently could only judge of things by what appeared to them. The debate lasted some hours: In conclusion the King himself spoke near half an hour; he resumed the whole debate; he answered all objections, that were made against the siege, and treated every one of those, who had made them, as he answered them, with particular civilities. He supported the truth of what the Prince of Hesse had asserted, as being known to himself. He said in the State, in which his affairs then stood, nothing could be proposed, that had not great difficulties in it: All was doubtful, and much must be put to hazard. But this seemed less dangerous than any other thing, that was proposed; many of his subjects had come and declared for him to the hazard of their lives; it became him therefore to let them see, that he would run the same hazard with them. He de-

fired, that they would stay so long with him, till such attempts should be made, that all the world might be convinced, that nothing could be done; and he hoped, that, till that appeared, they would not leave him. He added, that, if their orders obliged them to leave him, yet he could not leave his own subjects. Upon this, they resolved to sit down before *Barcelona*, being all amazed to see so young a Prince, so little practised in business, argue in to him with so much force, and conclude with such heroic resolutions. This proved happy in many respects. It came to be known afterwards, that the *Catalans* and *Miquelets*, who had joined them, hearing, that they were resolved to abandon them and go back to their ships, had resolved, either out of repentment, or that they might merit their pardon, to murder all of them as they could. When this small army sat down before *Barcelona*, they found they were too weak to besiege it, and could scarce mount their cannon. When they came to examine their stores, they found them very defective, and far short of the quantities, that by their lists they expected to find. It soon appeared, that the intelligence was true concerning the inclinations of those in the town: Their affections were intire to King *Charles*; but they were overawed by the garrison, and by *Velasco*, who, as well as the Duke of *Popoli*, who had the chief command, was devoted to the interests of King *Philip*. Deferters came daily from the town,

lona, found the scene of affairs quite otherwise, than what he was promised he should meet with. Instead of ten thousand men in arms, to cover his landing, and strengthen his camp, he saw only so many highers and sutlers flocking into it. Instead of a City in a weak Condition, and ready to surrender upon the appearance of his troops, he found an orderly garrison, and a force almost equal to his army. In these difficulties, his Lordship, as he was obliged by his instructions, called frequent Councils of war; wherein day after day, for above a fortnight together, it was often unanimously, and always by a Majority, agreed, that, considering the weakness of our forces, and the strength of the enemy; considering, that our batteries, as our Engineers declared, would be almost as long a raising on the side of the town we were masters of, as the fleet could well stay: In short, considering the extreme want of every thing necessary towards such an attempt, the siege was utterly impracticable. His Lordship did indeed twice give his vote for the undertaking; but from the councils of war it will appear, that it was only out of the extreme passion he had to comply with the King of Spain's desires, and not out of any confidence he had of succeeding. At the same time his Lordship proposed and offered to his Majesty, either to sail with the whole fleet to *Italy*, in order to support the Duke of *Savoy*; or to march by land along the sea-coast, where, with the countenance and assistance of the fleet, many towns of consequence might be reduced, the whole country disposed to declare for, and pay obedience to his Catholic Majesty, as some part of the neighbouring parts had done; and, upon any reasonable encouragement from *Catalonia*, and the Kingdoms of *Valencia* and *Aragon*, winter-quarters might be secured, and a body of troops raised out of them, which might enable his Majesty to march to *Madrid* next spring. But the Author of the *Impartial Inquiry into the Management of the War in Spain*, printed at London in 1712. in 8vo. observes, p. 27, that this extreme passion, which the Earl of *Peterborough* had to comply with the King of Spain's desires, did not

last long, as appears from those very Councils of war, which are published by Dr. *Friend*; for in the first Council held on the 16th of August 1705. O. S. the siege of *Barcelona* was judged impracticable, *namine contradicente*; on the 22d a particular attack upon the curtain was proposed, and the Earl the only person, who approved it; on the 25th a general attack was proposed for eighteen days, which was agreed to only by the Earl, and the Brigadiers, *Stanhope* and *St. Anand*; and on the 26th it was resolved by all the Generals, at the King of Spain's request, to try their fortune eighteen Days before the Town. But on the 28th another Council was held, wherein the Earl was as forward as any for embarking the troops again; and seems to have furnished the Generals with the reasons of that resolution; which is the more probable, because the reasons alledged in that Council were, that they had not been assisted either by the fleet, or the country people, as they expected; that the King was uncertain in his resolutions, sometimes for a march, sometimes for a siege; and that the Deputies of the *Catalans* had declared to his Lordship, that they would not promise any number of men to work in the trenches or batteries, or in any places where they should be exposed to fire. It is certain, that in the Council of the 26th, when the Generals resolved to try their fortune for eighteen days before the town, it was desired, that the fleet would furnish a certain number of men; and that the Prince of Hesse should procure a proportion of Miquelets; upon which, the Earl of *Peterborough* having signed this Council in the affirmative as General, wrote a letter to the Prince of Hesse, and sent Brigadier *Stanhope* to make a demand of men in behalf of the Land-Council of war from the flags; but, coming on board himself the same day, in regard to the safety of the fleet, his Lordship gave his opinion in writing as Admiral, directly contrary to his opinion and request as General; as appears from the Earl's letter to the Prince of Hesse of the 27th of August, and his opinion at a Council of war, of English and Dutch Flag Officers held on board the *Britannia*, Aug.

1705. town, and brought them intelligence: the most considerable thing was, that fort *Montjuic* was very ill guarded, it being thought above their strength to make an attempt upon it. It was concluded therefore, that all the hopes of reducing *Barcelona* lay in the success of their design on that fort (1).

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and taken.*

Two bodies were ordered to march secretly in the night of the 13th of September, N. S. and to move towards the other side of *Barcelona*, that the true design might not be suspected, for all the hopes of success lay in the secrecy of the march. The first body consisted of eight hundred, and both the Prince of *Hesse* and the Earl of *Peterborough* led them. The other body consisted of six hundred, who were to follow these at some distance, and were not to come above half way up the hill till some further order. Brigadier *Stanhope* led this body. They drew up with them some small field-pieces and mortars. They had taken a great compass, and had marched all night, and were much fatigued by the time, that they had gained the top of the hill, and three hundred of them, being commanded to another side of the fort, were separated from the rest, and, mistaking their way, fell into the hands of a body of men sent up from the town to reinforce the garrison in the fort. Before they were separated, the whole body had attacked the out-works, and carried them. But, while the Prince of *Hesse* was leading on his men, he received a shot in his body,

upon which he fell; yet he would not be carried off, but continued too long in the place giving orders, and died in a few hours, much and justly lamented. The Governor of the fort, seeing a small body in possession of the out-works, resolved to fall upon them, and drew up four hundred men for that purpose. These would soon have mastered a small and wearied body, disheartened by so great a loss; so that, if he had followed his own resolution, all would have been lost; for all, that Brigadier *Stanhope* could have done, would have been to receive and bring off such as got to him; but one of those newly taken happening to cry out, *O poor Prince of Hesse!* the Governor, hearing this, called for him, and examined him; and when he learned, that both the Prince of *Hesse* and the Earl of *Peterborough* were with that body, he concluded, that the whole army was certainly coming up after them; and, reflecting on that, he thought it was not fit for him to expose his men, since he believed, that the body, which they were to attack, would be soon much superior to him; for which reason he resolved not to risque a sally, but to keep within, and maintain the fort against them. Thus the Earl of *Peterborough* continued quiet in the out-works, and, being reinforced with more men, he attacked the fort, but with no great hopes of succeeding, till, throwing a few bombs into it, one of them fell into the magazine of powder, and blew it up, by which the Governor, and some of the

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on fort *Montjuic*, the very foundation of all our footing in Spain. This, I know, some would attribute to the late Prince of *Hesse*. That brave Prince indeed had too great a share in the danger of this undertaking; but, as he had no command in the army, so he was not in the least concerned in the forming of this design.—The injudicious, or rather impracticable proposals made by the Prince of *Hesse*, and insisted upon by him to the last, were the occasion of those unanimous Councils of war against an enterprize, which promised such certain ruin; and the freedoms taken in discourse by that Prince had prevented any correspondence for some time between him and the Earl of *Peterborough*. So far was this project against *Montjuic* from being proposed by that Prince to his Lordship, that in truth the Earl of *Peterborough* was forced to make it a secret even to the court, where resentments were very public and remarkable, upon the orders to embark the artillery and the King's baggage, which his Lordship gave out, the better to disguise his real design. Nay, the excuse the Earl of *Peterborough* made to the Prince of *Hesse*, for inviting him to assist in an action he could not yet acquaint him with, was, that the indispensable necessity of deceiving the enemy, had made him resolve to surprize his friends in an attempt, which, however desperate, was yet the only possible way of carrying on the siege with success.

On the other hand the Author of the *Impartial Inquiry* into the management of the war in Spain, p. 35, assures us, that the Earl's project, for that time at least, was of a quite different nature from that of the attack upon fort *Montjuic*; which he proves from the following original papers, viz. a letter from the Prince of *Hesse* to Sir *Claude* Shovel from the camp, September 10, 1705, in which are these words:

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1705. best Officers were killed; and this struck the rest with such a consternation, that they delivered up the place.

This success was the more considerable, as the town of *Barcelona* lay just under the hill, on which the fort stood. Upon this, the party in *Barcelona*, that was well-affected to King *Charles*, began to resume their courage, and to shew themselves. Nor did the Earl of *Peterborough* lose any time in improving his advantages, for, as soon as *Stanhope's* brigade and some other troops were come up, he caused the trenches to be opened, and four batteries of cannon, and two of mortars, to be erected; in which service, both the *Miquelets* and the *English* and *Dutch* seamen were very useful. In the mean time, the bomb-vessels threw about four hundred shells into the town, which occasioned a great consternation among the people; and the batteries fired with so much success, that, on the 4th of *October*, *N. S.* Don *Francisco de Velasco* consented to capitulate; and Brigadier *Stanhope* was exchanged, with Count *de Ribeira*, as hostages. The Viceroy made several extravagant demands, the debating of which continued till the 9th, when it was agreed, that the garrison should march out with all the marks of honour, be transported by sea to *St. Felix* near *Palamos*, and conducted from thence to *Gironne*. But, upon advice, that *Gironne* had surrendered to King *Charles III.* it was agreed, that *Velasco*, with his garrison, should be transported to *Roses*, which, by this time, was the only place in *Catalonia*, that had not declared for the House of

Austria. Thus was accomplished the conquest of the largest and richest Province of *Spain*, with an army scarce double the number of the garrison of *Barcelona*.

King *Charles* was received into that City with great expressions of joy. In the first transport, the people seemed resolved to break through the articles granted to the garrison, and to make sacrifices of the chief Officers at least. Upon that, the Earl of *Peterborough*, with Brigadier *Stanhope* and other Officers, rode about the streets, to stop this fury, and to prevail with the people to maintain their articles religiously; and, in doing this, they run a greater hazard from the shooting and fire, that was flying about in that disorder, than they had done during the whole siege. They at last quieted the people, and the articles of capitulation were punctually observed.

Brigadier *Stanhope* was soon after sent to *England*, to give a full relation of this great transaction; by whom King *Charles* wrote to the Queen a long and clear account of all his affairs, full of great acknowledgements of her assistance, with a high commendation of all her subjects, especially of the Earl of *Peterborough*. This letter was all written with the King's own hand, and the *French* of it was so little correct, that it was not like what a Secretary would have drawn for him, and therefore it was concluded, that it was penned by himself. The Lord-Treasurer had likewise another letter from him, all in his own hand; one correction in which seemed to make it evident, that the King composed it himself.

"thence to extend our quarters to *Tortosa*, and even into *Valencia*; which the King willingly accepted, as the only hopes left for him, that might conduct him to the Throne, seeing that nothing else could be done; so that this march is now fully resolved upon for next *Monday* or *Thursday*. The King, at the same time, desires of you to consider, that, his person staying in this Kingdom, if it would not be serviceable, that the fleet, or part of it, during our march, should make themselves masters of *Majorca*, or *Minorca*, and *Porca*, where no resistance can be made; and then to leave in the winter some squadron of light frigates in the *Alfaques*, and to secure *Port Mahon* with another; which place, you know, is large enough, so that ten years ago the whole *Smyrna* and *Turky* fleet came there to an anchor. Then his Majesty desires your opinion, before we leave this place, if it would not be convenient to throw some shells, and cannonade the place, where they build their galleys, and there to summon the town, and then to make some attack with boats and with ladders by the country-people, according to the answer the Governor shall give; all which I leave to your best consideration. His Catholic Majesty relies in every part on your good zeal, and particular love, you have shewn on all occasions to his person, and shall always owe to you the good success of this undertaking."

The next paper cited is the King of *Spain's* agreement to the expedient proposed to him by the Earl of *Peterborough*, dated at the camp *September 16, N. S. 1705*, in these words:

My Lord Earl of *Peterborough*,

"I accept the offer you make me, seeing, by the resolutions of the Councils of war, there remains nothing else to support me in *Spain*; so that, I assure you, I shall remain positive in the resolution of marching into the country, being what you may

"take upon yourself, and justify it, because the Council of war had determined upon it. For the rest of the dispositions and particulars of the march, and of further designs to be formed, they will be easily regulated by you, and those persons, that I shall appoint to assist you on my part, reposing an intire trust in you, and the zeal you express to my service."

The Author of the *Impartial Inquiry* then takes notice of Dr. *Friend's* not allowing the Prince of *Hesse* any share in the design against *Montjuic*, because of the open misunderstanding at that time between that Prince and the Earl of *Peterborough*, who even concealed that design from the Court. "And yet, says the Author of the *Impartial Inquiry*, the Prince of *Hesse* went Volontier upon this project, which one would think he should hardly have done in those circumstances, had the thought been intirely my Lord *Peterborough's*, and kept a secret from his Highness till the execution. But to say nothing of the Prince's longer service and experience, and to pass over the improbability of his Lordship's having formed in so little a time as one night a happy project against a fort, which he could not possibly know so well as the Prince, that had been Viceroy of *Catalonia* in King *Charles II'd* time, and had defended *Barcelona* against the Duke of *Vendôme*; let us examine into the success of this attack, which was, that a party of grenadiers, supported by the Prince of *Hesse*, carried all before them, and made themselves masters of the out-works; but the taking of the *Dungeon*, which began to be despaired of, was afterwards intirely owing to the accidental firing of a bomb, that blew up the enemy's magazine of a powder, and frightened them into a surrender; which happy accident was the chief occasion of our taking *Barcelona*. For my part, I shall not pretend to determine, who has the best right to the glory of this project; but it is certain the Prince of *Hesse* was no stranger to it." The Author then

1705. himself (1). He wrote, towards the end of the letter, that he must depend on his *protection*: Upon reflection, that word seemed not fit for him to use to a subject, and therefore was dashed out, but the letters were still plain; and, instead of it, *application* was writ over it. These letters gave a great idea of so young and unexperienced a Prince, who was able to write with so much clearness, judgment, and force. Nor could he receive much assistance from the Prince of *Lichtenstein*, who was, by all accounts, a man of a low genius, who thought of nothing but the ways of enriching himself, even at the hazard of ruining his Master's business.

A Council of war being held at *Barcelona*, it was thought fit to comply with the King's resolution of venturing his own person with the *Catalans*; and that the Earl of *Peterborough* should continue with that Prince with the land-forces, and as many of the marines, as could be spared from the service of the ships: The season of the year being far spent, it was, at the same time, resolved, That Sir *Cloudesly Shovel* and Admiral *Allemonde* should return home immediately; that twenty-five *English* and fifteen *Dutch* men of war should winter at *Lisbon*, under the command of Sir *John Leake* and Rear-Admiral *Wassenar*; and that four *English* and two *Dutch* frigates should be left at *Barcelona*. The fleet sailed from thence a few days after; and Don *Velasco*, not thinking himself safe at *Rosès*, and having desired to be transported to *Malaga*, was landed there; with about a thousand men of the garrison of *Barcelona*. The rest having readily lifted themselves

in the service of King *Charles*, a regiment of five hundred dragoons was formed out of them for his guard; and six other regiments were afterwards raised by the States of *Catalonia*.

While the well-affected *Miquelets* and *Catalans*; headed by the Count *de Cifuentes*, and assisted by the *English* and *Dutch* forces, secured themselves in the cities and towns of *Tarragona*, *Tortosa*, *Lerida*, *San Mattheo*, *Gironne*, and other places, Don *Raphael Nebot*, a *Catalan*, having quitted King *Philip's* service, came with his whole regiment of five hundred horse, and one hundred and fifty horse more, that joined him, to *Denia*, where being reinforced by Major-General *Ramos*, with part of the garrison, they made themselves masters of *Xabea*, *Oliva*, *Gandia*, and *Alzira*, in the Kingdom of *Valencia*. Flushed with these successes, they marched to the capital city with a thousand horse, five hundred foot, and a great number of the militia, and, by the assistance of some of the inhabitants, made themselves masters of that place, where they took the Marquis *de Villa-Garcia*, the Viceroy, and the Archbishop prisoners. Hereupon, the whole Kingdom, the towns of *Alicant* and *Peniscola* excepted, declared for King *Charles III.*, who immediately raised Colonel *Nebot* to the post of a Major-General; and, a few days after, ap- Dec. 29, pointed the Count *de Cifuentes* Viceroy of *Valencia*, at which the Earl of *Peterborough*, who began to be jealous of that Count, was not a little disgusted.

In the first consultation about the war, after Campaign in *Valencia*, the taking of *Barcelona*, the Earl of *Peterborough* was Friend.

gives several letters to Sir *Cloudesly Shovel* from that Prince, who, in that of the 8th of *September*, N. S. writes thus:

"As his Catholic Majesty has heard nothing of my Lord *Peterborough's* talking again of a sudden embarking, he hopes it will not be so; and desires me to tell you, that, if it could be done, being the resolutions of the Council of war, to land as soon as possible all the guns, and every thing necessary to hinder any resolution to be taken to the contrary."

In another, dated *September 9*, N. S. the Prince writes thus:

"Since the Land-officers are so disposed now to depart from their last resolution, and the King finding himself obliged in honour and in conscience not to abandon so good subjects, who have demonstrated to him all the zeal imaginable, more than the two thirds of the country having put themselves under the obedience of their lawful King, so that he can by no means leave them to their utmost ruin, as his Majesty has signified to-day to my Lord *Peterborough*, desiring of him some expedient, and being very willing to follow his advice; I believe the only way, which is left, is, that my Lord may be disposed to follow the resolutions taken by a Council of war for a march, as you are informed without doubt, such as has been taken to make ourselves masters of *Tarragona*, to keep the *Dutch* with us, and then to extend our winter-quarters to *Tortosa*, and even into *Valencia*, as occasion shall permit. This his Majesty desires of you, to interpose with his Lordship to come to a determination how far he can assist his Majesty in this; which favour his Majesty will esteem as the most particular and only expedient left to preserve some hopes of being put into the possession of the Crown of *Spain*."

In his letter, of the 13th of *September*, N. S. the Prince writes thus:

"I heard just now, that Captain *Cavendish* is to sail immediately, according as the King of *Spain* desired, as you have writ to the Earl of *Peterborough*. But I having not been with the King to-day, and some particular service being resolved [the attack on *Montjuic*] as Captain *Norris* will tell you, when he comes back, I take the liberty to desire of you the favour, if possible, to stop Captain *Cavendish's* proceeding till to-morrow morning. Captain *Norris* will inform you more at large about the matter in question. My Lord *Peterborough* desires me to write these lines, and hopes, that this night's business will make us all easy."

The Author of the *Impartial Inquiry* then gives us two letters of Sir *Cloudesly Shovel*, which not only contain an exact journal of the siege, but likewise shew; that something was due in the reduction of *Catalonia* to the good disposition of the people, and a great deal to the assistance of the fleet.

Mr. *Boyer*, in his *History of Queen Anne*, p. 203. asserts, That it was the Prince of *Hesse*, who proposed to the Earl of *Peterborough* the scheme of surprizing the fort of *Montjuic*, and desired, that his Lordship would give him only a thousand men for that purpose, offering himself to conduct and command them; and that the Earl having taken a view of that fort, and of the town on that side, and maturely weighed his Highness's reasons, and considered the manner, in which he intended to proceed in the attack, not only concurred with the Prince, and readily granted him the thousand men he desired, but likewise resolved to support his Highness himself with a thousand men more, and some dragoons.

(1) Bishop *Burnet* saw both these letters.

(1) Dr.

1705. was of opinion, that the forces should be divided, and the better half march immediately into *Valencia*, the rest into *Aragon*. The *English* and *Dutch* Major-Generals, *Cunningham* and *Schraatenbach*, were against fatiguing and diminishing the troops; which they thought must be preserved with the utmost care, since they were hardly sufficient to defend the places already possessed in *Catalonia*. The latter opinion prevailed; and rest could hardly be refused to troops, which had undergone such hardships at sea, and the fatigues of such a siege. However, the Earl of *Peterborough* obtained an universal consent to send a good body to *Lerida*, and about one thousand foot and two hundred horse to *Tortosa*, the bordering city on the Kingdom of *Valencia*. With this small force he impatiently pressed for marching into *Valencia*; but there were some at Court, who were better pleased, that the reduction of that Kingdom should be procured by their correspondence and management, than that it should be owing to her Majesty's arms. In the mean time, the city of *Valencia* was brought to declare for the House of *Austria*; but the rejoicings upon this occasion were of short continuance, and the divisions at the Court of *Barcelona* gave the enemy time to bring a body of three thousand horse and as many foot into the Kingdom of *Valencia*, under the command of the *Conde de las Torres*, a General of known courage and of long service, who laid siege to *St. Mattheo*, where Colonel *Jones* commanded some hundreds of miquelets. This place being of so great importance by its situation, in regard that all communication between *Catalonia* and *Valencia* must have been cut

off, had it fallen into the enemy's hands, the news of its being besieged gave great alarms to the Court. However, upon a report, that the country people of *Catalonia*, *Valencia*, and *Aragon* had taken up arms, to the number of sixteen thousand men; that they had surrounded Count *Tilly*, who had with him one thousand horse and one thousand foot; and that there was nothing wanting to the entire destruction of those troops before *St. Mattheo*, but a few Officers, and some of the disciplined troops, that were in *Tortosa*, to encourage and direct this multitude, so conveniently posted, the King ordered the Dec. 31, Earl of *Peterborough* to give speedy directions N. S. in it. The Earl regretted the lost time too much to lose one moment more; and, instead of sending to a Subaltern the orders required, he immediately went post to *Tortosa*; and, though *St. Mattheo* was above thirty leagues from *Barcelona*, in about eight days from his departure, he found ways to raise that siege, though the report of the country's being up in arms was not true, and though he had nothing to depend upon but one thousand foot and two hundred dragoons. The methods taken in effecting this were as much out of the common road, as the resolution to attempt it (1).

After the raising of the siege of *St. Mattheo*, the Earl of *Peterborough* resolved to make a shew of pursuing the enemy, without entirely exposing his little body, if they should be better informed, and lay aside their panic fear; and therefore, while they marched through a narrow plain leading to *Valencia*, the Earl took along the edge of the hill, to a place called *Albacazor*. Here he received an express from the King, with the

(1) Dr. *Friend* gives a particular account of this affair, and says, p. 206, that the enemy was before *St. Mattheo* with between two thousand three hundred horse, and about four thousand foot, whereas his Lordship had nothing to depend upon but one thousand foot and two hundred dragoons. It is not hard to guess what the general opinion was in these circumstances; neither did his Lordship endeavour to persuade the Officers, that it was reasonable to approach such numbers with so inconsiderable force, but only made them sensible, that, unless he could raise that siege, their affairs were desperate, and therefore only capable of desperate remedies. Upon which, he desired his Officers to be content to let him try his fortune, whether he could not by diligence and surprize effect that, which by downright force was utterly impracticable. The confidence, which these Gentlemen had in the Earl's care and intelligence, made them on all occasions approve of, or acquiesce at least in his designs, whatever difficulties might seem to lie in the way. It is certain, the *Conde de las Torres* had not the least notice of any enemy, till those employed by the Earl of *Peterborough* gave him the account; which was in such a manner contrived by his Lordship, and performed by his spies, that it obtained the desired effect. His Lordship never made use of any *Spaniards*, without getting the whole family in his possession, to be answerable for those he employed; and, as the people of that country have very good natural parts, and will run any hazards for money, it was hard for the General of the other side to avoid being imposed upon, without renouncing all intelligence, and refusing credit to every thing, though never so probable.

By marches in the mountains, by dividing his troops, and by the help of obscurity, his Lordship brought all his men to meet in one night at a place called *Tragueira*, within six miles of the enemy's camp; and there, having got them within the walls, by his diligence and

care he prevented any person from going out of town to give the enemy intelligence. He began his march before day, and, having with a small party viewed the woods and hills, he placed a few dragoons and miquelets so conveniently, that they could not be seen but by those they had already passed by, which his Lordship took care to secure; so that all the soldiers were brought to their respective posts, to appear at an hour prefixed, soon after his Lordship's spies had made the intended impression on the enemy's army. What this stratagem was, and what influence it was designed to have upon the enemy, will be best conceived from this letter, which his Lordship wrote to Colonel *Jones*, who was then Governor of *St. Mattheo*.

"You will hardly believe yourself what this letter informs you of, if it comes safe to you; and, though I have taken the best precautions, it will do little prejudice, if it falls into the enemies hands, since they shall see and feel the troops, as soon almost as they can receive intelligence, should it be betrayed to them. The end, for which I venture it to you, is, that you may prepare to open the furthest gate towards *Valencia*, and have your thousand miquelets ready, who will have the employment they love and are fit for, the following and pillaging a flying enemy. The country is as one could wish for their entire destruction. Be sure, upon the first appearance of our troops, and the first discharge of our artillery, you answer with an *English* halloo, and take to the mountains on the right with all your men. It is no matter what becomes of the town; leave it to your mistresses. The *Conde de las Torres* must take the plains, the hills on the left being almost impassable, and secured by five or six thousand of the country-people. But what will most gail them, the old regiment of *Nebot*, which revolted to us near *Valencia*, is likewise among them.

"I was

1705. the melancholy account, "That the Duke of Noailles was entering, with near eight thousand men, in *Catalonia*, from the side of *Rouffillon*: That the body under Prince *Tercles Tilly* in *Aragon* was four or five thousand, pressing upon all the places near *Lerida*: That the Duke of *Anjou*, with Marshal *de Theſſe*, was forming a body of ten thousand men near *Madrid*, which would soon be in motion; besides the troops under the Duke of *Berwick* on the side of *Portugal*." After these informations, the King acquainted him, that he was obliged to countermand the one thousand foot, and three hundred horse, which were appointed to join him, and were already come almost as far as *Tortosa*. The letters from Court at the same time represented the necessity of defending *Catalonia*, and, above all, the care and preservation of the King's person; but, however, in this matter the Earl had no positive orders from the King. In these circumstances, he advised with his Officers, who were unanimously of opinion, that all endeavours ought to be used for the speedy defence of *Catalonia*. The Earl so far complied with the Council of war, as to give orders to the foot, with a small party of horse, to march back to *Vinaces*, six leagues from *Tortosa*, where, in case of necessity, he could embark the foot in boats, and throw them securely into the *Ebro*; but being fully resolved never to repass that river, without positive orders from the King, he set out with a party of

horse to pursue the enemy. The Earl expressed himself very freely upon that subject, in a letter he wrote from *Alcala* to the King, wherein he told him, "That, if his Majesty would have believed him, he probably had not only had, at this time, a Viceroy of *Valencia*, but the Kingdom!" Concluding; "That, if the time lost exposed him to a sacrifice, at least he would perish with honour, and as a man deserving a better fate." At the same time, the Earl sent orders to the thousand Spanish foot and three hundred horse, to enter into *Valencia*; and, in case the King should again remand them to *Lerida*, he had sent positive orders for Colonel *Wills* to march immediately with an equal number of horse and foot to his assistance. This resolution produced the desired effect; and orders were sent from the Court at *Barcelona* to the Spanish forces, to follow the direction of the English General. Hereupon the Earl of *Peterborough* continued the pursuit of the enemy, who retired from him with the same precipitation as they had fled from *St. Mattheo*, being still, by the same artifices (used to make them raise the siege) persuaded, that they were followed by considerable forces. After several days march, the Earl possessed himself of *Nules*, where he began to form that cavalry, which secured the Kingdom of *Valencia*, and afterwards contributed to save *Barcelona*; taking near two hundred horse in a place, where the enemy had three thousand men the day before. After this, he

1705.

Jan. 27.

"I was eight days ago myself in *Barcelona*, and I believe, the *Comde de las Torres* must have good intelligence from thence, that he cannot be ignorant of it. What belongs to my own troops, and my own resolutions, I can easily keep from him, though nothing else. You know the force I have, and the multitudes, that are gathering from all parts against us; so that I am forced to put the whole upon this action; which must be decisive, to give any hopes to our desperate game.

"By nine or ten, within an hour after you can receive this, assure yourself, you will discover us on the tops of the hills, not two cannon-shot from the camp.

"The advantages of the sea are inconceivable, and have contributed to bring about, what you could never expect to see, a force almost equal to the enemy in number; and you know less would do our business. Besides, never men were so transported, to be brought with such secrecy so near an enemy. I have near six thousand men locked up this night within the walls of *Fraguera*; I do not expect you should believe it, till you see them.

"You know we had a thousand foot and two hundred dragoons in *Tortosa*. *Wills*, and a thousand foot, English and Dutch, came down the *Ebro* in boats; and I embarked a thousand foot more at *Tarragona*, which I landed at *Vinaces*; and the artillery from thence I brought in country carts. It was easy to assemble the horse. *Zinzendorf* and *Moras* are as good as our own, and with our English dragoons make in all near two thousand. But the whole depends upon leaving them to retreat without interruption.

"Dear *Jones*, prove a good dragoon: Be diligent and alert; and preach that welcome doctrine to your miquelets, *Plunder without danger*."

Your Friend,

PETERBOROUGH.

This letter was given to two several persons; the one intrusted and ordered, by such an hour in the No. 46. Vol. III.

morning, to pretend the betraying of it into the hands of the *Comde de las Torres*; the other was to remain hid in the mountains, and agreed with to endeavour to give it in the night to Colonel *Jones*. This man was really persuaded, that the number of troops was as considerable as was pretended. The first was ordered to say nothing of the Earl of *Peterborough's* force, lest he might be exposed to ill usage, when the truth came to be discovered. When he had given the letter, he had directions to inform, where the other spy was hid, upon condition made for the security of his life. Whether the artificial account of the one, or the sincere confession of the other prevailed, is not known; but it is certain, that, as soon as the letter was translated, orders were given to prepare for a march; and, not long after, when, upon a retreat of a small part of the enemy, some of the Earl's men approached the top of the hill, which overlooks *St. Mattheo*, the whole army was in the utmost confusion, the soldiers striking their tents, loading their baggage, and preparing to quit the siege.

In a very little time the troops of the Earl of *Peterborough* appeared on the top of the adjoining mountain, not above random cannon-shot from some part of the enemies camp. The country, which was full of little rising grounds and vallies, and covered with olive-trees, being favourable for such an approach, and the enemies advanced party being drawn into the camp, before any judgment could be formed of the Earl's strength, it was easy for him to make a shew of his forces to advantage. This surprize made their fears as great as could be desired; and, had the Earl had any proportion of troops, he had a fair opportunity of cutting them all off. But he was content to let seven thousand men go off without being attacked, and thought it enough to raise the siege with a force so disproportionate as that of one thousand two hundred; after his Lordship found, not only all the informations, which engaged him in that attempt, entirely wrong, but his circumstances so very difficult, as would have deterred any other man from so hazardous an undertaking.

1705 he came to *Castillon de la Plana*, a town populous, rich, and well-affected, where having procured and bought eight hundred horses, he not only recruited the dismounted *English* and *Spanish* dragoons, but formed a new regiment of dragoons out of part of the Lord *Barrimore's* regiment of foot; the command of which new corps he gave to Lieutenant-Colonel *Pierce*, ordering the remaining Officers of the old to return to *England*, to recruit the same. Having drawn together ten squadrons of horse and dragoons, and four battalions of foot, regular forces, besides about three thousand militia, he marched to *Molviedro*, the ancient *Saguntum*, so famous in the *Roman* History, four leagues distant from *Valencia*, where Brigadier *Maboni*, an *Irish* Officer, had, under his command about eight hundred men, near half of whom were his own regiment of dragoons. The town and castle were an old fortification, secured by a river, which the Earl of *Peterborough* was to pass, and so were capable of making some resistance. But, Brigadier *Maboni* having consented to an interview with the Earl, the latter made so advantageous a show of his strength, that *Maboni* was at last induced to surrender the town, being allowed to withdraw his troops. At the same time, the Earl of *Peterborough* so dexterously raised jealousies of *Maboni* in several of the *Spanish* Officers, and in the Duke of *Arco*, who had succeeded the *Conde de las Torres*, that he met with no disturbance in his march, through the plain from *Molviedro* to *Valencia*, where he was received with extraordinary demonstrations of joy. Whole bodies of Priests and Friars, in their several habits, were regimented and drawn up under arms to attend him, publicly acknowledging, that they owed their preservation to his resolution and activity (1).

An action
at St. Ite-
van de
Litera.

About this time, a considerable action happened near *St. Itevan de Litera*. Major-General *Connyngbam*, who was lately made Lieute-

nant-General, and commanded in *Lerida*, with a strong garrison of *English* and *Dutch*, having intelligence, that the enemy about *Balbastro* designed to attack some of his dragoons at *Tamarite*, he immediately sent thither Colonel *Wills* with six hundred men; upon which the enemy repassed the river, and retired to *Balbastro*. Three days after, the Chevalier *d'Asfeld*, with nine squadrons of horse and dragoons, and as many battalions of foot, all *French*, advanced to attack Colonel *Wills*, who, the day before, had marched to *St. Itevan de Litera*, with no more than four hundred foot and thirty dragoons. Upon the enemy's approach, Colonel *Wills* drew out his small number, and attacked their advanced guard so briskly, that he beat them back to their body, and, pursuing them a league, obliged them to retire in confusion to *Fons* and *Almana*. At night, Colonel *Wills* was joined by *Connyngbam* and Colonel *Palm*, with the rest of the troops, to the number in all of between eleven and twelve hundred men. The next morning, the Chevalier *d'Asfeld* advanced with his troops to attack the Confederates, who thereupon drew out, and posted their foot on a hill, toward which the enemy's foot was marching. About eight o'clock they were fully engaged, and the enemy pushed two companies of *English* grenadiers; but Major *Buſson* marched up with some platoons, and beat them back again; at which time, *Connyngbam* received a shot through his belly, and was carried off. Colonel *Wills*, having then the command, continued the fight till three in the afternoon; but, tho' the enemy employed a great part of their forces to drive the Confederates from the hill, yet they kept their ground with so much resolution, that the enemy thought fit to retreat again to *Fons* and *Almana*. The troops fought with extraordinary bravery on both sides, so that the muzzles of their pieces met. The Confederates had several Officers, and about one hundred and fifty

(1) Dr. *Friend* observes, p. 268. That his Lordship had, as his Officers conceived, two insuperable difficulties; the one to get possession of *Molviedro*, and secure the pass on the river; the other, to pass the two leagues of the plains, which were betwixt *Molviedro* and *Valencia*, before so good and so strong a body of horse as that commanded by *Maboni*. His Lordship was in hopes, if he succeeded in one, to compass the other; and, to that end, as soon as he found the treaty with *Maboni* in a fair way, he chose two *Irish* dragoons out of *Zinzendorf's* regiment, which he well instructed and well paid, and sent immediately as Deserters to the Duke of *Arco*. He promised to make them Officers, if they succeeded; which was punctually made good to one, who well had deserved it, the other dying soon after his return. They were to discover to the Duke of *Arco*, that being hid under the rocks of the hill, where they were drinking a glass of wine, they had heard all the discourse between the Earl and *Maboni*: That they saw five thousand pistols delivered; and that *Maboni* was to be a Major-General, upon the *English* and *Spanish* establishment, and to command a body of ten thousand *Irish* Catholics, which were raising for the service of King *Charles*. They agreed with the Duke of *Arco* to have no reward, if he were not soon made sensible of the truth of what they said, by *Maboni* himself; since they were persuaded, that he would soon send to engage the Duke of *Arco* to march immediately with the whole army towards the *Carthusian* convent, under pretence of joining with his horse, in order to

prevent the Earl of *Peterborough* from passing the plains of *Molviedro*; but that, whereas this march must be made in the night, all matters were so agreed and contrived betwixt the Earl and *Maboni*, and the troops so placed, that he must fall into the ambushes designed, and run great hazards of an intire defeat. It fell out, that, soon after those spies had given this account to the Duke of *Arco*, *Maboni's* Aid-de-camp arrived with proposals exactly to the same purpose. The *Spanish* General (whose suspicions were confirmed by the jealousies, which the Earl of *Peterborough* had raised in several of the *Spanish* Officers, who were come from *Molviedro* to him) instead of complying with the immediate march proposed by *Maboni*, removed his camp quite the contrary way. *Maboni* with his horse exposed the whole army at the *Carthusian* convent, till the approach of the Earl of *Peterborough* made him retire to the Duke of *Arco's* camp; and as soon as he arrived, he was secured by that General, and sent to *Madrid*. But, when *Maboni* came to tell his story at Court, he was made a Major-General, and the Duke of *Arco* was recalled.

The Author of the *Impartial Inquiry into the management of the war in Spain*, having quoted this story from Dr. *Friend*, observes, p. 79. "That it was not thus the *Romans* got possession of *Molviedro*, when it bore the name of *Saguntum*: They would not have rendered an enemy's General suspected to his master by arts unwarrantable, nor did they ever interpret in so loose a sense, *Delus an virtus quis in heſie requirit*?"

1705. fifty private men killed or wounded, but had no prisoners taken from them; whereas the enemy had four hundred men killed, and left behind them a Lieutenant-Colonel, and a Lieutenant of dragoons, who were made prisoners. Colonel *Wills* continued till five on the field of battle, and then marched to *Belaguer*, where Lieutenant-General *Connyngbam* died, three days after, of his wounds.

Connyng-
bam dies
of his
wounds.
The Coun-
cils of
Portugal.
Burnet.

Upon the news of the success in *Catalonia*, the Councils of *Portugal* were quite changed. That Court had a better prospect than formerly of the reduction of *Spain*. The war was now divided, which lay wholly upon them before; and the *French* party there had no longer the old pretence to excuse their counsels by, that it was not fit for them to engage themselves too deep in that war, nor to provoke the *Spaniards* too much, and expose themselves to revenge, if the Allies should despair and grow weary of the war, and recall their troops and fleets. But now, that they saw the war carried on so far in the remotest corner of *Spain*, which must give a great diversion to King *Philip's* forces, it seemed a much sfer, as well as it was an easier thing, to carry on the war with more vigour for the future. Upon this, all possible assurances were given the Earl of *Galway*, that things should be conducted hereafter fully to his satisfaction; so that by his dispatches to *England* it appeared, that he was thoroughly convinced of the sincerity of their intentions, of which he had been in great doubt, or rather despair.

Affairs at
sea. Our affairs at sea were more prosperous this year than they had been formerly. In the beginning of the season, our Cruisers took so many of the *French* Privateers, that we had some thousands of their seamen in our hands; and we kept such a squadron before *Brest*, that the *French* fleet did not think fit to venture out; and their *Toulon* squadron had suffered so much in the action of the former years, that they either could not or would not venture out. By this means our navigation was safe, and our trade prosperous.

Affairs in
Hungary. In *Hungary* matters went on very doubtfully. *Transylvania* was almost intirely ruined. *Ragotski* had great misfortunes there, as the Court of *Vienna* published the progress of the new Emperor's arms; but this was not to be much depended upon. They could not conceal, on the other hand, the great ravages which the malecontents made in other places; so that *Hungary* continued to be a scene of confusion and plunder.

and in
Poland. *Poland* was in no better condition. King *Augustus's* party continued firm to him, though his long stay in *Saxony* gave credit to a report spread about, that he was resolved to abandon that Kingdom, and to return to it no more. This summer past over in motions and actions of no great consequence: What was gained in one place, was lost in another. *Stanislaus* procured himself to be crowned. The old Cardinal, though summoned to *Rome*, would not go thither. He suffered himself to be forced to own *Stanislaus*, but died before his Coronation; and that ceremony was performed by the Bishop of *Cujavia*. The *Muscovites* made as great ravages in *Lithuania*, as they had formerly done in *Livonia*.

The King of *Sweden* was in perpetual motion; but, though he endeavoured it much, he could not bring things to a decisive action. In the beginning of winter, King *Augustus*, with two persons only, broke through *Poland* in disguise, and got away to the *Muscovite* army, which was put under his command. The campaign went on all the winter-season, which, considering the extreme cold in those parts, was thought a thing impracticable before. In the spring after, *Reinschild*, a *Swedish* General, fell upon the *Saxon* army, which was far superior to his in number; for he had not above ten thousand men, whereas the *Saxons* were about eighteen thousand; notwithstanding which, he gave them a total defeat, killed about seven thousand, and took eight thousand prisoners, and their camp, baggage, and artillery. Numbers, upon such occasions, are often swelled, but it is certain, this was an intire victory. The *Swedes* gave it out, that they had not lost a thousand men in the action; and yet even this great advantage was not like to put an end to the war, nor to the distractions, into which that miserable Kingdom was cast. In it the world saw the mischiefs of an elective Government, especially when the Electors have lost their virtue, and set themselves to sale. The King of *Sweden* continued in an obstinate aversion to all terms of peace; his temper, courage, and his military conduct, were much commended; but he grew too savage, and was so positive and peremptory in his resolutions, that no applications could soften him, and he would scarce admit them to be made. He was devout almost to enthusiasm; and he was severely engaged in the *Lutheran* rigidity, almost equally against *Papists* and *Calvinists*; but his education was so much neglected, that he had not an equal measure of knowledge to direct his zeal.

Having given such a view of the state of *A Parliament Europe* this summer, as may serve to shew the proceedings in every part of it, we shall now return to *England*. The election of the Members of the House of Commons was managed with zeal and industry on both sides. The Clergy took great pains to infuse into all people tragical apprehensions of the danger the Church was in. The Universities were inflamed with this, and took all possible means to spread it over the Nation with much vehemence. The danger of the Church of *England* grew to be the word as given in an army. Men were known as they answered it. None carried this higher than the Jacobites, though they had made a Schism in the Church. At last, even the *Papists*, both at home and abroad, seemed to be disturbed with the fears which the danger of our Church put them under; and this was supported by the *Paris Gazette*, though of that party seemed ashamed. Books were writ and dispersed over the Nation with great industry, to possess all people with the apprehensions that the Church was to be given up, that the Bishops were betraying it, and that the Court would sell it to the Dissenters. Now it was, that the memorial of the Church of *England*, penned by some zealous Churchmen, was printed and spread abroad, setting forth her melancholy situation and distress (1). They also hoped, that this campaign,

1705.

(1) This pamphlet was composed by Dr. *Drake* the physician, and others, and humbly offered to the consideration

1705. campaign, proving less prosperous than had been expected, might put the Nation into ill humour, which might furnish them with some advantages. In opposition to all this, the Court acted with such caution and coldness, that the Whigs had very little strength given them by the Ministers in managing the elections. They seemed rather to look on as indifferent Spectators, but the Whigs exerted themselves with great activity and zeal. The Dissenters, who had been formerly much divided, were now united intirely in the interests of the Government, and joined with the Whigs every where.

Sir Nathan Wright dismissed.

When the elections were all over, the Court took more heart, for it appeared, that they were sure of a great majority; and the Lord Godolphin declared himself more openly, than he had yet done, in favour of the Whigs. The first instance given of this, was the dismissing of Sir Nathan Wright, who had continued so long Lord-Keeper, that he was fallen under a high degree of contempt with all sides; even the To-

ries, though he was wholly theirs, despising him. He was fordidly covetous, and did not at all live suitably to that high post. He was become extremely rich, though he was not charged with bribery in his Court; but there was a rumour with relation to the livings of the Crown, that were given by the Great-Seal, as if they were set to sale by the Officers under him. The Great-Seal being sent for, the custody of it was given, in Council, to William Cowper, with the title of Lord-Keeper. He was a Gentleman of a good family, of excellent parts, and of an engaging deportment, very eminent in his profession, and had been, for many years, considered as the man, who spoke the best in the House of Commons. His promotion was very acceptable to the Whigs, who had been much disgusted with the Lord-Treasurer for the coldness he expressed, as if he would have maintained a neutrality between the two parties, though the one supported him, while the other designed to ruin him. But this step, in preferring the new

1705.

Cowper made Lord-Keeper. Oct. 11.

consideration of all true lovers of our Church and Constitution. In it was the following passage: "Those, that look no deeper than the surface of things, are apt to conclude, without hesitation, that the Church of England is in a very flourishing condition. Its dignities and preferments make a very good shew, and the patronage of the Queen seems to promise a continuance of prosperity. But, for all this fine complexion and fair weather, there is an hectic fever lurking in the very bowels of it, which, if not timely cured, will infect all the humours, and at length destroy the very being of it. The Nation has a long time abounded with Sectaries, who, in the preceding century, violently overturned both Church and State, though their own extravagance and confusions, through a special providence, contributed more than human wisdom to the re-establishment of them. The sons of those men yet remain, and inherit, many of them, the principles of their fathers. It would therefore be no very uncharitable supposition, without any other argument, to imagine them heirs of their designs likewise; for it is easy to demonstrate, that such principles lead naturally to such designs, and that no man can heartily embrace one, without having favourable thoughts of the other. Nor can we blame them; for, if any man is persuaded (as many of our Sectaries avow themselves to be) that the discipline and worship of the Church of England are an abomination, his conscience will readily suggest to him, that he ought to do his utmost to purge the land from such abomination; and upon this pretence has the Church been once already subverted, though raised again by God in a miraculous manner. In those days a thorough Reformation, root and branch, was the cry of all the pulpits, the *Slibboleth* of the party. If, since the Church recovered its ancient lustre and authority, they have been more silent, and in appearance more moderate, it is not that they are better tempered or affected, but that, submitting to the necessity of the times, they have dissembled their intentions better: Yet some over-attempts here, and the whole course of their proceedings in Scotland during these two last Reigns, sufficiently shew us what treatment we might expect, if they had the power. But these people, though they may have the will, have not the power alone to endanger the Church. The Dissenters are not yet considerable enough for their numbers (however they boast of them) wealth, or quality, to bring about any great change in the constitution of Church or State. And our Church is too strong to be shaken, but through the treachery or supine negligence of its own Members, or those,

"at least, that pretend to be such; and, as such, palm themselves frequently upon their Country and Church, to the irreparable damage of both. The sudden death of the late King disappointed, mortified, and humbled the Dissenters and their Abettors, the Whigs, so excessively, that they were ready to have thrown a blank to the Church, and would have taken a general indemnity, with an exclusion from all public trust and office. They, who not a month before, breathed nothing but defiance, and insulted the Church, and treated the Princess with the most scandalous indignities and rudest calumnies, were in an instant grown the most dutiful subjects, the most affectionate friends, and the most peaceable, meek, Christian-spirited people in the universe. They preached nothing but charity, peace, and love, forgiveness of injuries, oblivion of wrongs, and the utter abolition and extinction of parties and factions for ever. So very good and gracious can men in fear be! But whence this humility and dejection of mind, this sweetness of temper? Was it natural, or the result of more extraordinary grace, or more Christian principles than other men were possessed of? No; but they had just before injured and affronted the Princess and Church of England in so insolent and outrageous a manner, upon presumption, that durable schemes were upon the anvil in their favour, that their own consciences, upon the vanishing of them, prompted them to seek pardon and peace, from those whom they had so abused, by an extraordinary submission. But when, contrary to these fears, they found the head of the Church, and, after her example, the Members of it too, inclined not only to forgive, but to forget past injuries, and that, instead of punishment, they met not with so much as a rebuke or reproach, but comfortable speeches and kind assurances from the Queen herself, and good countenance from some of her Prime Ministers, their spirits were elated in an instant; the spirit of humility and pacification vanished; their former insolence and presumption claimed upon them in full force; and they began to challenge and provoke the Church as boldly as ever. Thus far the history of their carriage towards the Church is public and recent, as likewise the advances, that have been made in their favour, and the repulses, which the Church has met with. Every thing has passed in Scotland to the desire of the Presbytery, even to the endangering the Church and Monarchy, of the Church, and the dishonour of its Crown, and the immediate prejudice of its Sovereignty; but, on the contrary, nothing for the security of the Church here, which cannot only boast itself to be a main branch of the Civil Constitution,

Second
Parliament of
Queen
Anne.
Hist. of
Europe.
Burnet.
Pr. H. C.
III. 442.

1705. new Lord-Keeper, went a great way towards reconciling the Whigs to him (1).

The new Parliament met on the 25th of October. The appearance in the House of Commons was greater than had been known at the opening of any Parliament for fifty years before; no less than four hundred and fifty-six Members being present. The first struggle was about the choice of a Speaker, by which a judgment was to be made of the temper and inclination of the Members. The Court declared for Mr. John Smith, a man of clear parts, and of a good expression, who was then in no employment, but had gone through great posts in the former Reign with reputation and honour, having been a Commissioner of the Treasury, and Chancellor of the Exchequer. He had, from his first setting out in the world, been thoroughly in the principles and interests of the Whigs, yet with a due temper in all personal things, with relation to the Tories. But the Tories all declared against him for Mr. Bromley, one of the Representatives of the University of Oxford, a man of a grave deportment and good morals, but considered as a violent Tory, and as a great favourer of Jacobites, which appeared evidently in a relation, which he printed of his travels. The Marquis of Granby, eldest son to the Duke of Rutland, who first proposed Mr. Smith, was seconded by Mr. Robert Walpole; and Sir John Holland, the Marquis of Hartington, Sir William Strickland, Sir Charles Turner, and some others spoke by turns on the same side. On the other hand, the Earl of Disert recommended Mr. Bromley, and was supported by Sir Thomas Hanmer, Sir Edward Seymour, Sir William Drake, Mr. Frederick Herne, Mr. Amelley, and Sir Roger Molyneux. No affair of that sort had ever been carried with such heat on both sides as this was: So that it was just to form a judgment upon it of the temper of the House. After a debate of about an hour and half, the House divided, and, two Members being appointed to tell the voices, Mr. Smith had two hundred and forty-eight, and Mr. Bromley two hundred and five only. Mr. Smith being, on the 27th of

October, presented to the Queen, seated on the Throne in the House of Peers, she approved the choice of him, and made the following speech to both Houses:

My Lords and Gentlemen,

"I Have been very desirous to meet you as early as I thought you might be called together without inconvenience to yourselves. And it is with much satisfaction, I observe so full an appearance at the opening of the Parliament, because it is a ground for me to conclude, you are all convinced of the necessity of prosecuting the just war, in which we are engaged, and therefore are truly sensible, that it is of the greatest importance to us, to be timely in our preparations.

"Nothing can be more evident, than that if the French King continues Master of the Spanish Monarchy, the balance of power in Europe is utterly destroyed, and he will be able, in a short time, to ingross the trade and the wealth of the world.

"No good Englishman could at any time be content to sit still, and acquiesce in such a prospect; and at this time we have great grounds to hope, that by the blessing of God upon our arms, and those of our Allies, a good foundation is laid for restoring the Monarchy of Spain to the House of Austria; the consequences of which will not only be safe and advantageous, but glorious for England.

"I may add, we have learned by our own experience, that no peace with France will last longer, than the first opportunity of their dividing the Allies, and of attacking some of them with advantage.

"All our Allies must needs be so sensible this is the true state of the case, that I make no doubt but measures will soon be so concerted, as that, if we be not wanting to ourselves, we shall see the next campaign begin offensively on all sides against our enemies, in a most vigorous manner.

"I must therefore desire you, Gentlemen of the

"stitution, but the prop and support of the whole frame of Government; which removed, it must necessarily fall to the ground, as has been once fatally experimented. All attempts to settle it on a perpetual foundation have been opposed and rendered ineffectual by Ministers, who owe their present grandeur to its protection; and who, with a prevarication as shameful as their ingratitude, pretend to vote and speak for it themselves, while they solicit and bribe others with pensions and places to be against it."

This last reflection was visibly levelled against the Duke of Marlborough and the Lord-Treasurer Godolphin; and the rest of that libel, containing no less injurious insinuations against the Queen herself for removing some of her Ministers, the Grand Jury of London and County of Middlesex, at the Sessions held at the Old-Bailey, on the 31st of August, "with the utmost indignation and resentment, presented one book, lately printed by a notorious criminal [David Edwards] (convicted in that Court for printing and publishing a seditious and treasonable libel, for which he was fined and pilloried, and was now fled from justice) intitled, *The Memorial of the Church of England, &c.* to be a false, scandalous, and traitorous libel, secretly, but industriously spread abroad, to advance and accomplish traitorous and wicked

designs, highly impeaching the truth and sincerity of her Majesty's Royal resolution and pious assurances to support and preserve our Government, both in Church and State, the rights, liberties, and properties of all her people; and also craftily designed to reproach and scandalize her wife and faithful Ministry, divide her Councils, create variances, disputes, and discords in her Parliament, and to raise and foment animosities, fears, and jealousies amongst all her people." Upon this presentment the Court ordered the said libel to be forthwith burnt in the sight of the said Court then sitting, and also, on the Tuesday following, before the Royal Exchange; which was done accordingly, on the 1st of September, the Sheriffs attending.

(1) The Duchess of Marlborough, in the account of her conduct (p. 159.) says, The next year I prevailed with her Majesty to take the Great-Seal from Sir Nathan Wright, a man despised by all parties, of no use to the Crown, and whose weak and wretched conduct, in the Court of Chancery, had almost brought his very office into contempt. His removal, however, was a great loss to the Church, for which he had ever been a warm stickler. And this loss was the more sensibly felt, as his Successor, my Lord Cowper, was not only of the Whig-party, but of such abilities and integrity, as brought a new credit to it in the Nation.

1705. "the House of Commons, to grant me the Supplies, which will be requisite for carrying on the next year's service both by sea and land; and, at the same time, to consider, that the giving all possible dispatch, will make the Supply itself much more effectual.

"The firmness and conduct, which the Duke of Savoy has shewn amidst extreme difficulties, is beyond example. I have not been wanting to do all that was possible for me, in order to his being supported.

"I ought to take notice to you, that the King of Prussia's troops have been very useful to this end. Your approbation of that treaty last Session, and the encouragement you gave upon it, leave me no doubt of being able to renew it for another year.

"I take this occasion to assure you, that not only whatever shall be granted by Parliament for bearing the charge of the war, shall be laid out for that purpose with the greatest faithfulness and management; but that I will continue to add, out of my own revenue, all I can reasonably spare, beyond the necessary expences for the honour of the Government.

My Lords and Gentlemen,

"By an act of Parliament passed the last winter, I was enabled to appoint Commissioners for this Kingdom, to treat with Commissioners to be empowered by authority of Parliament in Scotland, concerning a nearer and more complete Union between the two Kingdoms, as soon as an act should be made there for that purpose. I think it proper for me to acquaint you, that such an act is lately passed there; and I intend, in a short time, to cause Commissions to be made out, in order to put the treaty on foot, which I heartily desire may prove successful, because I am persuaded, that an Union of the two Kingdoms will not only prevent many inconveniencies, which may otherwise happen, but must conduce to the peace and happiness of both Nations; and therefore I hope I shall have your assistance, in bringing this great work to a good conclusion.

"There is another Union I think myself obliged to recommend to you in the most earnest and affectionate manner; I mean, an Union of minds and affections amongst ourselves. It is that, which would, above all things, disappoint and defeat the hopes and designs of our enemies.

"I cannot but with grief observe, there are some amongst us, who endeavour to foment animosities; but I persuade myself, they will be found to be very few, when you appear to assist me in discountenancing and defeating such practices.

"I mention this with a little more warmth, because there have not been wanting some so very malicious, as even in print to suggest the Church of England, as by law established, to be in danger at this time.

"I am willing to hope, not one of my subjects can really entertain a doubt of my affection to the Church, or so much as suspect, that it will not be my chief care to support it, and leave it secure after me; and therefore we may be certain, that they, who go about

to insinuate things of this nature, must be Mine and the Kingdom's enemies, and can only mean to cover designs, which they dare not publicly own, by endeavouring to distract us with unreasonable and groundless distrusts and jealousies.

"I must be so plain, as to tell you, the best proofs we can all give at present of our zeal for the preservation of the Church, will be to join heartily in prosecuting the war against an enemy, who is certainly engaged to extirpate our Religion, as well as to reduce this Kingdom to slavery,

"I am fully resolved, by God's assistance, to do my part.

"I will always affectionately support and countenance the Church of England, as by law established.

"I will inviolably maintain the Toleration.

"I will do all I can to prevail with my subjects to lay aside their divisions, and will study to make them all safe and easy.

"I will endeavour to promote Religion and Virtue amongst them, and to encourage trade, and every thing else, that may make them a flourishing and happy people.

"And they, who shall concur zealously with me in carrying on these good designs, shall be sure of my kindness and favour."

This speech, which was supposed to be drawn up by the new Lord-Keeper, was received with great applause by the generality of the people, and the majority of both Houses of Parliament.

On the 1st of November the Lords attended the Queen with an address, wherein, having taken notice of what had been delivered from the Throne, they assured her, "That they concurred in these her Majesty's wife and noble sentiments; and that no dangers should deter them, nor any artifices divert them, from doing all that was in their power, to assist her Majesty in carrying on the war, till she should be enabled to procure such a peace for Europe, as she had mentioned in her speech. They admired in her Majesty that tender and indulgent affection to her people, which she had shewn from the beginning of her Reign; that earnest desire to unite them amongst themselves, and to make them all easy, safe, and happy under her Government; that steady zeal for the Church of England, as by law established; and that compassion for those, who were so unhappy, as to dissent from her." And they promised, "to do all they could to discountenance and defeat the designs and practices of those, who fomented animosities amongst her people; ever to shew the utmost detestation of those ungrateful and wicked men, who laboured to dishonour her Majesty's Reign, and distract her subjects with unreasonable and groundless jealousies of dangers to the Church of England; and to be ready to concur in all measures requisite to put a stop to the malice of those incendiaries."

The Commons addressed the Queen, five days after, in much the same manner. These addresses of the two Houses went the more easily, because some kept out of the way, from whom it was expected, that they would afterwards open more copiously on the subject. The chairmen of the several Committees of the House of Commons

1705. Commons were men, of whom the Court was well assured.

Address of the Commons about the Union and Succession in Scotland.
Fr. H. C. III. 446.
On the 13th of November, the Commons, having taken the Queen's speech into consideration, presented a second address of thanks for her great care and endeavours to settle the Succession of the Kingdom of Scotland in the House of Hanover, for the preservation of the peace, and promoting the Union of the two Kingdoms, and to assure her, they would, to the utmost of their power, assist her to bring that great work to a happy conclusion. They also desired her to direct, that the whole proceedings of the last Sessions of Parliament in Scotland, relating to the Union and the Succession, might be laid before the House. The Lords had made the same request the day before, and the Queen promised both Houses, that the state of those matters should be laid before them.

The first thing, with which the Commons generally begin, is to receive petitions against the Members returned; and this gave a further discovery of the inclinations of the majority. The corruption of the Nation was grown to such an height, and there was so much foul practice on all hands, that there was no doubt great cause of complaint. The first election, that was judged, was that of *St. Albans*, where the Duchess of *Marlborough* had a House. She recommended Admiral *Killigrew* to those in the town, as was done all over *England* by Persons of Quality, who had any interest in the Burghers. Yet, though much foul practice was proved on the other hand, and there was not the least colour of evidence to fix any ill practice upon her, some reflected very indecently upon her. Mr. *Bromley* compared her to *Alice Piers* in King *Edward III's* time, and said many other virulent things against her; for indeed she was looked upon by the whole party as the person, who had reconciled the Whigs to the Queen, from whom her Majesty was naturally very averse. Most of the controverted elections were carried in favour of the Whigs; in some few they failed, more by reason of private animosities, than by the strength of the other side.

The supplies granted.
The House of Commons readily voted all the supplies that were asked, and went on to provide proper funds for them.

The most important debates, that were in this Session, began in the House of Lords, the Queen being present at them all. The Lord *Haversham* opened the motions of the Tory side. On the 15th of November, when the Lords went upon the state of the Nation, the Lord *Haversham* made a long speech, wherein he arraigned the Duke of *Marlborough's* conduct, both on the *Moselle* and in *Brabant*, and reflected severely on the *Dutch*, which he carried so far as to say, that the war cost them nothing. He came at length to the point, which was laid to be the debate of the day, and concluded his speech with saying:

"The last thing, my Lords, is that which I take to be of the greatest concernment to us all, both Queen and People. I love always to speak very plain, and shall do so in this point.

"My Lords, I think there can be nothing more for the safety of the Queen, for the preserva-

"tion of our Constitution, for the security of the Church, and for the advantage of us all, than if the presumptive heir to the Crown, according to the act of Settlement in the Protestant line, should be here amongst us. It is very plain, that nothing can be more for the security of any Throne, than to have a number of Successors round about it, whose interest is always to defend the possessor from any danger, and prevent any attempt against him, and revenge any injury done him. Is there any man, my Lords, who doubts, that if the Duke of *Gloucester* had been now alive, her Majesty had not been more secure than she is? We cannot think of that misfortune without the greatest grief; but yet we are not to neglect our own safety. And, though a Successor be not the child of the Prince, yet is he the child of the Queen and the People.

"Besides, my Lords, the heats and differences, which are among us, make it very necessary, that we should have the presumptive heir residing here. The duty and respect we pay her Majesty, and the authority of the law, can hardly keep us in peace and union amongst ourselves at present. What then may we not fear, when these bonds shall ever happen to be broken? And would it not be a great advantage to the Church for the presumptive heir to be personally acquainted with the Reverend the Prelates? Nay, would it not be an advantage to all *England*, that, whenever the Successor comes over, he should not bring a flood of Foreigners along with him, to eat up and devour the good of the land?

"I will say no more to your Lordships, but conclude with this motion;

"That an humble address be presented to her Majesty by this House, that her Majesty will be graciously pleased to invite the presumptive heir to the Crown of *England*, according to the acts of Parliament made for settling the Succession of the Crown in the Protestant line, into this Kingdom, to reside here."

The Duke of *Buckingham*, and the Earls of *Rocheſter*, *Nottingham*, and *Angleſey*, carried on the debate with great earnestness. It was urged, That they had sworn to maintain the Succession, and by that were bound to insist on this motion, since there was no means so sure to maintain it, as to have the Successor upon the place, ready to assume and maintain his right. It appeared through our whole History, that whoever came first into *England*, had always carried it. The pretending Successor might be in *England* within three days; whereas it might be three weeks before the declared Successor could come. From thence it was inferred, that the danger was apparent and dreadful, if the Successor should not be brought over. If King *Charles* had been in *Spain*, when the late King died, probably that would have prevented all this war, in which we were now engaged. With these Lords, by a strange reverse, all the Tories joined; and by another, and as strange a reverse, all the Whigs joined in opposing it. They thought, that this matter was to be left wholly to the Queen; that it was neither proper nor safe either for the Crown or for the Nation, that the heir should not be in an intire dependence on the Queen;

1705. Queen: That a rivalry between the two Courts might occasion great distractions, and be attended with very ill consequences: That the next Successor had expressed a full satisfaction, and rested on the assurances, which the Queen had given her, of her firm adherence to her title, and to the maintaining of it: That the Nation was prepared for it by the orders, which the Queen had given to name her in the daily prayers of the church: That great endeavours had been used to bring the Scots Nation to declare the same Successor: That it was true, we still wanted one great security, not having yet made any provision for carrying on the Government, for maintaining the public Quiet, for proclaiming and sending for the Successor, and for keeping things in order, till the Successor should come. It seemed therefore necessary to make an effectual provision against disorders, that might happen in such an interval. This was proposed first by Bishop Burnet, and seconded by the Lord-Treasurer; and all the Whigs went into it; and then the Question was put upon the other motion, as first made, by a previous division, Whether that should be put or not, and was carried in the negative by about three to one. However, some Lords, who were for the affirmative, entered their protests in the following words: "We humbly conceive, that having a presumptive heir to the Crown residing in the Kingdom, will be a great strengthening to her Majesty's Royal hands, in the Administration of the Government, and Security of her Majesty's Royal person, and of the Succession to the Crown, as by law established, in the Protestant line (1)."

The Queen heard the debate, and seemed amazed at the behaviour of some, who, when they had credit with her, and apprehended,

that such a motion might be made by the Whigs, had possessed her with deep prejudices against it; for they had made her apprehend, that, when the next Successor should be brought over, she herself would be so eclipsed by it, that she would be much in the Successor's power, and reign only at her or his courtesy. Yet these very persons were prosecuting that very motion, which they had made her apprehend was the most fatal thing, that could happen. This the Dukes of Marlborough told Bishop Burnet, but named no person; and upon it a very black suspicion was taken up by some, that the proposers of this matter knew, or at least believed, that the Queen would not agree to the motion, which way soever it might be brought to her, whether in an address, or in a bill; and then they might reckon, that this would give such a jealousy, and create such a misunderstanding between Her and the Parliament, or rather the whole Nation, as would unsettle her whole Government, and put all things in disorder. But this was only a suspicion (2).

Though the invitation of the Princess Sophia *A bill for* was rejected, yet a bill for a Regency, intitled, *a Regency. A bill for the better security of her Majesty's Person and Government, and of the Succession to the Crown of England*, was brought in. On the 19th of November, the Lord Wharton opened the debate in a manner, that charmed the whole House. He had not been present at the former debate, but he said, he was much delighted with what he had heard concerning it. He observed, that he had ever looked on the securing a Protestant Succession to the Crown as that, which secured all our happiness. He had heard the Queen recommend from the Throne union and agreement to all her subjects, with a great emotion in his own mind. It was now evident, there

(1) This protest was subscribed by

<i>Winchelsea,</i>	<i>Rochester,</i>
<i>Jersey,</i>	<i>Abingdon,</i>
<i>Buckingham,</i>	<i>Howard,</i>
<i>Nottingham,</i>	<i>Conway,</i>
<i>Anglesea,</i>	<i>Leigh.</i>
<i>Haverham,</i>	

(2) The Dukes of Marlborough, in the account of her own conduct (p. 160.) clears up this matter; she says, The Earls of Rochester and Nottingham, and the other grave men of the party, had not the least hope or the least desire to carry their point; but being well assured, that the Queen would never consent to such an invitation, nor pardon her Ministers, if they encouraged the design, this was a notable stratagem to ruin them, either with her Majesty, or with the Nation; for if, in compliance with her prejudices, they opposed this motion, it was to be hoped it would draw the public odium upon them, as declared enemies to the Protestant Succession. This hopeful scheme, however, did not succeed. The Whigs opposed the invitation, and yet preserved their credit, to the great mortification of the other party. I know, that my Lord Godolphin, and other great men, were much reflected upon by some well-disposed persons, for not laying hold of this opportunity, which the Tories put in their hands, of more effectually securing the Succession of the Crown in the House of Hanover. But those of the Whigs, whose anger against the Minister was raised on this account, little knew how impracticable the project of Invitation was, and that the attempt would have only served to make the Queen discard her Ministry, to the ruin of the common cause of these Kingdoms, and of all Europe. I had often tried her

Majesty upon this subject, and when I found, that she would not hear of the immediate Successor's coming over, had pressed her, that she would at least invite hither the young Prince of Hanover, who was not to be her immediate Successor, and that she would let him live here as her son: But her Majesty would listen to no proposal of this kind in any shape whatsoever.

—It was upon this occasion, that the Queen gave the first indications of any thing like a real reconciliation to the Whigs. —She had been present at the debate in the House of Lords upon the subject of the invitation, and had heard the Duke of Buckingham treat her with great disrespect, urging as an argument for inviting over the Princess Sophia, that the Queen might live till she did not know what she did, and be like a child in the hands of others, and a great deal to that effect. Such rude treatment from the Tories, and the zeal and success of the Whigs, in opposing a motion so extremely agreeable to her, occasioned her to write to me in the following terms:

—I believe dear Mrs. Freeman and I shall not disagree, as we have formerly done; for I am sensible of the services those people have done me, that you have a good opinion of, and will countenance them, and am thoroughly convinced of the malice and influence of them, that you have always been speaking against.

And at this time it was, that the Queen authorized the Lord Godolphin to give the utmost assurances to the chief men of the Whigs, that she would put herself and her affairs into such hands as they should approve, and would do every thing possible for the security of the Protestant Religion.

1705. there was a Divinity about her, when she spoke: The cause was certainly supernatural, for we saw the miracle, that was wrought by it: Now all were for the Protestant Succession. It had not been always so. He rejoiced in their conversion, and confessed it was a miracle. He would not, he could not, he ought not to suspect the sincerity of those, who moved for inviting the next Successor; yet he could not hinder himself from remembering what had passed in a course of many years, and how men had argued, voted, and protested all that while. This confirmed his opinion, that a miracle was now wrought; and that might oblige some to shew their change by an excess of zeal, which he could not but commend, though he did not fully agree to it. After this preamble, he opened the proposition for the regency in all the branches of it: That Regents should be empowered to act in the name of the Successor, till he should fend over orders: That besides those, whom the Parliament should name, the next Successor should fend over a Nomination sealed up, and to be opened, when that accident should happen, of persons, who should act in the same capacity with those, who should be named by Parliament. The motion, being thus digested, was agreed to by all the Whigs, and a bill was ordered to be brought in, pursuant to these propositions. But, upon the debate on the heads of the bill, it appeared, that the conversion, which the Lord *Wharton* had so pleasantly magnified, was not so intire as he seemed to suppose. For when a security, that was real and visible, was thus offered, those, who made the other motion, flew off from it. They pretended, that it was, because they could not depart from their first motion: But they were told, that the immediate Successor might indeed, during her life, continue in *England*; yet it was not to be supposed, that her son, the Elector, could be always absent from his own Dominions, and throw off all care of them, and of the concerns of the Empire, in which he bore so great a share. If he should go over for ever so short a time, the accident might happen, in which it was certainly necessary to provide such an expedient, as was now offered. This exposed them to much censure; but men engaged in parties are not easily put out of countenance. It was resolved, that the Regents should be seven, and no more; and they were fixed by the posts they were in. The Archbishop of *Canterbury*, the Lord-Chancellor, Lord-Keeper, Lord-Treasurer, Lord-President, Lord Privy-Seal, Lord High-Admiral, and the Lord Chief-Justice of the *Queen's-Bench* for the time being, were named for that high trust. The Tories struggled hard, that the Lord-Treasurer should not be one, only to shew their spleen against the Lord *Godolphin*; but their motion was rejected with scorn; for it seemed ridiculous in a time, when there might be much occasion for money, to exclude an Officer from that high trust, who alone could furnish them with it, or direct them how to be furnished. The Tories moved likewise, that the Lord-Mayor of *London* should be one; but that was also rejected; for the design of the act was, that the Government should be carried on by those, who should be at that time in the conduct and secret of affairs, and were persons nominated by the Queen; whereas the Lord-Mayor was chosen by the City, and had

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no practice in business. These Regents were required to proclaim the next Successor, and to give orders for the like Proclamation over *England and Ireland*. The next Successor might send a triplicate of the persons named by her or him; one of these was to be deposited with the Archbishop of *Canterbury*, another with the Lord-Keeper, and a third with his own Minister residing at this Court; upon the producing whereof, the persons nominated were to join with the Regents, and to act in equality with them. The last Parliament, even though dissolved, was to be immediately brought together, and empowered to continue sitting for six months; and thus things were to be kept in order, till the Successor should either come in person, or fend over his orders.

The Tories made some opposition to every branch of the act; but, in that of the Parliament's sitting, the opposition was more remarkable. The Earl of *Rocheſter* moved, That the Parliament and the Regents should be limited to pass no act of repeal of any part of the act of *Uniformity*; and in his positive way said, that, if this was not agreed to, he should still think the Church was in danger, notwithstanding what they had heard from the Throne in the beginning of the Session. It was objected to this, that, if the Regal power was in the Regents, and if the Parliament was likewise a legal one, then by the Constitution the whole Legislature was in them, and that could not be limited; for they could repeal any law, that limited them: But the Judges were of opinion, that the power of Regents might be limited; so that, as the design of moving this might be to have a new pretence to possess the Clergy, that there was a secret design against the Church, which might break out at such a time, the Lords gave way to it, though they thought it unreasonable, and proposed with no good design. The Tories, upon the yielding this to them, proposed a great many more limitations; such as the restraining the Regents from consenting to a repeal of the act for Triennial Parliaments; the acts for Trials in cases of Treason, and some others; and so extravagant were they in their design of making the act appear ridiculous, that they proposed as a limitation, that they should not have power to repeal the act of Succession. All these were rejected with scorn and indignation; the Lords seeing by this their error in yielding to that proposed by the Earl of *Rocheſter*. The bill passed in the House of Lords, but the Tories protested against it.

There was not any thing in the management of the Tories, by which they suffered more in their reputation than by this. They hoped, that the motion for the invitation would have cleared them of all suspicion of inclinations towards the pretended Prince of *Wales*, and would have reconciled the body of the Nation to them, and turned them against all, who should oppose it. The management was so ill disguised, that it was visible they intended only to provoke the Queen by it, hoping that the provocation might go so far, that in the sequel all their designs might be brought about, though by a method, that seemed quite contrary to them, and destructive of them.

The bill lay long in the House of Commons, by a secret management, that was against it. The Tories there likewise proposed, on the 14th of December, III.

1705.

Great opposition made to it.

Remark on the proceedings of the Tories. Burnet.

A secret management in the House of Commons. Burnet. Pr. H. C.

1705. *December*, that the next Successor should be brought over; which was moved by Sir *Thomas Hammer*, seconded by Mr. *Benson*, and supported by Mr. *Bramley*, and others. This was opposed by the Whigs, who moved, *That the Chairman leave the chair*; which was carried in the affirmative without dividing. The secret management was from *Hanover*. Some indigent persons, and others employed by the Tories, had studied to infuse jealousies of the Queen and her Ministers into the Electress *Sophia*. She was then seventy-five, but had still so much vivacity, that, as she was the most knowing and the most entertaining woman of the age, so she seemed willing to change her scene, and to come and shine here in *England*. They prevailed with her to write a letter to the Archbishop of *Canterbury*, intimating her readiness to come over, if the Queen and Parliament should desire it. This was made public by some intriguing persons in that Court, and a colour was soon found to keep some Whigs from agreeing to the act. In the act, which first settled the Succession, one limitation had been, that, when the Crown should pass into that House, no man, who had either place or pension, should be capable of sitting in the House of Commons. The clause in this bill, which empowered either the Parliament, which should be current at the Queen's death, or that which had late last (though dissolved) to sit for six months, or till the Successor should dissolve it, seemed contrary to this incapacitating clause in the former act. Great exceptions were taken to this by some zealous Whigs, who were so possessed with the notion of a self-denying bill, as necessary to preserve public liberty from the practices of a designing Court, that for some weeks there was cause to fear, not only the loss of the bill, but a breach among the Whigs upon this head. Much pains were taken, and with good effect, to heal this. It was at last settled; and a great many offices were enumerated; and it was declared, that every man, who held any of these, was thereby incapacitated from sitting in the House of Commons; and every Member of the House, who accepted of any other office, was, upon that, excluded the House, and a new writ was to go out to those, whom he represented, to chuse again; but it was left free to them to chuse him, or any other, as they pleased. It was desired by those, who pressed this matter most, that it should take place only in the next Reign. But, to remove all jealousy, the Ministers were content, that these clauses should take place immediately, upon the dissolution of the present

The act of the Regency passed.

Parliament. And, when the House of Commons sent up these self-denying clauses to the Lords, they added to them a repeal of that clause in the first act of Succession, by which the succeeding Princes were limited to govern by the advice of their Council, and by which all the Privy-Counsellors were to be obliged to sign their advices; which was impracticable, since it was visible, that no man would be a Privy-Counsellor on those terms. The Lords added the repeal of this clause to the amendments sent up by the Commons; and they made some alterations in the clause inserted by the Commons, their Lordships excluding only the Commissioners of the Prize-office, and all such new officers, as the Court might create for the time to come. Two Conferences were held about these respective amendments between the two Houses; and, the report of the latter Conference being made in the House of Commons, on the 15th of *February*, it occasioned a long and warm debate. The Court-party endeavoured to shew the injustice of excluding from the House such as were actually performing services to the Nation; urging, that all Counties and Corporations of *England* have, by their Charters, liberty to elect such, as they think best qualified to represent them in Parliament; they should, in great measure, be deprived of that liberty by this exclusion of several officers, military and civil; who, by reason of the great estates they have in those Corporations, seldom fail, and have more right than any others, to be chosen. And that the exclusion of those Officers would very much abate the noble ardour, which several Gentlemen shewed at this juncture, to serve the Nation in this just and necessary war, since they could not but look upon it as a disgrace, to be made incapable of serving likewise their Country in Parliament. The opposite party, which chiefly consisted of the Tories, with whom several of the Whigs joined on this occasion, alleged, the ill use, which a bad Prince might make of a Parliament, in which there should be many of his creatures; such are generally all those, who have employments immediately depending on the Crown. The other party, foreseeing that they should lose the question, agreed to the postponing of three of the Lords amendments, having already agreed to one of them. But, three days after, being reinforced by the return of those, who, for some time, had voted on the contrary side, the Lords amendments were approved, with some few alterations; to which the Lords agreed on the 19th of *February* (1).

On

(1) The debates in both Houses about the invitation of the Princess *Sophia* having made a great noise, Mr. *Charles Gildon*, a Writer, well known for his share in the *Oracles of Reason*, and for his confutation of that book afterwards, either by directions from others, or out of mere zeal, handed to the press a letter from Sir Rowland Gwynne to the Right Honourable the Earl of Stamford, dated at *Hanover*, January 1, O. S. 1705-6, importing in substance, "That the Princess *Sophia* being informed, that her good intentions to the Queen and Nation were misrepresented, some having reported, That she might give a rise to intrigues against the Queen and the Public, if she came thither; she thought herself therefore obliged to declare to the Lord Archbishop of *Canterbury* and others, to whom she wrote, and also to

"tell the Duke of *Marlborough* and the Earl of *Sunderland*, when they were at *Hanover*, That she would always most sincerely maintain a true friendship with the Queen, and also be ready to comply with the desires of the Nation in whatever depended upon her, though she should hazard her person in passing the seas, if they thought it necessary towards the establishment of the Protestant Succession, and for the good of the Kingdom. But that, in the mean time, she lived in great quiet and content there, without meddling with parties or cabals, and left it to the Queen and Parliament to do whatever they should think fit. That none but Jacobites can have the malice to invent and insinuate to others, That the presence of the Successor was dangerous. That we had been proud to say, that the House of *Hanover*, the people of *England*,

"and

1705. On the 22d of November, the Lord *Haversham* moved, that the miscarriages of the last campaign, occasioned by the Allies, might be inquired into. In the course of this debate, the errors, committed in the conduct of the war this year, were complained of; the blame, indeed, of the miscarriage of the design on the *Moselle* was laid on the Prince of *Baden*, and the errors in *Brabant* on the *States* and their Deputies. But, as the party said, they could not judge of these things, nor be able to lay before the Queen those advices, that might be fit for them to offer to her, unless they were made acquainted with the whole series of these affairs; therefore they proposed, that by an address they might pray the Queen to communicate to them all that she knew concerning those transactions during the last campaign; for they reckoned, that, if all particulars should be laid before them, they should find somewhat in the Duke of *Marlborough's* conduct, on which a censure might be fixed. To this it was answered, that, if a complaint was brought against any of the Queen's subjects, it would be reasonable for them to inquire into it by all proper ways; but the House of Lords could not pretend to examine or to censure the conduct of the Queen's Allies, who were not subject to them, nor could be heard to justify themselves; and it was somewhat extraordinary, if they should pass a censure, or make a complaint of them. It was one of the trusts, which was lodged with the Government, to manage all treaties and alliances, so that our commerce with our Allies was wholly in the Crown. Allies might sometimes fail, being not able to perform what they undertook; they are subject to errors and accidents, and are sometimes ill-served. The entering into that matter was not at all proper for the House, unless it was intended to run into rash and indiscreet censures, on design to provoke the Allies, and by that means to weaken, if not break the Alliance. The Queen would, no doubt, endeavour to redress whatever was amiss, and that must be trusted to her conduct. Thus this attempt, which was chiefly levelled against the Duke of *Marlborough*, not only failed, but it happened upon this, as upon other occasions,

that it was turned against those, who made it. For, on the 27th of November, the two Houses attended the Queen with an address, importing, "That being justly alarmed by the many artifices, which the emissaries of *France* had put in practice the last year, in order to raise jealousies, and create misunderstandings amongst the Allies; and being apprehensive lest such malicious insinuations, if they should pass unobserved, might in time so far take place, as to abate the spirit, and slacken the zeal of the Confederacy; they most humbly besought her Majesty, to use all possible endeavours to preserve a good correspondence amongst all the Confederates, and, in a particular manner, to maintain and cultivate a strict friendship with the *States-General* of the *United-Provinces*; as also, by all proper means, to excite the whole Confederacy to make early and effectual preparations, and to exert their utmost vigour in the prosecution of the war against *France*." This had a very good effect in *Holland*; for the agents of *France* were, at the same time, both spreading reports in *England*, that the *Dutch* were inclined to a peace; and, in *Holland*, that the *English* had unkind thoughts of them. The design was to alienate us from each other, that so both might be the better disposed to hearken to a project of peace, which, in the present state of affairs, was the most destructive thing, that could be thought on; and all motions, that looked that way, gave very evident discoveries of the bad intentions of those who made them.

The Queen having laid before the two Houses the addresses of the *Scots* Parliament against any progress in the treaty of Union, till the act, which declared them *Aliens* by such a day, should be repealed; the Tories, upon this occasion, to make themselves popular, after they had failed in many attempts, resolved to promote this, apprehending, that the Whigs, who had first moved for that act, would be for maintaining their own work; but they seemed to be much surprized, when, after they had prefaced their motions in this matter with such declarations of their intentions for the public good, that shewed they expected opposition and a debate;

"and our posterity were most obliged to the Whigs, next to the King, for settling the Succession of that most serene House; and how much should we be to be blamed, if we should lose this merit, by parting with our principles, that were so well grounded upon honour and the public good, and by destroying the work of our own hands for a base and uncertain interest, or for a blind obedience to those, who led others where they pleased, and yet were led themselves by their passions or imaginary prospects, of which they might yet be disappointed? For, if they hoped to get into favour by such methods, they could not be long serviceable, nor preserve the favour they sought; for they would soon be cast off, when it was found, that they had lost the esteem and affection of the people by their weak or mercenary conduct. That they could not do any thing, that would better please their enemies; for, while they thought to keep down the Tories by a majority, and oppose them, even in things so reasonable and just, they would raise the reputation of that party, instead of lessening it. That he was sorry for those, who suffered themselves to be imposed upon; but they, who had wicked designs, might one day repent of them; for they must ei-

"ther plunge the Nation into the greatest confusion, to make it unable to punish them, or be answerable for the dangers, into which they were like to bring it. That he could not conceive what colour any body could have for so base an insinuation, as, 'That the coming of the *Electress* into *England* would set up two Courts, that would oppose each other; for the *Electress* declared, That she would be intirely united with the Queen; and that all those, who imagined she would countenance any intrigue against her Majesty, would be very much deceived in their expectations. That supposing, contrary to all appearance, that discontented ill men might impose upon the *Electress's* good nature, and incline her to do such things, as might displease the Queen; what hurt could that do, since her Royal Highness's Court could have no power in *England*, and must be subject to the Queen's Court? So that it was most absurd to make people believe, that this pretended opposition of the two Courts could bring the Nation into so great dangers, as those they might avoid by having the Protestant heir in the Kingdom. That the keeping the Protestant heir at a distance must be grounded upon two suppositions equally wicked and criminal: First, That the Queen was against the *Electress's*

1705. a debate, the Whigs not only agreed to this, but carried the matter further to the other act relating to their manufacture and trade. This passed very unanimously in both Houses; and, by this means, way was made for opening a treaty, as soon as the Session should come to an end. All the Northern parts of England, that had been disturbed for some years with apprehensions of a war with Scotland, which would certainly be mischievous to them, whatever the end of it might prove, were much delighted with the prospect of peace and union with their neighbours.

The Commons, in the mean while, proceeded with great unanimity in voting several branches of the Supply; and the question being proposed on the 22d of November, *Whether it should be referred to the Committee, to consider, that, in the clause for adding ten thousand men to act in conjunction with the Dutch, it should be provided, that the Dutch be obliged to leave off trading with France?* It was carried in the negative by a majority of an hundred and eighty-four against an hundred and seventeen.

The Queen's Speech about the Spanish affairs.
Pr. H. C. III. 447.

The Nation having been long in suspense about the success of the Earl of Peterborough's expedition, when the account of it was at last brought by Captain Norris in the *Britannia*, with the Lord Shannon and Brigadier Stanhope, the Queen went to the House of Peers on the 27th of November, and, the Commons being sent for, she made the following speech to both Houses:

My Lords and Gentlemen,

"HAvING newly received letters from the King of Spain and the Earl of Peterborough, which contain a very particular account of our great and happy successes in Catalonia, and shewing, at the same time, the reasonableness of their being immediately supported; I look upon this to be a matter of so much consequence in itself, and so agreeable to you, that I have ordered a copy of the King of Spain's letter to myself; a

letter from the Junta of the military arm of Catalonia; and another letter from the City of Vich; as also an extract of the Earl of Peterborough's letter to me, to be communicated to both Houses of Parliament.

"I recommend the consideration of them to you, Gentlemen of the House of Commons, very particularly, as the speediest way to restore the Monarchy of Spain to the House of Austria. And therefore I assure myself, you will enable me to prosecute the advantages we have gained, in the most effectual manner, and to improve the opportunity, which God Almighty is pleased to afford us, of putting a prosperous end to the present war.

My Lords and Gentlemen,

"I must not lose this occasion of desiring you to give as much dispatch to the matters before you, as the nature of them will allow; that for our preparations for the next year may be early, which cannot fail of being of great advantage to us."

The Commons being returned to their House, Mr. Secretary Hedges laid before them the letters mentioned in the Queen's speech; and, two days after, they voted the granting of several sums, and, in particular, two hundred and fifty thousand pounds, for her Majesty's proportion of the charge of prosecuting the successes already gained by King Charles III, for the recovery of the Monarchy of Spain to the House of Austria (1).

After the act for the Regency had passed, the Lord Halifax remembering what the Earl of Rochester had said concerning the danger, the Church might be in, moved, that a day might be appointed, to inquire into these dangers, about which so many tragical stories had been published of late. Accordingly, the 6th of December was appointed for this purpose, when the Earl of Rochester began the debate (the Queen being present) and told their Lordships, "That

"*lettress's coming over: And secondly, That her being in England, during the Queen's life, was a thing ill in itself.* That, in short, to oppose the further securing of the Protestant Succession was to act directly for the Jacobites; and to hinder the Successor's coming into England was to oppose the further securing of the Succession." This letter having been published, and giving great offence to the Ministry, a complaint was made of it, on the 8th of March, in the House of Commons, who, after the reading of it, came to this resolution, "That it was a scandalous, false, and malicious libel, tending to create a misunderstanding between her Majesty and the Princess Sophia, and highly reflecting upon her Majesty, upon the Princess Sophia, and upon the proceedings of both Houses of Parliament: That an address be presented to her Majesty, that she would be pleased to give order for the discovery and prosecuting the Author, Printer, and Publishers of the said pamphlet; and that the said resolutions be communicated to the Lords at a conference, and their concurrence desired thereunto." The Lords readily concurred with the Commons; and, upon the two Houses presenting the address, on the 12th of March, pursuant to the said resolutions, the Queen told them, "That nothing could be more acceptable to her, than so reasonable an instance of

"their concern to preserve a good understanding between Her and the Princess Sophia, and of their care to defeat the artifices of designing and malicious men. That she was fully sensible of the very ill designs of the paper, which they had so justly censured; and she would not fail to give the necessary directions for complying, in the most effectual manner, with all they desired in their address." Accordingly, about a year after, on the 14th of February 1706-7, Mr. Charles Gildon was tried at Guild-Hall, and, being found guilty of publishing Sir Rowland Gwynne's letter to the Earl of Stamford, was fined, on the 12th of May 1707, one hundred pounds by the Court of the Queen's Bench. Pr. H. C. III.

(1) On the 15th of November, the Duke of Montague was in that quality introduced into the House of Peers; as was, on the 3d of December, the Duke of Argyle of the Kingdom of Scotland, as Baron and Earl of the Kingdom of England, by the title of Baron of Chatham, and Earl of Greenwich in the County of Kent. The same day the Queen came to the House of Peers with the usual state, and gave the Royal assent to an act for exhibiting a bill in this present Parliament, for naturalizing the most excellent Princess Sophia, Electress and Duchess Dowager of Hanover, and the issue of her body.

1705. "That the subject-matter of it was of so tender a nature, that it was difficult to speak to it: for her Majesty had expressed herself so conclusively in her speech, that it seemed to be to contradict the Queen, to *speak freely*: But in regard that the Ministers might be supposed to make the speeches, he desired, that what he had said might not be offensive to the Queen, for whom he had all the affection and respect, that could be. He urged, that Ministers might mistake, and not always act for the public good; and instanced in the Ministry of *Portugal*, where the King was our friend, but the Ministry seemed to be otherwise, inasmuch that the Alliance was of no benefit to us: And added, that the Duke of *Buckingham* and Archbishop *Laud* were heartily in the interest of King *Charles I.* but did many things, that very much injured him. The full expressions in the Queen's speech he compared to the law in King *Charles* the Second's time, to make it *treason to call the King a Popish*; for which very reason, he said, he always thought him so. The reasons he gave for his fear of the Church's danger arose from these three causes: First, the *act of Security in Scotland*: Secondly, the Heir of the House of *Hanover* not being sent for over: Thirdly, the not passing the *Occasional bill*. Upon the first, he said, the Presbyterian Church in *Scotland* was fully established without a *Toleration*. That to arm that people, was to give them a power to invade *England*, where they had a powerful party for their friends, who never wanted the will to destroy the Church. That he thought the Heir to the Crown ought to be present among us, in order to be fully acquainted with us and our constitution, and thereby enabled to prevent any evil designs upon the Church and State. That the *Occasional Conformity bill* was in itself so reasonable, and the Church's request in it so small, that the industry in opposing it gave the greater ground for suspicion."

When the Earl had done, the House sat still a quarter of an hour, expecting that some body would second him; but, no other Lord speaking on that side, the Lord *Hallifax* said, "That, he having moved for the present debate, it might be expected, that he should speak to it. He said, the *act of Security in Scotland* was a National thing, wholly foreign to Church-affairs. That it was passed only to prevent an immediate war, which the *Scots* seemed to have resolved upon. That, in case it should ever be made use of, it would be but as other wars with that Nation had been in former days, wherein *England* was always able to defend itself, and would be sure hereafter to be more able to do it, inasmuch that the strength of *England* was increased much more in proportion than that of *Scotland*, so that, unless *France*, whose hands were already too full, should come into the quarrel, it would signify little: But that, by God's blessing, things were so well compromised with the *Scots*, and their former heats so much abated, that there was no reason to

doubt of an amicable issue of that difference. 1705. As to the House of *Hanover*, he said, that was a danger but of eight days standing; for he durst say, a fortnight ago, no body made the absence of the Princess *Sophia* a danger to the Church: And, as for her absence upon the Queen's demise, that was now so well provided for by the act for *Lords Justices*, that he thought no evil could possibly happen to the Church before her arrival. That he wondered the House of *Hanover* should be now esteemed such a security to the Church, whereas, when the laws were made for the security of that Succession, it was generally reckoned a hardship upon the Church; urging, that a Clergyman, in a company of Convocation-men, had openly called the Princess *Sophia* an unbaptized *Lutheran*, the truth of which he could prove. As to the *Occasional bill*, he said, that matter had been canvassed already; and it was then the opinion of that House, that it would not prove of any advantage and security to the Church, but rather the contrary. That, upon the whole, there had been times in their memory, wherein the Church might be said to be in danger. That King *Charles II.* was a *Roman Catholic*; at least, his brother thought fit to declare it after his death; and the Successor, who had the management of all affairs, was known to be such; and yet the Church thought herself then secure; and those patriots, who stood up in its defence, and endeavoured to prevent the evils, which might ensue from a *Popish* Successor, were discountenanced and punished. Nay (added his Lordship) when that Successor came to the Throne, and that the Church was very apparently in the greatest danger by the *High-Commission Courts*, and otherwise, we were then indeed generally alarmed; but we know who fate in that Court, and went large steps in the work then on foot (1). That, soon after the Succession of King *William* to the Crown, the cry of the Church's danger began, and was continued all his Reign, but with what ground his Lordship was yet unacquainted with. That, upon her Majesty's happy Succession, for some time the complaint was silent; but that, when she was pleased to make some alterations in her Ministry, it was immediately revived, and ever since continued: And so his Lordship concluded, that *the Church was now in no danger.*"

The Bishop of *London* (*Compton*) coming in to the House just as these last words were delivered, immediately took up the Lord *Hallifax*; giving for his reason of the Church's being in danger, "That profaneness and irreligion were so rife among us, and the licentiousness of the press so intolerable, that a most vile book had been lately published by a Clergyman in his Diocese (meaning Mr. *Hickeringhill*) whom he had endeavoured to punish; but that he had such subterfuges in the quirks of the law, that he could not come at him: And that sermons were preached, wherein rebellion was countenanced, and resistance to the higher powers encouraged." To this the Bishop of *Salisbury*

(1) The Earl of *Rochester* was one of the Ecclesiastical Commissioners in King *James II.*'s time: Numb. XLVII. Vol. III.

1705.

* Sir
Ham-
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Salisbury replied, "That his Lordship ought to have been the last man to complain of that sermon (meaning Mr. Benjamin Hoadley's before the Lord-Mayor) for, if the doctrine of that sermon was not good, he did not know what defence his Lordship could make for his appearing in arms at Nottingham. Then the Bishop, proceeding to the question in debate, instanced in a piece of French History in the Reign of Henry the Third (which, he said, had been much in vogue of late in a neighbouring house *) in whose time the Catholics set up the same cry of the Church's danger from the Huguenots, and forced the King to comply with them; but that, their power thereby becoming great, they turned it upon the King himself, and he found he should be thrust into a Monastery, if he did not speedily crush them, and therefore flattered the Duke of Guise to the heart. To the reasons, which the noble Lord, who began the debate, gave for the Church's danger, he replied, That, as to the Scots affairs, he was particularly acquainted with them, and therefore he would venture to speak with the more assurance. That the Scots Kirk being established without a Toleration was an unfair allegation; for their needed no law for Toleration, where there was no law to inhibit. The Episcopals were not forbid to worship God their own way, being only excluded from Livings; and that there were at that time fourteen Episcopal Meeting-Houses in Edinburgh, as open as the Churches, and as freely resorted to; in many of which the English Liturgy was used, but that in several of them the Queen was not prayed for. And the bill for giving Patrons liberty of conferring their benefices on Clerks Episcopally ordained would have passed (at least, King William had allowed it) if they would have put in a clause to oblige them to take the oath to the Government; but, upon offering that clause, the person, that solicited it, let it drop. That, if the Lord, who had mentioned the *act of Security*, had looked two years backwards, he might have found another law, which seemed much more to his purpose: namely, the *act for confirming Presbytery*, 1 Anne; but his Lordship was a Minister of State, when that Act passed, and so perhaps advised it." As to the argument of the Hanover family, it was not observed, that the Bishop offered any thing remarkable; and, for the *Occasional Conformity* bill, he said, "It had been there already sufficiently argued, and he was glad they were rid of it: But, as to what a noble Prelate had advanced, he owned, that the Church would always be subject to the enmity of *profaneness* and *irreligion*: That the devil would have his agents in the world, be the Government never so careful; but he hoped he might say, that *irreligion* and *profaneness* were not now at a higher pitch than usually: That he hoped quite the contrary, and thought the Society set up for Reformation in London, and other cities, had contributed considerably to the suppressing of vice. He was sure the Corporation for the propagation of the Gospel had done a great deal towards instructing men in Religion, by giving great numbers of books in practical Divinity; by erecting libraries in country parishes; by send-

ing over many able Divines to the foreign Plantations; erecting libraries for their use; and setting up schools to breed up children in Christian knowledge: That, to his knowledge, one thousand two hundred pounds had been expended, the year before, in books to these purposes, all collected by voluntary contribution, but, in truth, very little from those, who appeared so wonderfully zealous for the Church. That the press was indeed become very licentious, and sermons were preached, wherein very strange expressions were published: That he would read some of them to their Lordships; and then taking out Tilly's and Madder's sermons, and having read some paragraphs, these, said he, were preached at Oxford, and these are the men picked out for public occasions." Then the Archbishop of York, standing up, said, That he apprehended danger from the increase of Dissenters, and particularly from the many Academies set up by them; and moved, "That the Judges might be consulted what laws were in force against such Seminaries, and by what means they might be suppressed." Hereupon the Lord Wharton moved, "That the Judges might also be consulted, about means of suppressing Schools and Seminaries held by Nonjurors, in one of which a noble Lord of that House had both his sons educated." Upon which the same Archbishop stood up again, and said, "He supposed he was the person meant, and therefore he must explain that matter. He owned his two sons were taught by Mr. Ellis, a sober virtuous man, and a man of letters, who had qualified himself according to law, when they were sent to him; but, when the *Abjuration-oath* was enjoined, it seems, he refused it; which, as soon as he was informed of, he took his sons from him." The Lord Wharton, having made a reply to this, went on, and said, "That, although he had been born and bred a Dissenter, yet he soon conformed to the Church, when he grew up, and became acquainted with its doctrine and discipline: That he was now firmly resolved, by God's blessing, always to continue in that Church, and would go as far in defending it as any man. Wherefore, if he were now sensible, that it was in any danger, he would heartily concur in providing remedies against it; but that, after all the cry and expectation they were screwed up to, hearing wherein those dangers consisted, it appeared just as he expected, namely, that it was only repeating the Memorial, which pamphlet he had carefully read over, but could learn nothing from it, except that the D— of B—, the * Buck- E— of R— †, the E— of N— ‡, ingham, were out of place. What these B's, R's, † Rochester, and N's meant, he could not tell: Perhaps ‡ Nottingham, there might be some charm in it for the Church's security; but, if these letters meant some noble persons there present, he remembered very well, that some of them sat in the High-Commission Court, and then made no complaints of the Church's danger: But now that we had a Queen, who was herself a real lover of the Church, and had given such encouragement and bountiful tokens of her affection to it, we must be amused with the Church's danger. But he concluded, with being of opinion, That the Church was in no danger."

1705. "danger." Then *Patrick*, Bishop of *Ely*, stood up, and moved, "That the Judges might be consulted, what power the Queen had in visiting the Universities; complaining of the heat and passion of the Gentlemen there, which they inculcated into their pupils, who brought the same fury with them to the parishes, when they came abroad, to the great disturbance of public charity. That, at the election at *Cambridge*, it was shameful to see an hundred or more young Students encouraged in hollowing, like school-boys and porters, and crying out, *No Fanatics, no Occasional Conformity*, against two worthy Gentlemen who stood Candidates. Adding another complaint, of the undutifulness of the Clergy to their Bishops, and the difficulty the latter had to govern them regularly." *Hough*, Bishop of *Litchfield* and *Coventry*, made the same complaint; spoke of the opprobrious names, which the Clergy gave their Bishops, and of the calumnies they laid on them, as if they were in a plot to destroy the Church, and had compounded to be the last of their order; and, when the plot was ripe, to resign their Bishoprics, and accept of a pension for life. He alledged, That the Church was as well governed, as it had at any time been; challenged any body to charge the Bishops with any omission of their duty, or any action, wherein they strained their power, or injured any body; mentioned the honour he had to suffer in a good cause; and added, that he thought that might have protected his reputation from the aspersions of being an enemy to the Church. *Hooper*, Bishop of *Bath* and *Wells*, complained of the terms of *High-Church* and *Low-Church*, saying, "That it was an invidious distinction, tending to set us at enmity: That, by *High-Church*, people were made to believe a man inclined to Popery, or, at least, one, that endeavoured to carry Church-power beyond our Constitution; which he thought was great injustice to the Gentlemen, that bore that character, who meant nothing more, than to keep up the just dignity and discipline of the Church: Neither did he believe, that the

others, called the *Low Church*, had any designs of lowering or levelling it with Presbyterianism, as was, on the other hand, maliciously suggested." The Duke of *Leeds* observed, "That he apprehended the Church was in danger, and that it could not be safe without the act against *Occasional Conformity*: Adding, that the Queen had, in a discourse with him, declared herself of that opinion." The Lord *Sommers* recapitulated all the arguments on both sides (1), added his own judgment, and ended with a declaration, "That the Nation was happy, and under a most wise and just Administration, wherein the public money was justly applied, the Treasury kept in a most regular method, and thereby the public credit in the highest esteem: The armies and fleets were supplied; and the success of her Majesty's arms gave the Nation greater honour and reputation than had ever been known; and that we had a fair prospect of bringing the war to a happy conclusion, to the immortal honour of the present age, and to the inexpressible benefit and safety of posterity. Wherefore for men to raise groundless jealousies, at this time of day, could mean no less than an intention to imbroil us at home, and to defeat all those glorious designs abroad." The debate being at length over, the question was put, Whether the Church of *England* was in danger? which, upon a division, was carried in the negative by a majority of sixty-one voices against thirty; and then their Lordships made the following vote, *viz.* "Resolved by the Lords Spiritual and Temporal, that the Church of *England*, as by law established, which was rescued from the extremest danger by King *William III.* of glorious memory, is now, by God's blessing, under the happy Reign of her Majesty, in a most safe and flourishing condition; and that whoever goes about to suggest and insinuate, that the Church is in danger under her Majesty's Administration, is an enemy to the Queen, the Church, and the Kingdom (2).

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(1) Bishop *Burnet* gives us the substance of the debates in the following manner: On the day appointed we were all made believe, that we should hear many frightful things: But our expectations were not answered: Some spoke of danger from the Presbytery, what was settled in *Scotland*: Some spoke of the absence of the next Successor: Some reflected on the Occasional bill, that was rejected in that House: Some complained of the Schools of the Dissenters: And others reflected on the principles, that many had drank in, that were different from those formerly received, and that seemed destructive of the Church.

In opposition to all this, it was said, that the Church was safer now than ever it had been: At the Revolution, provision was made, that our King must be of the Reformed Religion, nor was this all; in the late act of Succession it was enacted, that he should be of the Communion of the Church of *England*: It was not reasonable to object to the House the rejecting a bill, which was done by the majority, of whom it became not the lesser number to complain: We had all our former laws left to us, not only intire, but fortified by late additions and explanations; so that we were safer in all these, than we had been at any time formerly: The Dissenters gained no new strength, they were visibly decreasing: The Toleration had softened their tempers, and they concurred zealously in

serving all the ends of the Government; nor was there any particular complaint brought against them: They seemed quiet and content with their Toleration, if they could be but secure of enjoying it: The Queen was taking the most effectual means possible, to deliver the Clergy from the depressions of poverty, that brought them under much contempt, and denied them the necessary means and helps of study: The Bishops looked after their dioceses with a care, that had not been known in the memory of man: Great sums were yearly raised, by their care and zeal, for serving the Plantations better than had ever yet been done: A spirit of zeal and piety appeared in our Churches, and at Sacrament, beyond the example of former times. In one respect it was acknowledged the Church was in danger; there was an evil spirit and a virulent temper spread among the Clergy; there were many indecent sermons preached on public occasions, and those hot Clegymen, who were not the most regular in their lives, had raised factions in many dioceses against their Bishops: These were dangers created by those very men, who filled the Nation with this out-cry against imaginary ones, while their own conduct produced real and threatening dangers. *Burnet*, Vol. II. 435.

(2) However this resolution was opposed by many Lords, who entered the following reasons for dissenting from it: First, "Because they conceived their might

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1705.
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The next day, December 7, the Lords sent a message to the Commons, to acquaint them with their proceedings, and to desire their concurrence to their resolution in relation to the Church. Whereupon the question was put the day following, Whether they should consider of that message in a Committee, or in a full House? It being carried for the latter, by a majority of two hundred and twenty-two voices against one hundred and sixty-one, Mr. Bromley opened the debate with a speech, wherein he endeavoured to prove the Church to be in danger, by the same arguments that had been insisted on in the House of Peers, such as, "The power of the Presbyterians in Scotland, where the Church of England was not so much as tolerated: The absence of the next Protestant Successor, in case of the Queen's demise: The want of an act against *Occasional Conformity*: The increase of Presbyterian Schools and Seminaries: Profaneness, Immorality, and Irreligion: And the *act of Security* passed in Scotland: To which he added another, viz. "the abuse and ill dispensation of her Majesty's late bounty to the Clergy." Sir John Packington, who spoke on the same side, urged the licentiousness of the press, and the great number of libels, which were daily published against the Church; the increase of Presbyterian Conventicles; and the Lords resolution itself, which was the subject-matter of their debate, as proofs of the Church's being in danger; adding, "That, if the Commons agreed to that resolve, the same would, in some measure, have the force of an act of Parliament, which would be a dangerous weapon in the hands of ill Ministers of State, who thereby might awe people into silence, in case the fancy should take them to suppress Episcopacy." The opposite party answered these arguments, and,

after a long debate, the Lords resolution was agreed to by a majority of two hundred and twelve against a hundred and sixty; and, on the 14th of December, the Commons agreed likewise with the Lords in an address to the Queen, containing the resolution relating to the Church, "beseeching her withal, to take effectual measures for making the resolution public; and also for punishing the authors and spreaders of the seditious and scandalous reports of the Church being in danger." The Queen answered, "That she should freely comply with their address, and was very well pleased to find both Houses so forward to join with her in putting a stop to these malicious reports." And, according to the desire of both Houses, the Queen, on the 20th of December, ordered a proclamation to be issued out, for making their Resolution public; and for discovering the Author of the Memorial of the Church of England, and apprehending David Edwards, a professed Papist, charged upon oath to be the Printer and Publisher of that libel (1)."

The Queen came, the next day, to the House of Peers, and among other bills, gave the Royal assent to the land-tax bill; and also to an act for the naturalization of the most excellent Princess Sophia, Electress and Duchess Dowager of Hanover, and the issue of her body; which done, she made a speech to both Houses, wherein she took notice of the unanimity of their proceedings, and of the good disposition they had shewn towards an Union with Scotland; and returned the Commons thanks for the great dispatch of this seasonable Supply, not doubting but, after the recess, they would return with the same good dispositions to give all possible dispatch to the public affairs still depending. The Commons, having resolved to present an address of thanks for this speech, adjourned

"be dangers to the Church always impending on several accounts: That the Prayers set forth to be used on the solemn fast-days, under the head of a Prayer for unity, imploring God Almighty's grace, that every body may seriously lay to heart the great danger we are in by our unhappy divisions, shewed plainly, that, in the opinion of the Compilers of that form of prayer, and in her Majesty's judgment, who commanded it to be used in all the Churches and Chapels throughout England and Wales, there were very many dangers." Secondly, "They conceived the Church in danger from a neighbouring Kingdom, which, though under her Majesty's Sovereignty, during her life, had not yet been induced to settle the same Succession to the Crown, as was established in this Kingdom in the Protestant line; but that, on the contrary, that Succession had been abrogated by the *act of Security*, which, with several other acts passed in that Kingdom, had been judged by this House to be dangerous to the present and future peace of this Kingdom." Thirdly, "They conceived there might be very great dangers to the Church for want of a law to prevent any persons whatsoever from holding any offices of trust and authority, both in Church and State, who were not constantly of the Communion of the Church established by law; and therefore on the account of the unhappy divisions in point of religious and divine worship, as also on the account of the calamities of the age, in the too public and common disowning any Religion at all, the Church might be in danger." Fourthly, "Though they had an intire confidence in her Majesty's zeal and piety to the Church, they durst not, in duty to her Majesty,

"and the service of the Government, condemn all such as might have fears, in relation to the preservation of the Church and safety of the Crown." And, Fifthly, "being sincerely convinced, that these reasons, among others mentioned in the debate, were sufficient to justify their fears, they conceived that it was not a proper way to prevent dangers, by voting there are none." These reasons were signed by the following Peers,

Duke of Buckingham,	Lord Craven,
Earl of Northampton,	Lord Chandos,
Earl of Caernarvon,	Lord Guernsey,
Earl of Weymouth,	Earl of Thanet,
Lord Osborn,	Earl of Scarfale,
Earl of Denbigh,	Earl of Rochester,
Dr. George Hooper, Bishop of Bath and Wells,	Lord Conway,
Lord Granville,	Lord Howard of Eversick,
Duke of Beaufort,	Henry, Bishop of London,
Earl of Winchelsea,	Duke of Leeds,
Earl of Nottingham,	Lord Guildford,
Lord North and Grey,	Earl of Abingdon,
Earl of Anglesea,	Lord Haverham.

The Lord Haverham protested only for the first, second, and fourth reasons. The Archbishop of York, the Bishop of St. Asaph, the Earl of Suffolk, and the Lord Leigh were of the thirty, who voted against the resolution, but did not enter their protest; and the Archbishop of York and the Bishop of Rochester protested afterwards.

(1) In the debates of this Session some severe remarks

1705. journed themselves to the 7th of January following.

1705-6. As soon as the Commons met again, they resolved "to give the thanks of their House to the Duke of Marlborough, for his great services performed to her Majesty and the Nation in the last campaign, and for his prudent negotiations with her Allies." And they appointed a Committee for that purpose, who having attended the Duke, he said, "He was so sensible of the great honour, that was done him by this message, that he could not have the least concern at the reflections of any private malice, while he had the satisfaction of finding his faithful endeavours to serve the Queen, and the Kingdom, so favourably accepted by the House of Commons." The next day, Mr. Secretary Hedges acquainted the House, "That her Majesty, in pursuance of the address of both Houses, had put out a proclamation, in which was an encouragement for the discovery of the Author of the *Memoir of the Church of England*, &c. The Printer of which book being now in custody, and other persons examined, in whose depositions there appeared the names of some Members of this House; her Majesty's tenderness for any thing, which had the appearance of the privileges of this House, had inclined her to command him to acquaint this House, before she directed any further proceedings in that examination." Upon this the Commons resolved, "That an address of thanks be presented to her Majesty, for her tender regard to the privileges of this House; and to desire, that she would be pleased to give order for the further examination into the Authors of the libel mentioned in her message." Which address being presented, the Queen answered, "That she was glad to find this House express so much resentment against the libel mentioned in her message, and took very kindly the confidence the House reposed in her, which she would make the best use of for the advantage of the public."

It is to be observed, that, on the 15th of January, David Edwards, Printer of the *Memorial*, who had a long time absconded, and was left without any support by the party, that employed him, was, by his own consent, taken into custody of a State-messenger, upon promise in writing from Mr. Secretary Harley, "That he should have his pardon, provided he discovered the Author or Authors of that pamphlet." Three days after, being examined before the same Secretary, he pretended he could fix it upon three Gentlemen, Members of the House of Commons, Mr. Pooley, Mr. Ward, and Sir Humphrey Mackworth; and related, that a woman in a mask, with another barefaced,

brought the manuscript to him, and made a bargain with him to have two hundred and fifty printed copies of it, which he delivered to four porters, sent to him by the persons concerned. But though the woman, who came to Edwards's without a mask, and some of the porters, were found out, and taken up, yet it was impossible to carry on the discovery any farther; which gave occasion to a Member of the House of Commons, Mr. Pooley, to say, "That it was not usual to accuse Members of their House of being concerned in any thing to the prejudice of the Government, without naming their names."

After this, the Commons proceeded with great Pr. H. C. cheerfulness in the dispatch of the public business; and, on the 16th of February, the Queen came to the House of Peers, and gave the Royal assent to several money-bills; after which she made a speech to both Houses, wherein she thanked the Commons in particular, for persisting so great Supplies in so short a time.

On the 23d of the same month, the Commons Pr. H. C. proceeded to take into further consideration the accounts of the revenues and debts, ever since the Queen's Accession to the Crown, and resolved, "That it appeared to this House, that the public revenues granted or arisen, since her Majesty's happy Accession to the Crown, had been duly applied to the advancement of the public Credit, and for the advantage and honour of the Nation."

The Commons went on in creating funds for the Supplies, which they had voted for the next year. And the Nation was so well satisfied with the Government, and the conduct of affairs, that, a fund being created for two millions and a half by way of annuities for ninety-nine years, at six and a half per cent, at the end of which the capital was to sink, the whole sum was subscribed in a very few days. At the same time, the Duke of Marlborough proposed the advance of a sum of five hundred thousand pounds to the Emperor, for the use of Prince Eugene, and the service of Italy, upon a branch of the Emperor's revenue in *Silesia* at eight per cent, and the capital to be repaid in eight years. The Nation so abounded both in money and zeal, that this was likewise advanced in a very few days. Our Armies, as well as our Allies, were every where punctually paid. The credit of the Nation was never raised so high in any age, nor so sacredly maintained. The Treasury was as exact and as regular in all payments, as any private Banker could be. It is true, a great deal of money went out of the Kingdom in specie. That, which maintained the war in Spain, was to be sent thither in that manner, the way by bills of exchange not being yet opened. The trade with Spain and the *West-Indies*,

marks were made on the men in power. December 19. The Regency-bill, ingrossed from the Lords, intituled, *An Act for the better security of her Majesty's Person and Government, and of the Succession to the Crown of England in the Protestant Line*, being read a second time; a debate rose thereupon, wherein Charles Caesar Esq; Member for the borough of *Hertford*, said, among other things, "That there was a noble Lord, without whose advice the Queen did nothing, who, in the late Reign, was known to keep a constant

"correspondence with the Court of *St. Germans*." This being a severe reflection on the Lord-Treasurer, the words were directed to be set down in writing at the table, upon which Mr. Caesar endeavoured to excuse himself; and being withdrawn, after a short debate, it was resolved, "That the said words were highly dishonourable to her Majesty's Person and Government; and that the said Charles Caesar, Esq; be, for his said offence, committed prisoner to the Tower."

1705-6. *Indies*, which formerly brought great returns of money, was now stopped. By this means, there grew to be a sensible want of money over the Nation. This was in a great measure supplied by the currency of *Exchequer* bills and Bank-notes. And this lay so obvious to the disaffected party, that they were often attempting to blast, at least to disparage this paper-credit: But it was still kept up. It raised a just indignation in all, who had a true love to their country, to see some using all possible methods to shake the administration, which, notwithstanding the difficulties at home and abroad, was much the best, that had been in the memory of man, and was certainly not only easy to the subjects in general, but gentle even towards those, who were endeavouring to undermine it.

Complaints of the progress of Popery. On the 27th of February, a petition of the Gentry and Clergy of the South parts of *Lancashire*, at their monthly meetings, on the 12th, in the borough of *Wigan*, for suppressing profaneness and immorality, was presented to the House, complaining of several grievances they laboured under from the Priests, *Romish* Gentry, and *Popish* Emisaries, and praying for redress and relief. After the reading of this petition, it was unanimously resolved to address the Queen, "that she would be pleased to issue out her Royal proclamation for the putting in execution the laws in force against all such persons, as had or should endeavour to pervert her Majesty's subjects to the *Popish Religion*." And they ordered, that a bill be brought in for making more effectual the act of the eleventh year of his late Majesty's Reign, for the further preventing the growth of *Popery*. This bill was accordingly presented the next day by Sir *James Montague*, and read the first time; and, on the 1st of March, the Commons gave it a second reading, and went through it in a grand Committee. By the act, passed in the latter end of the late Reign*, it was provided, "That all Papists should, within six months, after they had reached the age of eighteen, take the oaths of allegiance and supremacy, or declare themselves Protestants; in default whereof, their estates were to go to the next Heirs, being Protestants." Now this clause was so lamely expressed, that the *Roman Catholics* found two ways to evade it. First, there being in all families a gradation of age among the several Heirs to the same estates, it happened, that though the person, who was come to the age of eighteen, did not take the oaths prescribed by the law, yet the title of Protestant Heir remained undecided, as long as any next *Popish* Heir was under age. Secondly (and this was the main inconvenience) it lying by that clause upon the next Heir to him, who at the age of eighteen refused to declare himself a Protestant, to prove, that he had not made that declaration, it was impossible for the next Heir to prove such a negative. Now, to make that clause binding and effectual, it was enacted in this bill, "That all Papists and reputed Papists should, within six months after they had reached the age of eighteen, not only declare themselves Protestants, but prove also, that they had made such a declaration." This alarmed all of that Religion, so that they made very powerful (or to follow the raillery of that time) weighty intercessions with the considerable men of the

House of Commons. The Court looked on, 1705-6. and seemed indifferent in the matter; yet it was given out, that so severe a law would be very unreasonable, when the Nation was in alliance with so many Princes of that Religion; and that it must lessen the force of the Queen's intercession in favour of the Protestants, who lived in the dominions of those Princes. The proceeding seemed rigorous, and not suited to the gentleness, which the Christian Religion so particularly recommended, and was contrary to the maxims of Liberty of Conscience and Toleration, that were then in great vogue. It was answered, that the dependence of those of that Religion on a foreign jurisdiction, and at present on a foreign Pretender to the Crown, put them out of the case of other subjects, who might differ from the established Religion, since there seemed to be good reason to consider them as enemies rather than as subjects. But the application was made in so effectual a manner, that the bill was let fall; for, on the 2d of March, when Sir *James Montague* was to report to the House the amendments made to the bill by the grand Committee, the Duke of *Norfolk*, the chief among the *Roman Catholics* in England, petitioned, "That he might be heard by his Council for explanation of some words in the bill, and for such relief to him, as to the House should seem meet." Upon the reading of this petition, the Commons ordered, that the Duke of *Norfolk* be heard by his Council, as to the property in the office of Earl-Marshal of England only. But, his Council not being then ready, the House heard Sir *James Montague's* report, and then ordered the bill, with the amendments, to be ingrossed. Two days after, the bill was read the third time, and several other amendments were made to it; after which the question was put, *That the bill do pass?* This occasioned a great debate, wherein Colonel *Godfrey*, Mr. *Boscawen*, and Mr. *Affil* endeavoured to shew the injustice of such a law, urging, that, besides the offence it would give to the *Roman Catholic* Princes in alliance with the Nation, it would look as if they approved the persecution exercised by the *French King* and other *Catholic* Princes against their Protestant subjects. At last the bill was rejected by a majority of one hundred and nineteen against forty-three. And, though the Lords had made some steps towards such a bill, yet since they saw what fate it was like to have in the House of Commons, instead of proceeding further in it, they dismissed that matter with an address to the Queen, on the 14th of March, "That a more watchful eye should be had over the *British* Priests and Papists for the future; and, for that purpose, that a distinct and particular account should be taken of all Papists and reputed Papists in the Kingdom, with their respective qualities, estates, and places of abode; and that the several accounts of these inquiries be laid before their House at the next Session of Parliament." To this address the Queen answered, "That she was fully convinced, that the insolent behaviour of the Papists had made what their Lordships advised necessary to be done for the safety of her person and government, and the welfare of her People; and that she would give the necessary orders for every thing their Lordships desired."

* See p.

401, 402.

1705-6. "fired." But whatever orders were given, they were very negligently executed (1).

*A design
for a pub-
lic library.
Burnet.*

There was a project set on foot at this time by the Lord *Hallifax*, for putting the Records and public Offices of the Kingdom in better order. He had, in a former Session, moved the Lords to send some of their number to view the records in the *Tower*, which were in great disorder, and in a visible decay, for want of some more Officers, and by the neglect of those employed. The Lords, in their report, proposed some regulations for the future, which have been since followed so effectually (tho' at a considerable charge, by creating several new Officers) that the Nation has reaped the benefit of all this very sensibly. But Lord *Hallifax* carried this project much farther. The famous library, collected by Sir *Robert Cotton*, and continued down in his family, was perhaps the greatest collection of manuscripts relating to the public, that any Nation in *Europe* could shew. The late owner of it, Sir *John Cotton*, had by his will left it to the public, but in such words, that it was rather shut up, than made any way useful; and, indeed, it was to be so carefully preserved, that none could be the better for it. Lord *Hallifax* therefore moved the House of Lords to intreat the Queen, that she would be pleased to buy *Cotton-House*, which stood just between the two houses of Parliament; since some part of that ground would furnish them with many useful rooms, and there would be enough left for building a noble structure for a library; to which, besides the *Cotton* library and the Queen's library, the Royal Society, who had a very good one at *Gresham College*, would remove, and keep their assemblies there, as soon as it was made convenient for them. This was a great design, which that Lord, who first set it on foot, seemed resolved to carry on till it was finished. Had that been done, it would have been of great advantage to the Learned World, as well as an honour to the Queen's Reign.

The Lord *Sommers* likewise made a motion

*A bill to
regulate
proceedings
at law.*

in the House of Lords, to correct some of the proceedings in the Common Law and in *Chancery*, which were both dilatory and very chargeable. He began the motion with some instances, that were more conspicuous and gross; and he managed the matter so, that both the Lord-Keeper and Judges concurred with him, though it passes generally for a maxim, that Judges ought rather to enlarge than contract their jurisdiction. A bill passed the House of Lords, which began a reformation of proceedings at law; but, when it went through the Commons, it was visible, that the interest of Under-officers, Clerks, and Attornies, whose gains were to be lessened by this bill, was more considered, than the interest of the Nation itself. Several clauses, how beneficial soever to the Subject, which touched on their profit, were left out by the Commons. But, what fault soever the Lords might have found with these alterations, yet, to avoid all disputes with the Commons, they agreed to their amendments.

There was another general complaint made of the private acts of Parliament, that passed thro' both Houses too easily, and in so great a number, that it took up a great part of the Session to examine them, even in that cursory way, that was subject to many inconveniences. The fees, that were paid for these to the Speakers and Clerks of both Houses, inclined them to favour and promote them. The Lord *Sommers* therefore proposed a proper regulation in that matter. The Lord-Keeper *Cowper* did indeed very generously obstruct those private bills, as much as his predecessor *Wright* had promoted them. He did another thing of a great example: On the first day of the year, it became a custom for all those, who practised in *Chancery*, to offer a new-years gift to the Lord, who had the Great-Seal. These grew to be so considerable, that they amounted to fifteen hundred pounds a year. On the New-year's day of this year, which was his first, he signified to all those, who, according to custom, were expected to come with their presents,

(1) On the 2d of March, the Lords read a petition of *Joseph Boone*, Merchant, in behalf of himself and many other inhabitants of the Province of *Carolina*, and *London* Merchants trading thither: Upon which, the Lord *Granville*, Palatine of the Province of *Carolina*, having desired to be heard by his Council, the same was granted, and the further debate of this affair put off till the 9th of that month. Their Lordships, having then heard what the Lord *Granville's* Council had to offer in his behalf, came to these two resolutions: First, "That it is the opinion of this House, that the act of the Assembly of *Carolina* lately passed there, and since signed and sealed by *John Lord Granville*, Palatine, for himself and for the Lord *Carteret*, and the Lord *Craven*, and by Sir *John Colleton*, four of the Proprietors of that province, in order to the ratifying of an act, intitled, *an act for the establishment of religious worship in this province, according to the Church of England, and for the erecting of Churches for the public worship of God, and also for the maintenance of Ministers, and the building convenient houses for them*, so far forth as the same relates to the establishing a Commission for the displacing the Rectors or Ministers of the Churches there, is not warranted by the Charter granted to the Proprietors of that colony, as being not consonant to reason, repugnant to the laws of this Realm, and destructive to the constitution of the Church of England." Secondly, "That it is the opinion of this House, that the act of Assembly

"in *Carolina*, intitled, *an act for the more effectual preservation of the Government of this province, by requiring all persons, that shall hereafter be chosen Members of the Commons House of Assembly, and sit in the same, to take the oaths, and subscribe the declaration appointed by this act, and to conform to the religious worship in this province, according to the Church of England, to receive the Sacrament of the Lord's-Supper, according to the rites and usage of the said Church*, lately passed there, and signed and sealed by *John Lord Granville*, Palatine, for himself and the Lord *Craven*, and also for the Lord *Carteret*, and by Sir *John Colleton*, four of the Proprietors of that province, in order to the ratifying of it, is founded upon falsity in matter of fact, is repugnant to the laws of England, contrary to the Charter granted to the Proprietors of that colony, is an encouragement to Atheism and Irreligion, is destructive to trade, and tends to the depopulating and ruining the said province." These resolutions being laid before the Queen in an address, wherein their Lordships "besought her Majesty to deliver the said province from the arbitrary oppressions, under which they lay, and to order the Authors thereof to be prosecuted according to law;" the Queen told them, "That she was very sensible of what great consequence the Plantations were to England; and she would do all in her power to relieve her subjects in *Carolina*, and to protect them in their just rights." P. R. H. L. II.

(1) There

1705-6. presents, that he would receive none, but would break that custom. He thought it looked like the insinuating themselves into the favour of the Court; and that, if it was not bribery, yet it came too near it, and looked too like it. This contributed not a little to the raising his character; and he managed the Court of *Chancery* with impartial justice and great dispatch, and was very useful to the House of Lords in the promoting of business. (1).

The Parliament is prorogued.

On the 19th of *March* the Queen came to the House of Peers, and having given the Royal assent to seventeen public acts, and fifty-three private ones, she made the following speech to both Houses:

My Lords and Gentlemen,

The Queen's speech at the close of the first Session of her second Parliament.
Pr. H. C. III. 473.

"BEING now come to a close of this Session, I am to return you my thanks for having brought it so speedily to a good conclusion, especially for the wife and effectual provision made to secure the Protestant Succession in this Kingdom, and the great advances on your part, towards procuring the like Settlement in the Kingdom of *Scotland*, and a happy Union of both Nations.

"I am very well pleased likewise with the steps you have made for the amendment of the law, and the better advancement of justice.

"I must again repeat to you, Gentlemen of the House of Commons, that I am extremely sensible of the dispatch you have given to the public Supplies. I assure you, I will be very careful, that they may be applied in the most effectual manner for our common interest.

My Lords and Gentlemen,

"At the opening of this Parliament, I recommended, with great earnestness, an intire union of minds and affections among all my subjects, and a sincere endeavour to avoid and extinguish all occasions of divisions and animosity. I am much pleased to find, how in-

1705-6. tirely your sentiments have agreed with mine. Your unanimity and zeal, which I have observed, with great satisfaction, throughout this whole Session, against every thing, that tends towards sedition, doth so much discourage all such attempts for the future, and hath set such an example to the whole Kingdom, that, when you are returned into your several Countries, I doubt not but you will find the effects of it every where; and I assure myself you will make it your business and care to improve and perfect that good work you have so far advanced here; and by continuing to shew a just dislike of all factions and turbulent proceedings, and resolving to discountenance the encouragers of them, you will soon make the whole Kingdom sensible of the good effect of so prudent and happy a conduct."

Then the Lord-Keeper prorogued the Parliament to the 21st of *May* following.

Thus this Session of Parliament came to a very happy conclusion. There was in it the best harmony within both Houses, and between them, as well as with the Crown; and it was the best that ever was in the City of *London*, over the whole Nation, and indeed over all *Europe*, of any Session of those times. And when it was considered, that this was the first of the three, so that there were to be two other Sessions of the same Members, it gave an universal satisfaction, both to the People at home, and our Allies abroad, and afforded a prospect of a happy end, that would be put to this devouring war, in all probability, before the conclusion of the Parliament. This gave an inexpressible satisfaction to all, who loved their Country and Religion, and who now hoped, that there was in view a good and safe peace.

With the new Parliament, a new Convocation also met at *St. Paul's*, *October 15*. The *Latin* sermon was preached by *Dr. Stanhope*, but *Dr. Binks* carried it from him for Prolocutor, and was presented by the Dean of *Christ-Church*. This Convocation was chosen as the former had been,

(1) There were also some regulations made this Session about seamen, which were inserted in a bill for the encouragement and increase of seamen. This bill was brought in, because about twelve thousand sailors were wanted at this time to man the fleet, and was perfected and passed both Houses in four days. The resolutions in the bill were as follow: 1. That, in order to the speedy and more compleat manning of her Majesty's navy for the year 1706, the Justices of the Peace and other Civil Magistrates throughout the several Counties, Ridings, Cities, Towns, and Places, within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, be impowered and directed forthwith to make, or cause to be made, strict and diligent search for all such seamen, or sea-faring men, as lie hid, and are not in her Majesty's service. 2. That the Justices, and other Civil Magistrates, do take up, send, conduct, and convey, all such seamen or sea-faring men, to be delivered to such persons, as shall be appointed to receive the same. 3. That a penalty be inflicted upon every person, who shall presume to harbour or conceal such seamen or sea-faring men. 4. That a reward be given to every person, who shall discover and take up such seamen or sea-faring men, as aforesaid, the same to be distributed and paid to every such discoverer or person, so taking up such seamen or sea-faring men respectively, out of

the money given for the service of the navy. 5. That conduct-money be allowed for conveying and subsisting such seamen and sea-faring men, according to the present usage of the navy. 6. That, for the encouragement of the service, every seaman, who shall be turned over from one ship to another, shall be paid his wages, which shall appear to be due to him in the ship, from which he was turned over, before such ship, to which he shall be turned over, do go to sea, either in money, or by a ticket, which shall intitle him to an immediate payment. 7. That such able-bodied landmen, who are liable to be raised for the recruiting her Majesty's land-forces and marines, be raised for the service, in the like manner, and delivered to such persons, who shall be appointed to receive the same. And they ordered, that the Committee, to whom the bill, for the encouragement and increase of seamen, and for the better and speedier manning her Majesty's fleet, and for making provision for the widows and orphans of all such, as shall be slain or drowned in her Majesty's service, and for the support of trade, was committed, have power to receive a clause or clauses pursuant to these resolutions: And that it be an instruction to the Committee, that they have power to receive a clause for discharging of such seamen, and other insolvent persons, as are in prison for debt, and delivering them into her Majesty's service on board the fleet.

1705-6. been, and the Members, that were ill-affected, were still prevailed on to come up, and to continue in an expensive, but useless attendance in town. The Upper House soon agreed in an address to the Queen, containing humble thanks for her affectionate care for the Church of *England*, as established by law, from her first accession to the Throne to this day. And then they added thus, by way of harmony with the two Houses of Parliament: "We are exceedingly grieved, that any of your subjects should be so ungrateful and unworthy, as once to suggest, that our Church can be in danger, for want of such support and encouragement in your Majesty's Reign, as may make it flourish in your own time, and leave it secure after you. And, although it is no new thing for designing men to prostitute the venerable name of the Church to the service of their own private ends, yet we think it very strange, that any should be found so extremely weak and undutiful as to be deluded by these groundless clamours, when they have been so often and so publicly confuted by your Royal word and actions; and when the happy state of the Church of *England* is so much observed and esteemed abroad, that several of the foreign Churches are endeavouring to accommodate themselves to our Liturgy and Constitution. To insinuate that *the Church is in danger* under these circumstances, and against all the testimonies and assurances of your Royal care and protection, can proceed from nothing but prejudice, interest, and ambition. We humbly crave leave to express our just resentment of the *indignity of all such suggestions*, not only as *false and groundless* in themselves, but chiefly as they are dishonourable reflections upon your Royal promises for the support of the Church, and upon your Princely wisdom in chusing the most proper and effectual measures to that end. We beg leave also, in a deep sense of your Majesty's goodness, and an intire dependence upon your Royal word, to express our great joy and satisfaction in the flourishing condition of the Church under your most auspicious Government. We are sure it will always be in your will to support and protect it; and that the distractions, which these groundless jealousies are intended to raise, may never put it out of your power, we promise to use our utmost endeavours to discountenance them, and, in our several stations, to defend and preserve inviolably, so far as in us lies, the doctrine, discipline, and worship of our Church, as by law established; and to promote peace and unity amongst your subjects; praying earnestly for your Majesty's long and prosperous Reign over us; as, under the divine providence, the greatest blessing and security that either Church or State can enjoy."

When this address was communicated to the Lower House, they refused to join in it, but would give no reason for their refusal, and the majority carried it for drawing up one of their own. A Committee was appointed, and the Dean of *Christ Church*, at their next meeting, reported an wholly new form, which contained thanks to her Majesty for her great zeal for the Church, and tender affection to it, but expressed not that full satisfaction as to the safety of the Church, and that indignation against such as represented her to be in danger, as appeared in that which came down from the Upper House. This new address was carried up by the Prolo-

cutor, November 19. The Archbishop made answer in writing, that they could not receive their address, but required them to go back to their House, and consider the address sent down to them, and either agree to it, or bring up their exceptions against it in writing.

Some of the Lower House, when they returned, were for doing this: But the majority in two meetings agreed, that such notice be taken of those words in the message from the Upper House, *We cannot receive the address you have offered to us*, as to affirm, and effectually assert their right, of having what they offered to the Upper House received by his Grace and their Lordships: That it was proper for the House in their answer to say, that they conceived their Lordships refusal was an infringement of that right: That it is not a necessary duty of the Lower House to re-consider, when their Lordships require it, what they have declared to their Lordships they have maturely considered, and cannot join in it. That the Lower House, notwithstanding their Lordships expectation, expressed in their message, was still at liberty to disagree, without offering their exceptions: However, they agreed to re-consider the address of the Lords, and to lay before them the substance of the resolutions foregoing. They also agreed, not to depart from their former resolution of not joining with their Lordships in their address; and afterwards, not to carry up any exceptions to their Lordships address; but to signify to them, that it is the undoubted right of the Lower House to have the paper they presented received by their Lordships, and that they hoped they would be satisfied upon perusing it: And that the Lower House intirely considered in her Majesty's zeal for the Church of *England*, and an hearty detestation of all persons, that should endeavour to raise any jealousies concerning it. And, pursuant to these resolutions, a paper was carried from the Lower to the Upper House, on December 1.

The Lower House thus refusing, either to agree to the address, or to offer their objections, the address was let fall; and upon that a stop was put to all further communication between the two Houses. The Lower House went on in their former practice of intermediate Sessions, in which they began to enter upon business, to approve of some books, and to censure others; and they resolved to proceed upon the same grounds, that factious men among them had before set up, though the falshood of their pretensions had been evidently made to appear. On December 16, the Dean of *Peterborough* protested against the irregularities of the Lower House: And particularly against the Prolocutor's proroguing the House by the authority of the House itself: The pretending to a power to put the Prolocutor into the chair before he is confirmed by the Archbishop and Bishops: The pretending to a power to give leave to their Members to absent themselves, and substitute proxies: The electing an Actuary in prejudice of the right of the Archbishop: The late disrespectful and undutiful carriage of the House to the Archbishop and Bishops, in refusing their address to her Majesty without making any exceptions. This was signed by above fifty, and the whole body was but an hundred and forty-five. Some were neutral, so that very near one half broke off from the rest, and sate no more

1705-6. with them. The Lower House would not suffer this protestation to be read, and therefore it was carried to the Upper, and entered in their acts.

Whilst the Lower House was deliberating how to vent their indignation against the Protesters, a more sensible mortification ensued. The Archbishop had prorogued them to the 1st of March; by which time the Queen sent a letter to him, dated February 25, signifying her concern, that the differences in Convocation were still kept up, and rather increased than abated: And that she was the more surprized, because it had been her constant care and endeavour to preserve the Constitution of the Church of England, as by law established, and to discountenance all divisions and innovations whatsoever: Declaring she was resolved to maintain her supremacy, and the due subordination of Presbyters to Bishops, as fundamental parts thereof; and that she expected, that he and his suffragans should act conformably to his and her resolution: and that, in so doing, they might be assured of the continuance of her favour and protection: And that neither of them should be wanting to any of the Clergy, whilst they were true to the Constitution, and dutiful to her, and their Ecclesiastical Superiors; and preserved such a temper as became all, but especially those who were in Holy Orders: And she required him to communicate this to the Bishops and Clergy; and, on March 1, to prorogue the Convocation to such time as appeared most convenient. On that day the Archbishop sent for the Lower House, and read to them the Queen's letter, with which they were struck, for it had been carried so secretly, that it was a surprize to them all. When they saw they were to be prorogued, they ran indecently to the door, and with some difficulty were kept in the room till the prorogation was intimated to them. They went afterwards to their own House, where, though prorogued, they sat still in form, as if they had been a House, but they did not venture on passing any vote. So factious were they, and so implicitly led by those, who had got an ascendant over them, that, though they had formerly submitted the matters in debate to the Queen, yet now, when she declared her pleasure, they would not acquiesce in it.

Account of
the treaty
of Union
between
England
and Scot-
land.
Boyer.

An affair of the utmost consequence was now in agitation. The uniting of the two Kingdoms of England and Scotland was ever thought of such importance to the wealth, strength, and tranquillity of the Island of Great-Britain, that several attempts were made towards it, both before and after the Union of the two Crowns, in the person of King James I. of England, and VI. of Scotland; of which attempts it will not be improper to give here a summary view.

King Henry VIII. to bring the Government of the Island under one Monarch, offered his daughter Mary to King James V. of Scotland; and, to prevent all difficulties, that might happen about the Succession after his death, he proposed to make King James Duke of York, and Lord-Lieutenant or Deputy-Governor of England, immediately upon the marriage. The King of Scotland was inclinable enough to fall in with that advantageous proposal; but the French Court and the Popish Clergy, who equally dreaded the effects of such a conjunction, found means to prevent it. This engaged the

Scots Nation, against their will, in a war against England, and occasioned the defeat at Solan Moss; which brought their King to his grave, upon an apprehension, that his Nobility had conspired against him.

King Edward VI. pursuing his Father's design of an amicable Union of the two Kingdoms, proposed a match betwixt himself and Queen Mary of Scotland; which had been agreed on in the Scots Parliament in King Henry VIII's time; but the French and Popish faction broke that agreement, and brought upon the Scots another war with England, which ended in their defeat at the battle of Pinky near Musselburg. Notwithstanding this great victory, by which the English became possessed of most of the South of Scotland, yet King Edward and his Council were so far from designing a conquest of Scotland, or the overthrowing of the Constitution of that Kingdom, that his Uncle, the Duke of Somerset, Protector of the Kingdom of England, published a declaration to invite the Scots to amity and equality: "We overcome in war (said that declaration) and offer peace: We win holds, and offer no conquest: We get in your land, and offer England. What can be more offered than intercourse of merchandizes, and interchange of marriages; the abolishing of all such our laws, as prohibit the same, or might be an impediment to the mutual amity? We have offered not only to leave the authority, name, title, right, or challenge of Conqueror; but to receive that, which is the shame of men overcome; to leave the name of the Nation, and the glory of our Victory, and to take the indifferent old name of Britons; because nothing should be left on our part to be offered; nothing on your part unrefused, whereby ye might be inexcusable. What face has this of Conquest? We seek not to disinherit your Queen, but to make her Heirs inheritors also of England. We seek not to take from you your laws nor customs; but we seek to redress your oppression." This was a very generous proposal from a Conqueror; but the Popish French faction still made it ineffectual, and brought Scotland under a yoke of French tyranny; which so much incensed the Scots, that, when they set about the Reformation, they destroyed the Hierarchy from the very foundations, and reduced the Ecclesiastics (who had then one third of the Kingdom in their possession) to their ancient dependence upon the State, as to their maintenance and benefices.

King James I. soon after his Accession to the English Throne, in March 1604, moved the Parliament of England for an Union betwixt the two Kingdoms; "That, as they were made one in the head, so among themselves they might be inseparably conjoined, and all memory of by-past divisions extinguished." The motion seemed at first to be generally well-relished by both Nations, whose respective Parliaments appointed their Commissioners; the English forty-four in number, and the Scots thirty. They met accordingly at Westminster, and agreed upon some articles about repealing all hostile laws made either in England against Scotland, or in Scotland against England; and the mutual communication of trade and commerce; reserving the King's prerogative in the preferment of men to offices and honours in either Kingdom. The King

1705-6, recommended the prosecution of that business to the Parliament of England; but, of all the articles agreed upon by the Commissioners, only that was enacted, which concerned the abolishing of *hostile laws*. The King was extremely grieved at this; and conceiving, that the work would more easily be effected, if begun in Scotland, called a Parliament there. The Estates, at the King's desire, readily allowed all the articles concluded in the treaty, with a proviso, that the same should, in like manner, be ratified in the Parliament of England; otherwise, the conclusions not to have the force of a law. And it was also declared, "That, if the Union should happen to take effect, the Kingdom, notwithstanding, should remain an absolute and free Monarchy, and the fundamental laws receive no alteration." But, the English Puritans being elated with the hopes they had conceived from an Union of the two Nations, the Church-party grew jealous of them, and, inveighing against the Scots in Parliament, Convocation, and Pulpits, defeated all endeavours to accomplish that Union. They soon discovered King James's foible; and, knowing his inclinations to increase his power, they found out other employment for him, which was to advance his prerogative in Scotland; to the subversion of the liberties of that Kingdom both in Church and State, and concurred with him as heartily in that, as they opposed him in the Union.

In the Reign of King Charles I. we do not find an Union to have been once mentioned; for, the prejudices against the Puritans still increasing, and the Church-party growing powerful at Court, by the promotion of Bishop Laud to the See of Canterbury, an ill-timed and mistaken zeal for the Church of England had so great an ascendancy over that unhappy Prince, as to engage him with more eagerness than his Father to overturn the Constitution, and endeavour a conquest of Scotland; which was one of the fatal causes of all his misfortunes.

Soon after the beginning of the civil wars, there was a League or Confederacy between the two Kingdoms, which continued with various interruptions for some years, till it was entirely broke in 1650; when, a war breaking out between the two Nations, Scotland was reduced to the obedience of the prevailing power of the House of Commons, who styled themselves the Parliament of England. But, though Scotland was reduced, it was thought it could not be so well secured, as by an Union. Accordingly, after the battle of Worcester, the Parliament appointed eight Commissioners to go down to Scotland, and treat with the Estates of that Kingdom of an Union. Twenty of thirty-two Shires, and thirty-five of the then fifty-seven Burroughs, agreed to the Union; and in their Assembly at Edinburgh, about two months after, the rest likewise concurred. Pursuant to this agreement, a bill was prepared, but, before it could be finished, the long Parliament was turned out of doors by Cromwell, which put a stop to the Union. In April 1653, Cromwell took the Government upon him; and, in December following, signed an instrument, whereby, among other things, the Counties, Cities, and Burroughs of England, Scotland, and Ireland, were brought under a new regulation, with respect to their Representatives in Parliament. By this scheme England was to

have four hundred Representatives, Scotland thirty, and Ireland thirty. When England was rated at seventy thousand pounds per month, Scotland was to pay six thousand pounds, and Ireland nine thousand pounds, and the share each County and Burrough was to pay of these assessments in 1656, was settled. These assessments were supposed to be about two shillings in the pound, consequently they valued the rents of England at eight millions and four hundred thousand pounds, of Scotland at seven hundred and twenty thousand pounds, and of Ireland at one million and eighty thousand pounds, which valuations are said to have been above two thirds of the real extended values. On the 12th of April 1654, Oliver published an Ordinance for uniting Scotland with England. By this Ordinance the powers of Assemblies, Conventions, and Parliaments in Scotland were taken away, with Wards, Servitudes, and Slavish Tenures. These were abolished in England after the Restoration, but Wards and Liveries were, in 1660, restored again in Scotland. Thus stood the Union for some years, during which, it is said, the Scots Nation was never more easy, nor justice more impartially administered.

At the Restoration, every thing relating to Scotland and Ireland were put upon the same foot as before the Civil wars. The ill effects whereof were soon felt in many instances, particularly by the passing and execution of several negative acts relating to trade, which not only stirred up the old, but raised many new animosities. The Scots made heavy complaints against these impositions and exclusions, but without any redress.

However, in the year 1670, the Parliament of Scotland passed an act, empowering King Charles to grant a Commission under the Great Seal of Scotland for such persons, as he should think fit to name, to treat with Commissioners of England about the Union; but with this proviso, That nothing they agreed upon should stand, except confirmed by the Parliament of Scotland. When the Commissioners met, the King sent them the five following points to be considered, as the subject-matter of the treaty: "1. The preserving to either Kingdom their laws, Civil and Ecclesiastical, intire. 2. The uniting of the two Kingdoms into one Monarchy, under his Majesty, his Heirs, and Successors, inseparable. 3. The reducing both Parliaments into one. 4. The stating of all privileges, as to trade and other advantages. 5. The securing the conditions of the Union." And it was settled, as a preliminary, that, except all was agreed on, no particular thing resolved upon should be binding. When they came to consider the matter, Sir John Nisby, one of the Commissioners for Scotland, a great Lawyer, and the King's Advocate, urged, "That the Union could not be, as proposed in the second and third articles, because they were destructive to the fundamental Government of the Kingdom of Scotland, and tended to take away their Parliaments, which, he said, the Parliament itself could not do; nor were the Commissioners appointed for the treaty empowered to divest the Electors of that power; and alledged an act of Parliament, (8 Jac. 6.) which declared it treason, to attempt the alteration of the Constitution of Parliament. He alledged farther, that King James's

1705-6. "James's Commission to treat was not of that nature, and that his Commission ought to be the rule of the treaty; adding, that, in the Union among the republics of *Greece*, each republic reserved their Sovereignty." And the Earl of *Lauderdale* said, "That it was the like among the *United-Provinces*, the several Kingdoms of *Spain*, and the thirteen Cantons of *Switzerland*." Then, as to the Constitution of the Parliament, the Commissioners of *Scotland* resolutely adhered to it, "That none of the constituent Members of the Parliament of *Scotland* should be excluded from the Parliament of *Great-Britain*; for they could not exclude any of those, from whom they had their authority; but agreed, that his Majesty might call together both Parliaments, to consult about the public affairs of the Monarchy." There were also debates among them about appeals to Parliament from Courts of Judicature, whose sentences in *Scotland* are not questionable but by Parliament; and that it would be an inconsistency, that one part of the Monarchy should be liable to appeals before the Parliament, and the other not. As to the Union of both Kingdoms into one Monarchy, the *Scots* Commissioners would agree to it on no other terms, but in the posterity of King *James VI.* in which the *English* made some difficulty, and thought *Heirs* and *Successors* sufficient. But the *Scots* insisted upon it, and alleged, that, by the 11th of *Henry VII.* an usurper, being crowned, was reputed lawful Successor in *England*. Thus the treaty came to nothing (which lasted from the 13th of September to the 14th of November following) the Commissioners, on the part of *Scotland*, not only insisting upon their old pretences of preserving Sovereignities and Independencies, but likewise, that, by their Constitution, they could not so much as treat of an Union, till the whole Parliament, and even all their Constituents, had consented. And, though at last they offered to try if they could get their countrymen's consent to have the two Parliaments joined, yet they would not abate one of their Members upon any account whatsoever. Thus, though the first motion of a treaty came intirely from themselves, it was the *Scots* who broke it off. The secret motives of their so doing proceeded (as it is said) from some about the Court (who at first fancied they could increase their power and influence by the Union) being afterwards convinced, it would have quite another effect.

In the time of King *James II.* there was nothing done in the Union, the Court being sufficiently taken up with other designs. But tho', in the Reign of King *William* and Queen *Mary*, both Nations were too much distracted among

themselves, and the King and his Ministers too busy about other affairs, to think in earnest of uniting the two Kingdoms; yet, the same being proposed by the *Scots* Convention of the Estates, who appointed Commissioners to treat upon that matter with *England*, King *William*, in his speech to both Houses of Parliament, on the 21st of March 1689-90, recommended to their re-consideration an Union with *Scotland*. The Parliament took little notice of this recommendation from the Throne; so that no answer was returned to the *Scots* Parliament; and that business rested till the year 1700, when the King, in his answer to the Lords address against the *Scots* Settlement at *Darien*, took that opportunity of putting the House of Peers in mind of what he recommended to his Parliament, soon after his Accession to the Throne: "That they would consider of an Union between the two Kingdoms: That his Majesty was of opinion, that nothing would contribute more to the security and happiness of both; and was inclined to hope, that, after they had lived an hundred years under the same head, some happy expedient might be found for making them one people, in case a treaty were set on foot for that purpose. And therefore he very earnestly recommended that matter to the consideration of the House." Hereupon the Lords framed and passed a bill for authorizing certain Commissioners of the Realm of *England* to treat with Commissioners of *Scotland*, for the weal of both Kingdoms. But, the Commons refusing their concurrence to this bill, the business of the Union went no further.

This great work therefore was reserved for the Reign of Queen *Anne*; for though the negotiation, which was set on foot soon after her Accession to the Throne, unhappily miscarried; yet it was resolved to endeavour again the Union of the two Kingdoms, of which many had quite despaired. And those, who entertained better hopes, thought it must have run out into a long negotiation for many years: But, beyond all men's expectation, it was begun and finished within the compass of one. According to the powers given to the Queen by the Parliaments of *England* and *Scotland*, on the 10th of April she appointed the Commissioners on the part of *England*, the Commissioners on the part of *Scotland* having been named before, on the 27th of February. Mr. *George Dodington* was named Secretary by the *English*, and Sir *Daniel Nairne* by the *Scots* Commissioners. The persons who were appointed on the *English* side were well chosen. They were the most capable of managing the treaty, and the best disposed to it of any in the Kingdom (1). The *Scots* Commissioners were so strangely chosen, that from thence many

(1) The *English* Commissioners were:

Thomas, Lord Archbishop of *Canterbury*,
William Cowper, Esq; Lord-Keeper of the Great-
Seal of *England*.
John, Lord Archbishop of *York*,
Sidney, Lord Gadolphin, Lord-High-Treasurer of
England,
Thomas, Earl of *Pembroke* and *Montgomery*, Presi-
dent of the Council,
John, Duke of *Newcastle*, Keeper of the Privy-
Seal,

William, Duke of *Devonshire*, Steward of the House-
hold,
Charles, Duke of *Somerset*, Master of the Horse,
Charles, Duke of *Bolton*,
Charles, Earl of *Sunderland*,
Evelyn, Earl of *Kingston*,
Charles, Earl of *Carlisle*,
Edward, Earl of *Orford*,
Charles, Viscount *Townshend*,
Thomas, Lord *Wharton*,
Ralph, Lord *Grey*,
John, Lord *Paulet*,

John

1706. many concluded, that an Union was not sincerely designed by the Ministry, when they saw such a nomination (1). For they were not looked on as men well-affected to the design, most of them having stood out in a long and firm opposition to the Revolution, and to all that had been done afterwards pursuant to it (2). The nomination of these was fixed on by the Dukes of *Queensberry* and *Argyle*. It was said by them, that, though these objections did indeed lie against them, yet they had such an interest in *Scotland*, that engaging them to be cordially for the Union would be a great means to get it agreed to in the Parliament there. The Earl of *Stair*, who heartily concurred in the design, was thought to have a hand in this piece of policy, in which the event shewed that right measures were taken. The *Scots* had got among them the notion of a *Federal Union*, like that of the *United Provinces*, or the *Cantons of Switzerland*. But the *English* resolved to lose no time, in the examining or discussing that project; for this reason, besides many others, that, as long as the two Nations had two different Parliaments, they could break the Union whenever they pleased; for each Nation would follow their own Parliament. The design was now to settle a lasting and firm Union between the Kingdoms; therefore they resolved to treat only about an *incorporating Union*, that should put an end to all distinctions, and unite all their interests: So

they at last entered upon the scheme of an intire Union. 1706.

On *Tuesday* the 16th of *April*, the Commissioners of both Kingdoms met, the first time, in the Council-Chamber in the *Cock-pit* near *White-hall*, the place appointed for their Conferences; and their Commissions being opened and read by the Secretaries, the Lord-Keeper of *England*, and, the Lord-Chancellor of *Scotland*, made introductory speeches; after which it was agreed, that copies of the two Commissions should be prepared and signed by the respective Secretaries, and interchanged against the next meeting, which was put off till the *Monday* following.

Accordingly, on the 22d of *April*, they met again, and the Lord-Keeper delivered to the Board the following preliminaries: "I. That all proposals made by either side be made in writing, and every point, when agreed, reduced into writing. II. That no points, though agreed on, and reduced into writing, be obligatory on either side, till all matters be adjusted in such a manner, as will be proper to be laid before the Queen and the two Parliaments for their approbation. III. That there be a Committee appointed, consisting of a certain number of each Commission, to revise the minutes of what passes, which are not to be inserted by the Secretaries in their respective books, but by order of the said Committee, having first made report thereof

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Hist. of Europe.
Burnet. Journal of the Pr.

John, Lord *Sommers*,
Charles, Lord *Hallifax*,
John Smith, Esq;
William Cavendish, Marquis of *Hartington*,
John Manners, Marquis of *Granby*,
Sir, *Charles* Hedges, Knt. and *Robert* Harley, Esq;
Principal Secretaries of State,
Henry Boyle, Esq; Chancellor and Under-Treasurer of the Exchequer,
Sir *John* Holt, Knt. Chief-Justice of the Court of *Queen's-Bench*,
Sir *Thomas* Trevor, Knt. Chief-Justice of the Court of *Common-Pleas*,
Sir *Edward* Northey, Knt. Attorney-General,
Sir *Simon* Harcourt, Knt. Solicitor-General,
Sir *John* Cook, Knt. Doctor of Laws, Advocate-General,
Stephen Waller, Doctor of Laws.

(1) The *Scots* Commissioners were:

James, Earl of *Seafeld*, Lord Chancellor of *Scotland*,
James, Duke of *Queensberry*, Lord-Privy-Seal,
John, Earl of *Mar*, and *Hugh*, Earl of *London*,
Principal Secretaries of State,
John, Earl of *Sutherland*, *John*, Earl of *Morton*,
David, Earl of *Wemyss*, *David*, Earl of *Leven*,
John, Earl of *Stair*, *Archibald*, Earl of *Rosberry*,
David, Earl of *Glasgow*, Deputies of the Treasury,
The Lord *Archibald* Campbell, Brother to the Duke of *Argyle*,
Thomas, Viscount *Duplin*,
The Lord *William* Ross, one of the Commissioners of the Treasury,
Sir *Hugh* Dalrymple, President of the Session,
Adam Cockburn, of *Ormistown*, Lord-Justice-Clerk,
Sir *Robert* Dundas, of *Armistown*, and Mr. *Robert* Stuart, of *Tillieulrie*, Lords of the Session,
Mr. *Francis* Montgomery, one of the Commissioners of the Treasury,
Sir *David* Dalrymple, one of her Majesty's Solicitors,
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Sir *Alexander* Ogilvie, Receiver-General,
Sir *Patrick* Johnston, Provost of *Edinburgh*,
Sir *James* Smallet, of *Bonhill*,
George Lockhart, of *Carnwath*,
William Morrison, of *Preston-grange*,
Alexander Grant,
William Seton, of *Pittmedden*, Jun.
John Clark, of *Pennycook*, Jun.
Hugh Montgomery, late Provost of *Glasgow*,
Daniel Stuart,
Daniel Campbell, of *Arutennet*.

(2) Mr. *Lockhart*, on the other hand, assures us in his *Memoirs*, p. 186, that all the Commissioners were of the Court or Whig interest, except himself and the Archbishop of *York*. "This last, as was reported," says he, was named merely out of respect to the dignity of the office he bore, but would not be present so much as once at the treaty. The other, because, being my Lord *Wharton's* nephew, they expected to carry him off; and, as he was surprized at his being named, so he had no inclination to the employment, and was at first resolved not to have accepted it; but his friends, and those of his party, believing he might be serviceable, by giving an account how matters were carried on, prevailed with him to alter his resolution. But he foreseeing, that several things would occur during the treaty, that were contrary to his principles, as the business of an incorporating Union, and, in consequence thereto, the Succession of the House of *Hanover* to the Crown; he convened together the Earls of *Home* and *Strathmore*, the Viscount of *Stourmont*, Mr. *Cockran* of *Kilmarnock*, Mr. *Fletcher* of *Salton*, and Mr. *Henry* Maule of *Kelly*, who were the chief instruments of persuading him to attend the treaty; and wrote to the Duke of *Hamilton*, who was then in *Lancashire*; and, having communicated to them his difficulties, he desired their advice and direction how he should behave, and particularly, whether or not he should protest and enter his dissent against these measures; being resolved to receive instructions from them, as a warrant for his procedure,

1706. "thereof to the respective Commissioners, and
 "received their approbation of the same. IV.
 "That all the proceedings of the Commission-
 "ers of both Kingdoms, during the treaty, be
 "kept secret." The Lord-keeper also de-
 "livered to the Board the following proposal,
 "That the two Kingdoms of *England* and *Scot-*
 "*land* be for ever united into one Kingdom,
 "by the name of *Great-Britain*: That the
 "united Kingdom of *Great-Britain* be repre-
 "sented by one and the same Parliament; and
 "that the Succession to the Monarchy of the
 "united Kingdom of *Great-Britain*, in case of
 "failure of Heirs of her Majesty's body, be,
 "according to the limitations mentioned in an
 "act of Parliament, made in *England* in the
 "12th and 13th years of the Reign of the late
 "King *William*, intituled, *An act for the further*
 "*limitation of the Crown, and the better securing*
 "*the rights and liberties of the Subject.*"

After this the Commissioners adjourned to the
 24th of the same month, when the Lord-Chan-
 "cellor of *Scotland* acquainted the Board, that the
 "Commissioners of *Scotland* did agree to the pre-
 "liminary articles proposed at the last meeting,
 "for regulating the method of proceeding in this
 "treaty: And then he delivered to the Board the
 "following proposals: "1. That the Succession
 "to the Crown of *Scotland*, in case of failure
 "of Heirs of her Majesty's body, should be
 "established upon the same persons mentioned
 "in an act of Parliament made in *England*, in the

"12th and 13th years of the Reign of the late 1706.
 "King *William*. 2. That the subjects of *Scot-*
 "*land* should for ever enjoy all rights and pri-
 "vileges, as Natives of *England*, in *England*,
 "and the Dominions thereunto belonging; and
 "reciprocally, that the subjects of *England* en-
 "joy the like rights and privileges in *Scotland*.
 "3. That there be a free communication and
 "intercourse of trade and navigation between
 "the two Kingdoms and Plantations thereunto
 "belonging, under such regulations, as, in the
 "progress of this treaty, shall be found most
 "for the advantage of both Kingdoms. 4. That
 "all laws and statutes in either Kingdom, con-
 "trary to the terms of this Union, be re-
 "pealed." The Commissioners for *England*,
 "after a short consultation by themselves, returned
 "an answer, "That they were so fully convinced,
 "that nothing but an intire Union of the two
 "Kingdoms would settle perfect and lasting
 "friendship between them, that they therefore
 "thought fit to decline entering into any fur-
 "ther consideration upon the proposals now
 "made by the Commissioners for *Scotland*, as
 "not tending to that end; and desired, that
 "the Commissioners for *Scotland* would give in
 "their answer to the proposal delivered by the
 "Commissioners for *England*, in order to an in-
 "tire Union of both Kingdoms."

The next day the Lord-Chancellor, in the
 name of the Commissioners for *Scotland*, deliver-
 "ed to the Board the following answer: "The
 "Commissi-

"and to justify his conduct. To whom they all un-
 "animously returned this answer, that, if he should
 "protest, he could not well continue longer to meet
 "with the other Commissioners; and, if he entered
 "his dissent, it would render him odious to them;
 "that they would be extremely upon the reserve, so
 "as he would be utterly incapable to learn any thing,
 "that might be useful afterwards in the opposing the
 "design; whereas, if he fate quiet, and concealed his
 "opinion as much as possible, they, expecting to per-
 "suade him to leave his old friends and party, would
 "not be shy, and he might make discoveries of their
 "designs, and thereby do a singular service to his
 "Country.

The same Writer afterwards tells us, p. 191. "That
 "the Treasurer of *England* and Court-party there did
 "not at first design the treaty of Union should have
 "gone the length it afterwards did; it being a mighty
 "stroke to the Monarchy, and consequently to them,
 "who advised and directed the Queen in all matters.
 "But the Treasurer, being extremely blamed for al-
 "lowing the Queen to pass the *Scots* act of Security,
 "and concerning peace and war, into laws, knew
 "the Tories, who only waited for a proper time, de-
 "signed to lay hold on this as an handle, wherewith-
 "al to pull him down; and therefore, to save himself
 "by amusing the *English* with the hopes of an intire
 "Union, he set this treaty on foot, with a design to
 "have spun it out so long, as he was in hazard of the
 "attempts and malice of his enemies. But the Whig-
 "party joined most sincerely in the measure of an in-
 "corporating Union.—They had somewhat in view
 "besides the general interest and security of *England*,
 "or establishing the House of *Hannover* on the two
 "Thrones of this Island (all Monarchs and race of
 "Kings being equally odious to them) their design
 "being sooner or later to establish a Commonwealth,
 "or at least to clip the wings of the Royal Prerogative,
 "and to reduce the Monarch to so low an ebb,
 "that his power should not exceed that of a Stadt-
 "holder of *Holland*, or a Doge of *Venice*. And it
 "was plain and obvious such designs could be more

"easily executed, when the legislative authority of
 "*Scotland* was abrogated, by reducing the Represen-
 "tatives of the Nation to a small and inconsiderable
 "number incorporated with a much greater, and sub-
 "jecting her to the Laws, Regulations, and Govern-
 "ment of another Kingdom, of which they had the
 "chief direction, than if the *Scots* Nation and Parlia-
 "ment remained a distinct and independent People
 "and Judicature, and were thereby in a capacity to
 "assist their Sovereign in maintaining his just rights
 "and prerogatives in that as well as his other King-
 "doms. They remembered how the *Scots*, in the
 "Reign of King *Charles II.* did cast the balance, and
 "defeat their design of secluding the Duke of *York*
 "from succeeding to the Crown; and were resolved
 "by this incorporating Union to remove that obstacle
 "to their future projects and designs. Thus, the
 "Court and Whig-parties in *England* agreeing (tho'
 "upon different topics and views at first) in the mea-
 "sure of a treaty of Union betwixt the two King-
 "doms, the latter prevailed to have a plurality of their
 "own party in both Commissions, particularly the
 "*Scots*, who so frankly yielded to the demands of the
 "*English*, and prostituted the honour, and surrender-
 "ed the interest of their Country, that the terms of
 "the treaty proved so advantageous for *England*, and
 "destructive to *Scotland*, that the Treasurer and
 "Court-party could not, without giving a greater
 "handle against them, than what they proposed to
 "evade by this measure, so much as connive at, or
 "countenance any person, that endeavoured to ob-
 "struct the Union's taking effect. On the other
 "hand, the *Scots* Statesmen and Revolutioners were so
 "sensible of their own guilt in betraying their Coun-
 "try, and acting contrary to its interest these many
 "years by-past, that they thought themselves in no
 "security from being called to an account for their ac-
 "tions, unless they removed the Parliament, and
 "rendered the Nation subservient and subject to a
 "people, whom they had served, and from whom
 "they looked for protection."

1706. " Commissioners for *Scotland* have considered the proposal given in to them by the Commissioners for *England*, on Monday the 22d instant; and do agree, that the Kingdoms of *Scotland* and *England* be for ever united into one Kingdom, by the name of *Great-Britain*: That the united Kingdom of *Great-Britain* be represented by one and the same Parliament: And that the Succession to the Monarchy of the Kingdom of *Great Britain*, in case of failure of Heirs of her Majesty's body, shall descend upon the most excellent Princesses *Sophia*, Electress and Duchess Dowager of *Hanover*, and remain to Her and the Heirs of her body, being Protestants, with this provision, That all the Subjects of the united Kingdom of *Great-Britain* shall have full freedom and intercourse of trade and navigation, to and from any part or place within the united Kingdom, and Plantations thereunto belonging; and that there be a communication of all other privileges and advantages, which do or may belong to the subjects of either Kingdom."

After a private consultation, the Lord-Keeper, in the name of the Commissioners for *England*, delivered to the board this reply, " The Commissioners for *England* are of opinion, that the provision added by the Commissioners of *Scotland*, to the proposal made by the Commissioners for *England*, on the 22d instant, is a necessary consequence of an intire Union; and, therefore, their Lordships do agree to that provision, under such terms, as in the further progress of this treaty shall be found to be for the common advantage of both Kingdoms."

The same day, in pursuance of the third preliminary, a Committee was appointed for revising the minutes; and there were nominated, on the part of *England*, the Lord Grey; Mr. John Smith, Speaker of the House of Commons; Sir Thomas Trevor, Sir John Cook, and Dr. Waller, or any three of them; and on the part of *Scotland*, the Earl of Sutherland, the Earl of Leven, the Lord President of the Session, the Lord-Justice-Clerk, John Clark of Pennycook, or any three of them.

Four days after, the Commissioners met again, and the Lord-Keeper delivered to the Board the following proposal: " That there be the same customs, excises, and all other taxes; and the same prohibitions, restrictions, and regulations of trade throughout the united Kingdom of *Great-Britain*." Hereupon the Scots Commissioners proposed, " That a Committee be appointed of an equal number of each side, to adjust the several points contained in that proposal; and desired, that the English Commissioners would order the account of the taxes and other things, to be laid before the Committee."

The English Commissioners having proposed to appoint a Committee, to consist of eleven of each side, and of them any six to have power to proceed, and that they should be nominated the next meeting; this was readily agreed to by the Scots; and accordingly, on the 11th of May, the Commissioners proceeded to the nomination of the Committee. The English named the Dukes of *Somerſet* and *Bolton*, the Earl of *Sunderland*, the Lords *Townſend*, *Wharton*, and *Sommers*, the Speaker of the House of

Commons, the Marquis of *Hartington*, Mr. Secretary *Harley*, Mr. *Henry Boyle*, and Sir *Simon Harcourt*. The Scots appointed the Lord Chancellor, the Duke of *Queensberry*, the Earls of *Sutherland*, *Leven*, and *Stair*, the Lord *Duplin*, the Lord President of the Session, the Lord-Justice-Clerk, and Sir *Patrick Johnſtown*: And it was agreed, that this Committee should meet the next Morning, and have power to adjourn themselves.

On the 21st of May, when the treaty was pretty well advanced, the Queen went to the meeting, and told the Commissioners, " That she was so much concerned for the Union of the two Kingdoms, that she could not satisfy herself without coming, before she went out of town, to see what progress they had made in the treaty, and to recommend very earnestly to them the bringing it to a happy conclusion, with as much dispatch, as the nature of it would admit; not doubting of the general satisfaction, which her subjects of both Kingdoms would receive, in finding them to overcome all difficulties to attain so great and public a good." When she had done speaking, the Lord-Keeper desired to know, if she would hear the proposals, made on either side, and the resolutions taken thereupon, read by the Secretaries; which she allowed of, and then retired.

About a month after, the Queen came again to their meeting, and told the Commissioners, " That she was come thither once more to see what further progress they had made in the treaty, and to press a speedy conclusion of it, in regard her servants of *Scotland* could not, without great inconveniency, be much longer absent from that Kingdom." Upon this, in the thirty-fifth meeting, on the 28th of June, the English Commissioners proposed, That four Commissioners of each part be appointed to draw up into form the articles of the treaty, upon the points already agreed, or which should afterwards be agreed. To which the Scots Commissioners having consented, the articles were brought to perfection by the 22d of July, when the Commissioners of both Kingdoms signed and sealed the instruments, and ordered, that the respective Secretaries of each Commission should sign each other's Journals of the proceedings, and afterwards enter in the Journals the *Articles of the treaty of Union*.

The next day, the Commissioners for both Kingdoms went from the *Cockpit* to attend the Queen at *St. James's*, where the Lord-Keeper, in the name of the Commissioners for *England*, presented to her Majesty one of the signed and sealed instruments, containing the *Articles of Union*, and made the following speech:

May it please your Majesty,

" WE the Commissioners appointed by your Majesty, in pursuance of the act of Parliament passed in your Kingdom of *England*, to treat concerning an Union of the two Kingdoms, with the Commissioners of *Scotland*, do (according to our duty) humbly beg leave to present to your Majesty these the effects of our continued and faithful endeavours to that end.

" They are the articles agreed upon between your Commissioners of both Kingdoms, as the

terms

1706.

“ terms or conditions, upon which the intended Union is to take place, if your Majesty, and the Parliaments of both Kingdoms, shall think fit to approve and confirm the same.

“ In these we have come to an agreement on every point we judged necessary to effect a compleat and lasting Union; and we have endeavoured not to stir into any matter we had reason to think was not so.

“ And although we have unanimously carried this treaty thus far, purely from a conviction, that we have done therein to God, your Majesty, and our Countries good service; yet we are far from thinking, that what we have done, will or ought to be of any weight or authority elsewhere; but do most intirely submit these our labours to the high wisdom of your Majesty and both your Parliaments, to stand or fall by the reason, justice, and public utility, on which they are founded.

“ Your Majesty's Royal presence and seasonable admonitions to us, at the fittest junctures, were (we most thankfully acknowledge) a very great encouragement and assistance to us in the difficulties we met with.

“ Your Majesty's glory is already perfect; and the finishing this work is all that is wanting, to compleat as well as secure the happiness of so great a People as your subjects may now, without any arrogance, pretend to be.

“ May your Majesty live, not only to give sanction to this universal blessing to all your people, but also to see it in a long and prosperous Reign over us the many immediate or near good effects of it. But as for that great and main consequence of it, for which your Majesty is making, by a most gracious and charitable foresight, this only effectual provision; I mean, the continuance of peace and tranquillity in this Island, upon a descent of the Crown, instead of that bloodshed, and destruction which would probably follow upon the fatal division of it;

“ May we be so happy, as never, in our days, to experiment the fitness of these measures your Majesty is now taking for that end; but may late, very late, posterity only in that respect reap the advantage of them.”

Then the Lord-Chancellor of *Scotland*, in the name of the Commissioners for that Kingdom, presented also to her Majesty one of the signed and sealed instruments of the *Articles of Union*, on the part of *Scotland*, with the following speech:

May it please your Majesty,

“ **T**HE Commissioners, appointed by your Majesty for the Kingdom of *Scotland* to treat of an Union of your two Kingdoms of *Scotland* and *England*, have commanded me to return your Majesty their most humble and dutiful acknowledgements for the honour your Majesty has conferred on them, in employing them to negotiate this most important affair, which is of the greatest consequence to all your Majesty's subjects.

“ We have endeavoured to discharge this trust with all fidelity; and are now come humbly to lay before your Majesty the articles and conditions of Union, which we have

“ treated of, and agreed upon, and do submit them to your Majesty's Royal consideration. 1706.

“ It is a great satisfaction to us, that, what we have concluded, in this matter, has been done with unanimity. And we must own, that the knowledge we had of your Majesty's great concern for uniting your two Kingdoms, and the earnestness, with which your Majesty has been most graciously pleased to recommend it, hath enabled us to bring this treaty to a happy and speedy conclusion, to the mutual satisfaction of the Commissioners on both sides; and we shall esteem it our greatest happiness, if what we have prepared be acceptable to your Majesty, and ratified by the Parliaments of both Kingdoms, without which what we have done can be of no authority.

“ An Union of the two Kingdoms has been long wished for, it being so necessary for establishing the lasting peace, happiness, and prosperity of both Nations. And though it has been frequently endeavoured by your Majesty's Royal Predecessors without the desired success; yet the glorious successes, with which God has blessed your Majesty's endeavours for the happiness of your people, make us hope, that this great work is reserved to be accomplished in your Majesty's Reign.”

After which the Queen was pleased to make the following speech:

My Lords,

“ **I** Give you many thanks for the great pains you have taken in this treaty, and am very well pleased to find your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the Parliaments of both Kingdoms: I with therefore, that my servants of *Scotland* may lose no time in going down to propose it to my subjects of that Kingdom: And I shall always look upon it as a particular happiness, if this Union (which will be so great a security and advantage to both Kingdoms) can be accomplished in my Reign.”

The same day, the Queen being in Council, an order was made, importing, “ That whosoever should be concerned in any seditious discourse, or libel, or laying wagers relating to the Union, should be prosecuted, for such their offences, according to the utmost rigour of the law.”

The Lord Sommers had the chief hand in projecting this scheme of the Union, into which all the Commissioners of the *English* Nation went very easily. The advantages, that were offered to *Scotland* in the whole frame of it, were so great and so visible, that nothing but the consideration of the safety, that was to be procured by it to *England*, could have brought the *English* to agree to a project, that, in every branch of it, was much more favourable to the *Scots* Nation. The *Scots* were to bear less, than the fortieth part of the public taxes. When four shillings in the pound were levied in *England*, amounting to two millions, *Scotland* was only to be taxed at forty-eight thousand pounds, which was eight months assessment of the fix thousand

Articles of the Union.
Burnet.

1706. thousand pounds which they had been accustomed for some years to pay, and which, they said, was all that the Nation could bear. It is held a maxim, that, in the framing of a Government, a proportion ought to be observed between the share in the Legislature, and the burden to be borne. Yet, in return of the fortieth part of the burden, the *Scots* were offered near the eleventh part of the Legislature. For the Peers of *Scotland* were to be represented by sixteen Peers in the House of Lords; and the Commons, by forty-five Members in the House of Commons; and these were to be chosen, according to the methods to be settled in the Parliament of *Scotland*. And since *Scotland* was to pay customs and excises on the same foot with *England*, and was to bear a share in paying much of the debt, which *England* had contracted during the war; three hundred and ninety-eight thousand pounds was to be raised in *England*, and sent into *Scotland*, as an equivalent for that; and this was to be applied to the redeeming the money, that all might be of one denomination and standard; and to the payment of the publick debts of

Scotland, and repaying to their *African* Company all their losses with interest; upon which that Company was to be dissolved; and the overplus of the equivalent was to be applied to the encouragement of manufactures. Trade was to be free all over the Island, and to the Plantations; private rights were to be preserved; and the Judicatories and Laws of *Scotland* were still to be continued. But all was put, for the future, under the regulation of the Parliament of *Great-Britain*; the two Nations now were to be one Kingdom, under the same Succession to the Crown, and united in one Parliament. There was no provision made in this treaty with relation to Religion; for in the acts of Parliament in both Kingdoms, which empowered the Queen to name Commissioners, there was an express limitation, that they should not treat of those matters.

This was the substance of the articles of the treaty, which, when they came to be laid before the Parliament of *Scotland*, met with great opposition, as will hereafter appear (r.) It is time now to return to the operations of the war.

The

(r.) As the Articles of Union will be often referred to, it will be proper to insert them at large.

I. That the two Kingdoms of *England* and *Scotland* shall, upon the first day of *May*, which shall be in the year 1707, and for ever after, be united into one Kingdom, by the name of *GREAT-BRITAIN*; and that the Ensigns Armorial of the said United Kingdom be such as her Majesty shall appoint; and the Crosses of St. *George* and St. *Andrew* be conjoined in such manner as her Majesty shall think fit, and used in all Flags, Banners, Standards, and Ensigns, both at sea and land.

II. That the Succession to the Monarchy of the United Kingdom of *Great-Britain*, and of the Dominions thereunto belonging, after her most Sacred Majesty, and in default of issue of her Majesty, be, remain, and continue to the most excellent Princess *SOPHIA*, Electress and Duchess Dowager of *Hanover*, and the Heirs of her Body, being Protestants, upon whom the Crown of *England* is settled, by an act of Parliament made in *England*, in the twelfth year of the Reign of his late Majesty King *William* the Third, intituled, *An act for the further limitation of the Crown, and better securing the rights and liberties of the subject*. And that all Papists, and persons marrying Papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the Imperial Crown of *Great-Britain*, and the Dominions thereunto belonging, or any part thereof: And, in every such case, the Crown and Government shall from time to time descend to, and be enjoyed by such person, being a Protestant, as should have inherited and enjoyed the same, in case such Papists, or person marrying a papist, was naturally dead, according to the provision for the descent of the Crown of *England*, made by another act of Parliament in *England*, in the first year of the Reign of their late Majesties King *William* and Queen *Mary*, intituled, *An act declaring the rights and liberties of the subjects, and settling the Succession of the Crown*.

III. That the United Kingdom of *Great-Britain* be represented by one and the same Parliament, to be styled the Parliament of *Great-Britain*.

IV. That all the subjects of the United Kingdom of *Great-Britain* shall, from and after the Union, have full freedom and intercourse of trade and navigation, to and from any port or place within the said United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges, and advantages, which do, or may belong to the subjects of either Kingdom, except where it is otherwise expressly agreed in these articles.

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V. That all ships or vessels belonging to her Majesty's subjects of *Scotland*, at the time of ratifying the treaty of Union of the two Kingdoms in the Parliament of *Scotland*, though foreign built, be deemed and pass as ships of the build of *Great-Britain*; the owners, or where there are more owners, one or more of the owners, within twelve months, after the first of *May* next, making oath, that, at the time of ratifying the treaty of Union in the Parliament of *Scotland*, the same did, in whole or in part, belong to him or them, or to some other subject or subjects of *Scotland*, to be particularly named, with the place of their respective abodes; and that the same doth then, at the time of the said deposition, wholly belong to him or them; and that no Foreigner, directly or indirectly, hath any share, part, or interest therein: Which oath shall be made before the chief Officer or Officers of the Customs in the port next to the abode of the said owner or owners: And the said Officer, or Officers, shall be empowered to administer the said oath; and the oath, being so administered, shall be attested by the Officer, or Officers, who administered the same: And, being registered by the said Officer or Officers, shall be delivered to the master of the ship, for security of her navigation, and a duplicate thereof shall be transmitted by the said Officer, or Officers, to the chief Officer or Officers of the customs, in the port of *Edinburgh*, to be there entered in a register, and from thence to be sent to the port of *London*, to be there entered in the general register of all trading ships belonging to *Great-Britain*.

VI. That all parts of the United Kingdom, for ever, from and after the Union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export. And that the allowances, encouragements, and drawbacks, prohibitions, restrictions, and regulations of trade, and the customs and duties on import and export settled in *England*, when the Union commences, shall, from and after the Union, take place throughout the whole United Kingdom: Excepting and reserving the duties upon export and import of such particular commodities, from which any persons, the subjects of either Kingdoms, are especially liberated and exempted by their private rights, which, after the Union, are to remain safe and intire to them in all respects as before the same. And that, from and after the Union, no *Scots* cattle carried into *England* shall be liable to any other duties, either on the public or private accounts, than those duties, to which the cattle of *England* are or shall be liable within the said Kingdom. And seeing by the laws of *England* there are rewards granted upon the exportation of certain

1706.

Campaign
in Flanders.
Hist. of
Europe.
Conduct
of the
D. of
Marlb.
Brodrick.
Barnet.

The French seemed to have laid the design of their campaign so well, that it had every where a formidable appearance: And, if the execution had answered their scheme, it would have proved as glorious, as it was, in the conclusion, fatal to them. They reckoned the taking of *Barcelona* and *Turin* sure; and, by that means, they thought the war, both in *Spain* and *Italy*, would be soon brought to an end. They knew they should be superior to any force, the Prince

of *Baden* could bring together, on the *Upper Rhine*; and they intended to have a great army in *Flanders*, where they knew our chief strength would be, to act as occasion or their other affairs should require. But, how well soever their schemes might seem to be laid, they all proved unsuccessful, and the events, as will be seen, happened quite contrary to all their views.

The Duke of *Marlborough* arrived at the *Hague* the 25th of *April*, N. S. and, continuing there

certain kinds of grain, wherein oats grinded or ungrinded are not expressed, that, from and after the Union, when oats shall be sold at fifteen shillings *Sterling* per quarter, or under, there shall be paid two shillings and six-pence *Sterling* for every quarter of the oatmeal exported, in the term of the law, whereby, and so long as, rewards are granted for exportation of other grain; and that the beer of *Scotland* have the same rewards as barley: And in respect the importation of victuals into *Scotland*, from any place beyond sea, would prove a discouragement to tillage, therefore that the prohibition, as now in force by the law of *Scotland*, against importation of victuals from *Ireland*, or any other place beyond sea into *Scotland*, do, after the Union, remain in the same force as now it is, until more proper and effectual ways be provided by the Parliament of *Great-Britain* for discouraging the importation of the said victuals from beyond sea.

VII. That all parts of the United Kingdom be for ever, from and after the Union, liable to the same excises upon all excisable liquors, excepting only, that the thirty-four gallons *English* barrel of beer or ale, amounting to twelve gallons *Scots* present measure, sold in *Scotland* by the Brewer at nine shillings and six-pence *Sterling*, excluding all duties, and retailed, including duties and the retailers profit, at two-pence the *Scots* pint, or eighth part of the *Scots* gallon, be not, after the Union, liable on account of the present excise upon excisable liquors in *England* to any higher imposition than two shillings *Sterling* upon the aforesaid thirty-four gallons *English* barrel, being twelve gallons of the present *Scots* measure. And that the excise settled in *England* on all other liquors, when the Union commences, take place throughout the whole United Kingdom.

VIII. That, from and after the Union, all foreign salt, which shall be imported into *Scotland*, shall be charged, at the importation there, with the same duties as the like salt is now charged with being imported into *England*, and to be levied and secured in the same manner. But, in regard the duties on great quantities of foreign salt imported may be very heavy on the Merchants Importers, that therefore all foreign salt, imported into *Scotland*, shall be cellared and locked up under the custody of the Merchants Importers, and the Officers employed for levying the duties upon salt; and that the Merchant may have what quantities thereof his occasions require, not under a weigh or forty bushels at a time, giving security for the duty of what quantity he receives, payable in six months. But *Scotland* shall, for the space of seven years from the said Union, be exempted from paying in *Scotland*, for salt made there, the duty or excise now payable for salt made in *England*; but, from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in *Scotland*, as shall be then payable for salt made in *England*, to be levied and secured in the same manner, and with proportionable drawbacks and allowances, as in *England*; with this exception, that *Scotland* shall, after the said seven years, remain exempted from the duty of two shillings and four pence the bushel on home salt, imposed by an act made in *England* in the ninth and tenth of King *William* the Third of *England*. And, if the Parliament of *Great-Britain* shall, at, or before the expiring of the said seven years, substitute any other fund in place of the said two shillings and four pence of excise on the bushel of home salt, *Scotland* shall, after the said seven years,

bear a proportion of the said fund, and have an equivalent in the terms of this treaty. And that, during the said seven years, there shall be paid in *England* for all salt made in *Scotland*, and imported from thence into *England*, the same duties upon the importation, as shall be payable for salt made in *England*, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in *England*. And that, after the said seven years, as long as the said duty of two shillings and four pence a bushel upon salt is continued in *England*, the said two shillings and four pence a bushel shall be payable for all salt made in *Scotland*, and imported into *England*, to be levied and secured in the same manner; and that, during the continuance of the duty of two shillings and four pence a bushel upon salt made in *England*, no salt whatsoever be brought from *Scotland* to *England* by land in any manner, under the penalty of forfeiting the salt and the cattle and carriages made use of in bringing the same, and paying twenty shillings for every bushel of such salt, and proportionably for a greater or lesser quantity, for which the carrier, as well as the owner, shall be liable, jointly and severally, and the persons bringing or carrying the same, to be imprisoned by any one Justice of the Peace, by the space of six months, without bail, and until the penalty be paid. And, for establishing an equality in trade, that all salt, exported from *Scotland* to *England*, and put on board in *Scotland* to be exported to parts beyond the seas, and provision for ships in *Scotland*, and for foreign voyages, may be salted with *Scots* salt, paying the same duty for what salt is so employed, as the like quantity of such salt pays in *England*, and under the same penalties, forfeitures, and provisions, for preventing of frauds, as are mentioned in the laws of *England*. And that, from and after the Union, the laws and acts of Parliament in *Scotland* for pining, curing, and packing of herrings, white fish, and salmon for exportation, with foreign salt only, without any mixture of *British* or *Irish* salt, and for preventing of frauds, and curing and packing of fish, be continued in force in *Scotland*, subject to such alterations as shall be made by the Parliament of *Great-Britain*; and that all fish exported from *Scotland* to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of *British* or *Irish* salt, shall have the same easies, premiums, and drawbacks, as are or shall be allowed to such persons as export the like fish from *England*: And that, for encouragement of the herring-fishing, there shall be allowed and paid to the subjects, inhabitants of *Great-Britain*, during the present allowances for other fishes, ten shillings and five pence *Sterling* for every barrel of white herrings, which shall be exported from *Scotland*; and that they shall be allowed five shillings *Sterling* for every barrel of beef or pork salted with foreign salt, without mixture of *British* or *Irish* salt, and exported for sale from *Scotland* to parts beyond sea, alterable by the Parliament of *Great-Britain*. And, if any matters of frauds, relating to the said duties on salt, shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the Parliament of *Great-Britain*.

IX. That whenever the sum of one million, nine hundred and ninety-seven thousand, seven hundred and sixty-three pounds, eight shillings, and four pence half-penny, shall be enacted by the Parliament of *Great-Britain*, to be raised in that part of the United Kingdom

1706. there till the 9th of May, had repeated Conferences with the Deputies of the *States* and their Generals, upon the necessary measures to be taken for opening the campaign. The Duke, with Monsieur *Auverquerque*, came to *Masfricht* on the 12th of May, and the next day they reviewed the army; and, on the 21st, the *English* troops joined the *Dutch* between *Borchloen* and *Groes-Waren*. The Confederate army then consisted of seventy-four battalions of foot, and one hundred and twenty-three squadrons of horse and dragoons, having with them an hun-

dred cannon, twenty howitzers, and forty-two pontoons.

The Court of *France*, in the mean time, had information, that the Confederate army in the *Netherlands* was not yet compleat; that the *Danes* refused to stir from their quarters till their arrears were paid; and that the *Prussians*, for other reasons, were yet so far behind, that they could not join the Duke of *Marborough* in several weeks. It was said, that the *French* King had Pensioners in the Courts of *Denmark* and *Prussia*, who had promised him to use their utmost

Designs and motions of the French.

dom now called *England*, on land and other things usually charged in acts of Parliament there, for granting an aid to the Crown by a land-tax; that part of the United Kingdom, now called *Scotland*, shall be charged by the same act with the further sum of forty-eight thousand pounds free of all charges, as the quota of *Scotland* to such tax, and so proportionably for any greater or lesser sum raised in *England* by any tax on land, and other things usually charged, together with the land: And that such quota for *Scotland*, in the cases aforesaid, be raised and collected in the same manner as the cels now is in *Scotland*, but subject to such regulations in the manner of collecting as shall be made by the Parliament of *Great-Britain*.

X. That during the continuance of the respective duties on stamped paper, vellum, and parchment, by the several acts now in force in *England*, *Scotland* shall not be charged with the same respective duties.

XI. That, during the continuance of the duties payable in *England* on windows and lights, which determines on the first day of August 1710, *Scotland* shall not be charged with the same duties.

XII. That, during the continuance of the duties payable in *England*, on coals, culm, and cynders, which determines the thirtieth day of September 1710, *Scotland* shall not be charged therewith for coals, culm, and cynders consumed there, but shall be charged with the same duties as in *England* for all coals, culm, and cynders not consumed in *Scotland*.

XIII. That, during the continuance of the duty payable in *England* on malt, which determines the twenty-fourth day of June 1707, *Scotland* shall not be charged with that duty.

XIV. That the Kingdom of *Scotland* be not charged with any other duties laid on by the Parliament of *England* before the Union, except these consented to in this treaty; in regard it is agreed, That all necessary provision shall be made by the Parliament of *Scotland* for the public charge and service of that Kingdom for the year 1707. *Provided nevertheless*, That if the Parliament of *England* shall think fit to lay any further impositions by way of customs, or such excises, with which, by virtue of this treaty, *Scotland* is to be charged equally with *England*; in such case *Scotland* shall be liable to the same customs and excises, and have an equivalent to be settled by the Parliament of *Great-Britain*, with this further provision, That any malt to be made and consumed in that part of the United Kingdom, now called *Scotland*, shall not be charged with any imposition on malt, during this present war. And seeing it cannot be supposed, that the Parliament of *Great-Britain* will ever lay any sort of burthens upon the United Kingdom, but what they shall find of necessity at that time for the preservation and good of the whole, and with due regard to the circumstances and abilities of every part of the United Kingdom; therefore it is agreed, That there be no further exemption insisted upon for any part of the United Kingdom, but that the consideration of any exemptions beyond what is already agreed on in this treaty, shall be left to the determination of the Parliament of *Great-Britain*.

XV. That whereas by the terms of this treaty, the subjects of *Scotland*, for preserving an equality of trade throughout the United Kingdom, will be liable to several customs and excises now payable in *England*,

which will be applicable towards payment of the debts of *England*, contracted before the Union; it is agreed, That *Scotland* shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of *England* in all particulars whatsoever, in manner following, *vis.* That, before the Union of the said Kingdoms, the sum of three hundred ninety-eight thousand and eighty-five pounds, ten shillings, be granted to her Majesty by the Parliament of *England* for the uses after-mentioned, being the equivalent to be answered to *Scotland* for such parts of the said customs and excises upon all excisable liquors, with which that Kingdom is to be charged upon the Union, as will be applicable to the payment of the said debts of *England*, according to the proportions which the present customs of *Scotland*, being thirty thousand pounds per annum, do bear to the customs in *England*, computed at one million, three hundred and forty-one thousand, five hundred and fifty-nine pounds per annum. And which the present excises on excisable liquors in *Scotland*, being thirty-three thousand and five hundred pounds per annum, do bear to the excises on excisable liquors in *England*, computed at nine hundred and forty-seven thousand, six hundred and two pounds per annum; which sum of three hundred and ninety-eight thousand eighty-five pounds, ten shillings, shall be due and payable from the time of the Union. And in regard, that, after the Union, *Scotland* becoming liable to the same customs and duties payable on import and export, and to the same excises on all excisable liquors as in *England*, as well upon that account, as upon the account of the increase of trade and people (which will be the happy consequence of the Union) the said revenues will much improve beyond the before-mentioned annual values thereof, of which no present estimate can be made; yet nevertheless, for the reasons aforesaid, there ought to be a proportionable equivalent answered to *Scotland*; it is agreed, That, after the Union, there shall be an account kept of the said duties arising in *Scotland*, to the end it may appear what ought to be answered to *Scotland* as an equivalent for such proportion of the said increase, as shall be applicable to the payment of the debts of *England*. And, for the further and more effectual answering the several ends hereafter mentioned, it is agreed, That, from and after the Union, the whole increase of the revenues of customs and duties on import and export, and excises upon excisable liquors in *Scotland*, over and above the annual produce of the said respective duties as above stated, shall go and be applied for the term of seven years to the uses hereafter mentioned, and that upon the said account there shall be answered to *Scotland* annually, from the end of seven years after the Union, an equivalent in proportion to such part of the said increase, as shall be applicable to the debts of *England*; and generally, that an equivalent shall be answered to *Scotland* for such parts of the *English* debts as *Scotland* may hereafter become liable to pay by reason of the Union, other than such, for which appropriations have been made by Parliament in *England*, of the customs or other duties on export and import, excises on all excisable liquors: In respect of which debts, equivalents are herein before provided. And as for the uses, to which the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, to be granted as aforesaid, and all other monies, which are

1706. most endeavours to retard the march of their respective Masters forces (which were in the pay of England and Holland) to the general rendezvous; upon the confidence of which, the French King sent such positive orders to Marshal Villeroi to fight the Allies, that the Elector of Bavaria, who was then at Brussels, had just time enough to take post-horses, to join the army, which passed the *Deule* the 19th of May, and posted themselves at *Tivlemont*, with the *Ghœt* before them. This army, under the command of the Elector of Bavaria and Marshal Villeroi, con-

sisted of seventy thousand men, and would have been superior to the Confederate army without the *Danes*. 1706.

The Confederates, on their side, were no less eager for an engagement, but could hardly flatter themselves with the hopes of having to early and so fair an opportunity for it. The Duke of Marlborough being apprehensive, that the French would take the same method over again, and keep behind the *Deule*, as they had done the year before, had several times expressed his concern about it to thole, who were intimate with

to be answered or allowed to Scotland as said is, are to be applied, it is agreed, That, in the first place, out of the aforesaid sum, what consideration shall be found necessary to be had for any losses, which private persons may sustain, by reducing the coin of Scotland to the standard and value of the coin of England, may be made good. In the next place, that the capital stock, or fund of the African and Indian Company of Scotland, advanced together with the interest for the said capital stock after the rate of five per cent. per annum, from the respective times of the payment thereof, shall be paid: Upon payment of which capital stock and interest, it is agreed, The said Company be dissolved and cease; and also, that from the time of passing the act of Parliament in England for raising the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, the said Company shall neither trade, nor grant licence to trade, providing, That if the said stock and interest shall not be paid in twelve months after the commencement of the Union, that then the said Company may from thence forward trade, or give licence to trade, until the said whole capital stock and interest shall be paid. And as to the overplus of the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, after payment of what consideration shall be had for losses in repairing the coin, and paying the said capital stock and interest; and also the whole increase of the said revenues of customs, duties, and excises, above the present value, which shall arise in Scotland during the said term of seven years, together with the equivalent, which shall become due upon the improvement thereof in Scotland, after the said term: And also as to all other sums, which, according to the agreements aforesaid, may become payable to Scotland, by way of equivalent for what that Kingdom shall hereafter become liable, towards payment of the debt of England, it is agreed, That the same be applied in manner following, viz. That all the public debts of the Kingdom of Scotland, as shall be adjusted by this present Parliament, shall be paid: And that two thousand pounds per annum, for the space of seven years, shall be applied towards encouraging and promoting the manufacture of coarse wool within those shires, which produce the wool; and that the first two thousand pounds Sterling be paid at Martinmas next, and so yearly at Martinmas during the space aforesaid. And afterwards the same shall be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures and improvements in Scotland, as may most conduce to the general good of the United Kingdom. And it is agreed, That her Majesty may be empowered to appoint Commissioners, who shall be accountable to the Parliament of Great-Britain, for disposing the said sum of three hundred and ninety-eight thousand and eighty-five pounds, ten shillings, and all other monies, which shall arise to Scotland upon the agreements aforesaid, to the purpose before-mentioned: Which Commissioners shall be empowered to call for, receive, and dispose of the said monies in manner aforesaid; and to inspect the books of the several Collectors of the said revenues, and of all other duties from whence an equivalent may arise, and that the Collectors and Managers of the said revenues and duties be obliged to give to the said Commissioners subscribed authentic abbreviates of the produce of such revenues

and duties arising in their respective districts: And that the said Commissioners shall have their office within the limits of Scotland, and shall in such office keep books, containing accounts of the amount of the equivalent, and how the same shall have been disposed of from time to time, which may be inspected by any of the subjects, who shall desire the same.

XVI. That, from and after the Union, the coin shall be of the same standard and value throughout the United Kingdom, as now in England, and a Mint shall be continued in Scotland under the same rules as the Mint in England, and the present Officers of the Mint continued, subject to such regulations and alterations, as her Majesty, her Heirs or Successors, or the Parliament of Great-Britain shall think fit.

XVII. That, from and after the Union, the same weights and measures shall be used throughout the United Kingdom, as are now established in England; and standards, weights and measures shall be kept by those Burghs in Scotland, to whom the keeping the standards of weights and measures, now in use there, does of special right belong. All which standards shall be sent down to such respective Burghs from the standards kept in the Exchequer at Westminster, subject nevertheless to such regulations, as the Parliament of Great-Britain shall think fit.

XVIII. That the laws concerning regulation of trade, customs, and such excises to which Scotland is, by virtue of this treaty, to be liable, be the same in Scotland, from and after the Union, as in England; and that all other laws in use within the Kingdom of Scotland, do, after the Union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with this treaty) but alterable by the Parliament of Great-Britain: With this difference betwixt the laws concerning public Right, Policy, and Civil Government, and those which concern private Right, That the laws, which concern public Right, Policy, and Civil Government, may be made the same throughout the whole United Kingdom; but that no alteration be made in laws which concern private Right, except for evident utility of the subjects within Scotland.

XIX. That the Court of Session, or College of Justice, do, after the Union, and notwithstanding thereof, remain in all time coming within Scotland, as it is now constituted by the laws of that Kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations, for the better administration of justice, as shall be made by the Parliament of Great-Britain; and that hereafter none shall be named by her Majesty, or her Royal Successors, to be ordinary Lords of Session, but such who have served in the College of Justice as Advocates, or principal Clerks of Session for the space of five years; or, as Writers to the Signet, for the space of ten years; with this provision, That no Writer to the Signet be capable to be admitted a Lord of the Session, unless he undergo a private and public trial on the civil law, before the faculty of Advocates, and be found by them qualified for the said office, two years before he be named to be a Lord of Session: Yet so, as the qualification made, or to be made, for capacitating persons to be named ordinary Lords of Session, may be altered by the Parliament of Great-Britain. And that the Court of Judiciary do also, after the Union, and notwithstanding

1706. with him; and was already taking measures how to prevent it, when an unexpected occasion was thrown into his hands, of signalizing again his courage and conduct.

Upon the enemy's passing the *Doule*, the Duke sent orders to the *Danish* horse, who were coming from their garrisons, to hasten their march; and, that there might not be the least pretence of delay, he engaged his promise with the Field-deputies of the *States*, that their arrears should be paid them. The Duke of *Wirttemberg*, who commanded those troops, and was

well affected to the common cause, seeing every thing was complied with, that the King of *Denmark* insisted on, thought he needed not to stay, till he sent to that Court, nor wait for express orders; and therefore commanded his troops to march; and they made such expedition, that, on the 22d of *May*, *N. S.* being the day before the battle, they came up within a league of the rear of the Confederate army.

About the same time, the *French* having been joined by the Horse of *Marshall de Marfin's* army, and confiding in their superiority of numbers,

1706.

withstanding thereof, remain in all time coming within *Scotland*, as it is now constituted by the laws of that Kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations as shall be made by the Parliament of *Great-Britain*, and without prejudice of other rights of Jurisdiction; and that all Admiralty Jurisdictions be under the Lord High-Admiral, or Commissioners for the Admiralty of *Great-Britain* for the time being; and that the Court of Admiralty, now established in *Scotland*, be continued, and that all reviews, reductions, or suspensions of the sentences in maritime cases, competent to the jurisdiction of that Court, remain in the same manner after the Union, as now in *Scotland*, until the Parliament of *Great-Britain* shall make such regulations and alterations, as shall be judged expedient for the whole United Kingdom, so as there be always continued in *Scotland* a Court of Admiralty, such as is in *England*, for determination of all maritime cases relating to private rights in *Scotland*, competent to the jurisdiction of the Admiralty Court, subject nevertheless to such regulations and alterations, as shall be thought proper to be made by the Parliament of *Great-Britain*; and that the heretable rights of Admiralty and Vice-Admiralties in *Scotland* be reserved to the respective Proprietors as rights of property, subject, nevertheless, as to the manner of exercising such heretable rights, to such regulations and alterations as shall be thought proper to be made by the Parliament of *Great-Britain*. And that all other Courts now in being within the Kingdom of *Scotland* do remain, but subject to alterations by the Parliament of *Great-Britain*; and that all inferior Courts within the said limits do remain subordinate, as they are now, to the supreme Courts of Justice within the same in all time coming; and that no causes in *Scotland* be cognoscible by the Courts of *Chancery*, *Queen's-Bench*, *Common-Pleas*, or any other Court in *Westminster-Hall*; and that the said Courts, or any other of the like nature, after the Union, shall have no power to cognosce, review, or alter the acts or sentences of the Judicature within *Scotland*, or stop the execution of the same: And that there be a Court of *Exchequer* in *Scotland* after the Union, for deciding questions concerning the revenues of customs and excises there, having the same power and authority in such cases, as the Court of *Exchequer* has in *England*; and that the said Court of *Exchequer* in *Scotland* have power of passing Signatures, Gifts, Tutories, and in other things, as the Court of *Exchequer* at present in *Scotland* hath; and that the Court of *Exchequer*, that now is in *Scotland*, do remain until a new Court of *Exchequer* be settled by the Parliament of *Great-Britain* in *Scotland* after the Union: And that, after the Union, the Queen's Majesty, and her Royal Successors, may continue a Privy-Council in *Scotland*, for preserving the public peace and order, until the Parliament of *Great-Britain* shall think fit to alter it, or establish any other effectual method for that end.

XX. That all heretable offices, superiorities, heretable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of *Scotland*, notwithstanding this treaty.

XXI. That the Rights and Privileges of the Royal Boroughs in *Scotland*, as they now are, do remain in force after the Union, and notwithstanding thereof.

XXII. That, by virtue of this treaty, of the Peers of *Scotland* at the time of the Union, sixteen shall be

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the number to sit and vote in the house of Lords, and forty-five the number of the Representatives of *Scotland*, in the House of Commons, of the Parliament of *Great-Britain*; and that when her Majesty, her Heirs or Successors, shall declare her or their Pleasure, for holding the first or any subsequent Parliament of *Great-Britain*, until the Parliament of *Great-Britain* shall make further provision therein, a writ do issue under the Great-Seal of the United Kingdom, directed to the Privy-Council of *Scotland*, commanding them to cause sixteen Peers, who are to sit in the House of Lords, to be summoned to Parliament; and forty-five Members to be elected to sit in the House of Commons of the Parliament of *Great-Britain*, according to the agreement in this treaty, in such manner as by an act of this present Session of the Parliament of *Scotland* is, or shall be settled; which act is hereby declared to be as valid as if it were a part of, and ingrossed in this treaty. And that the names of the persons so summoned and elected, shall be returned by the Privy-Council of *Scotland*, into the Court from whence the said writ did issue. And that if her Majesty, on or before the first day of *May* next, on which day the Union is to take place, shall declare under the Great-Seal of *England*, that it is expedient that the Lords of Parliament of *England*, and Commons of the present Parliament of *England*, should be the Members of the respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*, then the said Lords of Parliament of *England*, and Commons of the present Parliament of *England* shall be the Members of the respective Houses of the first Parliament of *Great-Britain*, for and on the part of *England*. And her Majesty may, by her Royal proclamation, under the Great-Seal of *Great-Britain*, appoint the said first Parliament of *Great-Britain*, to meet at such time and place as her Majesty shall think fit, which time shall not be less than fifty days after the date of such proclamation: And, the time and place of the meeting of such Parliament being so appointed, a writ shall be immediately issued under the Great-Seal of *Great-Britain*, directed to the Privy-Council of *Scotland*, for the summoning the sixteen Peers, and for electing forty-five Members, by whom *Scotland* is to be represented in the Parliament of *Great-Britain*: And the Lords of Parliament of *England*, and the sixteen Peers of *Scotland*, such sixteen Peers being summoned and returned in the manner agreed in this treaty; and the Members of the House of Commons of the said Parliament of *England*, and the forty-five Members for *Scotland*, such forty-five Members being elected and returned in the manner agreed in this treaty, shall assemble and meet respectively in their respective Houses of the Parliament of *Great-Britain*, at such time and place as shall be so appointed by her Majesty, and shall be the two Houses of the first Parliament of *Great-Britain*; and that Parliament may continue for such time only, as the present Parliament of *England* might have continued, if the Union of the two Kingdoms had not been made, unless sooner dissolved by her Majesty. And that every one of the Lords of Parliament of *Great-Britain*, and every Member of the House of Commons of the Parliament of *Great-Britain*, in the first, and all succeeding Parliaments of *Great-Britain*, until the Parliament of *Great-Britain* shall otherwise direct, shall take the respective oaths appointed to be taken, instead of the oaths of allegiance and supremacy, by an Act of Parliament made in *England*, in the

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first

1706. bers, came out of their lines, and incamped between *Tirlemont* and *Judoigne*.

The battle of Ramillies.

The next day, being *Whitsunday*, about four o'clock in the morning, the Confederate army marched in eight columns towards *Ramillies*, a village, near which the *Gheet* takes its source, that they might avoid the inconvenience of passing that river (1). They soon had information, that the enemy's army, having decamped from *Tirlemont*, was likewise on their march to meet them, their baggage and heavy cannon being left at *Judoigne*. The Elector of *Bavaria* and *Marshall de Villeroy*, not in the least suspecting, that the *Danes* had joined the Confederate army, were fully determined upon engaging them, either that day or the next, being apprehensive,

that the Duke of *Mariborough* had formed a design of investing *Namur*. The enemy's army then consisted of seventy-six battalions of foot, and a hundred and thirty-two squadrons of horse, having sixty-two cannon, eleven mortars, and thirty-six pontoons. Their immediate design was to possess themselves of *Ramillies*, and the strong camp thereabouts, to prevent the Confederates doing the same; and in this they so far succeeded, that, being nearer, they got there first. Their fears were however groundless concerning *Namur*; for the Duke of *Mariborough* had no such design. His resolution was the same with theirs; and, had not they offered him battle that day, he would certainly have attacked them the next. The two armies met near

first year of the Reign of the late King *William* and Queen *Mary*, intituled, *An act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths*; and make, subscribe, and audibly repeat the declaration mentioned in an act of Parliament made in England, in the thirtieth year of the Reign of King *Charles II.* intituled, *An act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; and shall take and subscribe the oath mentioned in an act of Parliament made in England, in the first year of her Majesty's Reign, intituled, *An act to declare the alterations in the oath appointed to be taken by the act, intituled, An act for the further security of her Majesty's Person, and the succession of the Crown in the Protestant line, and for extinguishing the hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret abettors*; and for the declaring the association to be determined at such time, and in such manner, as the Members of both Houses of Parliament of England are, by the said respective acts, directed to take, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, *This Realm, The Crown of this Realm, and The Queen of this Realm*, mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the Crown and Realm of England, shall be understood of the Crown and Realm of *Great-Britain*; and that, in that sense, the said oaths and declaration be taken and subscribed by the Members of both Houses of the Parliament of *Great-Britain*.

XXIII. That the aforesaid sixteen Peers of Scotland, mentioned in the last preceding article, to sit in the House of Lords of the Parliament of *Great-Britain*, shall have all privileges of Parliament, which the Peers of England now have, and which they, or any Peers of *Great-Britain*, shall have after the Union, and particularly the right of sitting upon the trials of Peers: And in case of the trial of any Peer, in time of adjournment, or prorogation of Parliament, the said sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such trial, as any other Peers of *Great-Britain*; and that, in case any trials of Peers shall hereafter happen, when there is no Parliament in being, the sixteen Peers of Scotland who sat in the last preceding Parliament, shall be summoned in the same manner, and have the same powers and privileges at such trials, as any other Peers of *Great-Britain*: And that all Peers of Scotland, and their Successors to their honours and dignities, shall, from and after the Union, be Peers of *Great-Britain*, and have rank and precedence next and immediately after the Peers of the like orders and degrees in England at the time of the Union; and before all Peers of *Great Britain*, of the like orders and degrees, who may be created after the Union, and shall be tried as Peers of *Great Britain*, and shall enjoy all privileges of Peers, as fully as the Peers of England do now, or as they, or any other Peers of *Great-Britain*, may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the

privileges depending thereon, and particularly the right of sitting upon the trials of Peers.

XXIV. That, from and after the Union, there be one Great-Seal for the United Kingdom of *Great-Britain*, which shall be different from the Great-Seal now used in either Kingdom; and that the quartering the arms, and the rank and precedence of the Lion King of Arms of the Kingdom of Scotland, as may best suit the Union, be left to her Majesty: And that, in the mean time, the Great-Seal of England be used as the Great-Seal of the United Kingdom; and that the Great-Seal of the United Kingdom be used for sealing writs to elect and summon the Parliament of *Great-Britain*, and for sealing all treaties with foreign Princes and States, and all public acts, instruments, and orders of State, which concern the whole United Kingdom, and in all other matters relating to England, as the Great-Seal of England is now used; and that a Seal in Scotland, after the Union, be always kept and made use of in all things relating to private rights or grants, which have usually passed the Great-Seal of Scotland, and which only concern offices, grants, commissions, and private rights within that Kingdom; and that, until such Seal be appointed by her Majesty, the present Great-Seal of Scotland shall be used for such purposes; and that the Privy-Seal, Signet, Casket, Signet of the Judiciary-Court, Quarter-Seal, and Seals of Courts now used in Scotland be continued: But that the said Seals be altered and adapted to the State of the Union, as her Majesty shall think fit; and the said Seals, and all of them, and the Keepers of them, shall be subject to such regulations, as the Parliament of *Great-Britain* shall hereafter make. And that the Crown, Scepter, and Sword of State, the Records of Parliament, and all other Records, Rolls, and Registers whatsoever, both public and private, general and particular, and warrants thereof, continue to be kept as they are within that part of the United Kingdom now called Scotland; and that they shall so remain in all time coming, notwithstanding of the Union.

XXV. That all laws and statutes in either Kingdom, so far as they are contrary to, or inconsistent with, the terms of these articles, or any of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective Parliaments of the said Kingdoms.

(1) *Ramillies* is a village (surrounded with a ditch) in *Brabant*, in the district of *Leuven*, by the skirts of the Province of *Namur*, rendered famous to all posterity by the glorious victory obtained there by the Duke of *Mariborough* and *Monseigneur D'Auverquerque*, over the Elector of *Bavaria* and *Marshall Villeroy*, which was followed by the reduction of almost all the *Netherlands* in two months time. It lies at the head of the *Gheet*, about a mile and half North from the side of the *Mehaigne*, that interval being the narrow aperture where that glorious battle was fought. It is six miles almost South from *Judoigne*, twelve miles South from *Tirlemont*, fourteen miles West-North-West from *Huy*, and eleven miles North from *Namur*.

(1) The

1706. near the village of *Ramillies*, from whence the battle took its name. When the Confederate army was advanced near this place, they found the enemy getting into the camp of Mount *St. Andre*, and placing their right on the *Mebaigne*, where they had posted a Brigade of foot, and filled the space between that and *Ramillies*, which is about half a league, an open and level ground, with near a hundred squadrons, among which were the troops of the King's household. They had likewise above twenty battalions of foot, with a battery of about twelve pieces of cannon, at *Ramillies*.

About one in the morning, the Duke of *Marlborough* sent the Quarter-Master General with the camp colours, and a few squadrons towards *Ramillies*, to make a feint, as if they designed to form a camp there, the better to penetrate into the enemy's designs; and, about three, the Duke and Monsieur *Auverquerque* decamped with the whole army, and advanced in eight columns in a great fog. A little after eight, the advanced guard of the Confederates, which consisted of six hundred horse, and had been sent with all the Quarter-Masters of the army, to view the ground, arrived at the height of *Merdorp* (or *Merdan*) from whence they perceived, that the enemy were in motion, and marched in the plain of Mount *St. Andre*, extending themselves as far as the tomb of *Hottomont*, towards the *Mebaigne*. Hereupon they halted, and sent intelligence to the Duke of *Marlborough* and Monsieur *Auverquerque*, who being advanced about ten to view the enemy, they could not at first judge, whether those squadrons they saw were only to cover their march into their lines, or whether they were the van of the enemy, that came to offer battle. The Duke therefore gave orders to the horse to hasten their march, resolving, if those he saw had been only covering squadrons, to attack them with his cavalry only. But, the fog being soon after dispersed, and the army being then in full view of the enemy, the Duke found their whole army approach, with an apparent resolution to fight, upon which he made all the necessary dispositions to receive them. The enemy, seeing the Confederates so near them, possessed themselves of a very strong camp; placing their right near the tomb of *Hottomont*, against the *Mebaigne*, and their left at *Anderkirk*, and posted a good number of their Infantry in their villages of *Anderkirk*, *Offuz*, and *Ramillies*, which last was near their center; besides which, they put five battalions near the hedges of the village of *Franquemies*, which was on their right. The Confederate army was at the same time drawn up in order of battle, the right wing being posted near *Foltz*, on the rivulet *Yause*, with a little morass in front; and the left near the village of *Franquemies* on the *Mebaigne*; where, besides the number of the horse belonging to that wing, the Duke of

Marlborough ordered the *Danish* squadrons, being twenty-one in number, to be posted; rightly judging, by the situation of the ground, that the stress of the action would be on that side. All things being thus disposed, it was resolved to attack the village of *Ramillies*, which was the enemy's principal post, and, from thence to *Anderkirk*, had formed a line of foot along the *Gheet*, and a line of horse behind them. In order to this attempt, twenty pieces of cannon of twenty-four pounders, and some howitzers, were brought up; and twelve battalions, which were to be supported by the whole line, were ordered to make the first onset, under the command of Lieutenant-General *Schultz*.

About half an hour past one, the artillery of the Confederates began to play. It was immediately answered by the enemy's cannon; and both continued firing with considerable execution. Whilst the Duke of *Marlborough* was at the head of the lines, to give the necessary orders every where, Velt-Marshall *Auverquerque* repaired to the left, where perceiving, that the enemy's foot posted in the hedges of *Franquemies*, galled the horse of that wing, he commanded four battalions, with two pieces of cannon under Colonel *Wertmuller*, to dislodge them from thence, which they performed with great vigour and resolution. Hereupon the enemy detached two battalions and fourteen squadrons of dragoons, on foot, to regain that important post; but *Auverquerque* commanded, at the same time, the whole wing of the *Dutch* horse, to attack the enemy; which not only prevented their design, but put those dragoons into such disorder, that they were not able, either to reach the village, or recover their horses, which they had left a good way behind the tomb of *Hottomont*, and so were most of them cut in pieces, and taken prisoners. The *Dutch* cavalry charged with a good deal of bravery, sword in hand, and soon after the engagement were sustained by the *Danish* squadrons; but having to deal with the *French* King's Household, the *Musquetaires*, *Gens d'Armes*, *Garde de Corps*, *Horse Grenadiers*, and other choice troops which were in the enemy's right, the conflict was obstinate, and the success doubtful for above an hour. The *Danish* horse, which fought on the left of all, behaved themselves with such gallantry, that they forced the enemy to give ground, and broke several of their squadrons; but, at the same time, the *French* had almost an equal advantage against the *Dutch* horse of the right of the left wing, whom they put into great confusion. To remedy this, the Duke of *Marlborough*, who was advanced that way, sent for twenty squadrons of horse from the right wing, where they could not engage the enemy's left, by reason of a morass, which separated them; and with these he reinforced his left, adding to them his body of reserve (1).

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(1) The *French* Writers, who have given a description of this battle, allow of this as a very prudent part of the Duke of *Marlborough's* conduct; but, to cover the disgrace of their favourite troops, pretend, that the Duke sent fifty, and not twenty squadrons from his right, and made four lines of them, besides a column composed of the body of reserve. "Thus," says Father *Daniel*, the whole weight of the battle fell upon the right wing of the *French* army, where

"the troops of his Majesty's household were placed. "The body, which had hitherto been invincible, entered the enemy's troops, and overthrew the three first lines, but, finding a fourth, and the column above-mentioned, which was moving to fall upon them in flank, they were obliged to give way, and retire to rally behind the troops, which followed them, and who, instead of sustaining them, retreated without coming to the battle. Matters being

The Duke, while these troops were advancing from the right, rallied some of the broken squadrons, and gave his orders for others to charge. In this place he was in the extremity of danger; for, being singled out by several of the most resolute of the enemy, and having the misfortune, as he was leaping a ditch, to fall from his horse (1), he had been either killed or taken prisoner, if some of the Confederate foot, that were near at hand, had not come very seasonably to his assistance. After this, he had still a narrower escape, a cannon-ball taking off the head of Colonel *Brienfeld*, his Gentleman of the horse, as he was holding the stirrup for the Duke to remount.

The twenty squadrons, which the Duke had sent for from the right to reinforce the left, had but little share in the defeat of the enemy's right; for, by that time they were come up, the *Dutch* and *Danes*, having charged them both in front and flank, had almost compleated that signal piece of service, cutting in pieces the best part of the *French* King's Household troops, so that they could never be fully re-established during the remainder of the war. In the mean time, the village of *Ramillies* was vigorously attacked by General *Schultz*, with the twelve battalions under him. The enemy, having the advantage of the ground, defended themselves with great resolution and obstinacy, till, seeing the whole line of the Confederate infantry in motion to support General *Schultz*, and the *Dutch* and *Danish* horse advancing to surround them, they thought of making their retreat; but found it was too late; for they were intercepted by the victorious horse, and most of them either killed or taken prisoners.

The rest of the enemy's infantry endeavoured likewise to make their escape, which they did in better order, being favoured by the horse of their left wing, who, being covered by a rivulet and morais, had not yet been attacked, and formed themselves in three lines between *Offuz* and *Anderkirk*. But the *English* horse, having found means to pass the rivulet, charged the enemy with such unparalleled briskness and courage, that they intirely abandoned their foot; and our dragoons, pushing into the village of *Anderkirk*, made a terrible slaughter of them. The rest of the enemy, who were at the same time attacked by the *English* and *Dutch* foot with equal bravery, gave way on all sides. Their horse rallied again in the plains, to cover the disorderly retreat of their foot; but they were so closely pursued by the Confederate cavalry, that they were forced to divide themselves into three small bodies, that they might fly the better three different ways. Those, that took to the left, were pursued by the *Dutch* and *Danes*, who made great slaughter amongst them, and took abundance of prisoners; and those, that fled to the right, were chased by the regiments

of *Lumley*, *Hay*, and *Refs*; which two last fell in with the foot *Regiment du Roy*, of whom having killed many, the rest threw down their arms, and begged quarter, which was immediately granted. Upon this, they delivered their arms and colours to the Lord *John Hay*'s dragoons; but, when these dragoons faced about, in order to pursue the enemy, they treacherously attempted to take up their arms again; in which, however, they were prevented, and suffered severely for their perfidy.

The foremost regiments of the *English* horse, that pursued the enemy's center, were that of Lieutenant-General *Wood*, commanded by himself, and *Wynabam*'s (afterwards *Palmer*'s) carabineers, headed by Major *Perry*. When they came upon a rising ground, they saw seven squadrons of the *Spanish* and *Bavarian* Guards, among whom was the Elector himself, and *Villeroi*, who hoped, with these few choice troops, to make good their retreat, and save their cannon, which was marching in a line before them. General *Wood* galloped with his own regiment upon the enemy's left, and charged them so vigorously, that he broke them entirely, killing many of them, and taking not a few prisoners, among whom were two Lieutenant-Colonels, one Major, four Captains, and several subaltern Officers. He also took the standard of the Elector's Guards, two of his own Troopers, and killed his Kettle-drummer; the Elector himself and *Villeroi* very narrowly escaping. Major *Perry*, at the head of *Wynabam*'s Carabineers, fell upon the enemy with equal briskness and resolution; put many of them to the sword, and took several prisoners, particularly the Major of the *Spanish* Guards, Monsieur *de la Guertiere*, and Monsieur *de Bruan*, Corner of the same, besides four Officers, and forty-six private men of the Royal Bombardiers, with their colours. The *English* horse and dragoons followed the chase through and by *Judoigne*, till two o'clock in the morning, as far as *Meldert*, being five leagues from the place, where the action happened, and two from *Lawain*. During this retreat, a misfortune happened to the enemy, which contributed not a little to compleat the victory. Several waggons of their Van-guard breaking down stopped the way, so that their baggage and artillery, which followed, could not pass, nor could their troops desile in good order. Perceiving, that the Confederate horse, having got intelligence of this accident, pursued them close, they threw down their arms, that they might escape with the more ease, and retreated in the greatest confusion. Here it was, that the most prisoners were taken; for, in the action, little or no quarter was given, the Confederate horse having been highly provoked by the idle Gasconades of the *French* Musquetaires and Gens d'Armes, of which they were very full when they came to the attack, but paid dearly for it in

" in this ill situation, the left wing of the *French*, which had not been able to engage by reason of the morais, which lay between them and the enemy, drew up in order upon a rising ground, as was well judged by the Marquis *de Mefiers* Lieutenant-General, and stopped the progress of the enemy's horse, which pressed the household troops very closely, and, by this means, gave them an opportunity

" to rally, and make their retreat in good order. The most part of the troops disbanded themselves before the retreat; and this caused the disorders, which followed; for we had not above three or four thousand men slain in the battle."

(1) Some officers, who were in the engagement, said, the Duke was borne down by some of the disordered *Dutch* horse. Possibly both may be true.

(1) The

1706. in the sequel. In short, never was victory more compleat; the Confederates made themselves masters of all the enemy's cannon, except two or three, to the number of about fifty pieces; most of their baggage; about a hundred and twenty colours, or standards, and several pair of kettle-drums. The enemy's loss of men, according to the most general computation, amounted to eight thousand slain, and among them, Prince Maximilian and Prince Monbafon; and about fix thousand private soldiers, and near six hundred Officers taken prisoners; which, with their deserters and wounded, made their loss not less than twenty thousand men (1). Some accounts make the number of deserters so great, that scarce half of their army

must have ever returned to their colours. The persons of note among the prisoners were Messieurs Palavicini and Miziere, Major-Generals; the Marquis de Bar, Brigadier-General of horse; the Marquis de Nonant, Brigadier-General of foot; the Marquis de la Baume, son of the Marshal de Tallard; Monsieur de Montmorency, nephew to the late Duke of Luxemburg; a nephew of Lord Clare, and several others (2).

The Elector of Bavaria and Marshal de Villeroi, with the greatest part of the broken remains of their army, continued their precipitate flight till they reached Louvain; where having held (by torch-light, in the Market-place) a Council of war, they resolved to abandon that place, and retire towards Brussels. On the other hand,

1706.

The Confederates take possession of Louvain.

(1) The Duke of Marlborough said to Bishop Burnet, the French army looked the best of any he had ever seen: But that their Officers did not do their part, nor shew the courage that had appeared among them on other occasions. And, when the Bishop asked him the difference between the actions at Hochstedt and at Ramillies, he said, The battle of Hochstedt lasted between seven and eight hours, and we lost above twelve thousand men; whereas the battle of Ramillies lasted not above two hours, and we lost not above two thousand five hundred men. Vol. II. 451.

(2) The Marquis de Feuquieres represents this battle as fatal to the two Crowns, and observes, that this decisive action was resolved upon without any of those inducements, by which a General ought to be conducted, when he determines to engage an enemy. He lays it down as a maxim with relation to battles, that a General should never be disposed, either to offer or receive battle, except in those conjunctures, wherein the benefits, that will redound to his Prince from a prosperous event, will be much greater than any disadvantage he can possibly sustain by a defeat. "This first maxim, so incontestable in its own nature, and so necessary to be observed, was intirely disregarded on this occasion by Marshal de Villeroi. Notwithstanding the fatal event of the battle of Hochstedt, the war, that rekindled on the Rhine, was sustained with equality. It was carried on to advantage in Italy, where the Duke of Vendome, who opposed Prince Eugene, gave Monsieur de Feuillade an opportunity to form the siege of Turin. The Duke of Berwick sustained a very difficult war with Spain, after Marshal de Theffé had quitted the siege of Barcelona in so pusillanimous a manner. The Confederate Crowns therefore should have only maintained a defensive war in Flanders during this campaign, and for which we were effectually prepared by forming a new line along the Deule. Our resolution therefore to open the campaign with a general action, the success of which would have been but inconsiderable on our part, in that early season, was a remarkable error in that general state of affairs; and resulted from a presumptive vanity, and a perfect inattention to the general plan of the war. Marshal de Villeroi was determined, without the least reason, to open the campaign out of his lines. With this view he marched to Tirlemont; but he should have thought this motion sufficient, and he might possibly have had just inducements to make it. An army, which is only charged with a defensive war in its lines, ought to be assembled sooner than the enemy, in order to gain some days, at least, for the consumption of the forage near the lines; and, had we pursued this cautious conduct, it would have been difficult for the enemy to approach our lines; and their continuance in the adjacent country would have been destructive to their cavalry and equipage. If Marshal de Villeroi had been content with his advance to Tirlemont, and had caused his army to consume the forage between his camp and the Deule, he might have effected the preservation of the Nether-

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lands, and the security of his lines, without hazarding any engagement. But he thought this first march insufficient, though it might have produced a very judicious effect; and instead of waiting for the Elector of Bavaria, with whom, in mere deference to his rank, he ought, at least, to have acted in concert, he decamped from Tirlemont, and advanced to Ramillies, without acquiring any intelligence of the motions formed by the enemy, who were then assembled near Tongres. When the van of his march began to appear at the head of the Little Gheet, where Ramillies is seated, he was informed, that the enemy were advancing to him, and that their front already began to be discovered. He then prepared to form his troops in order of battle, with a full persuasion, that the enemy would not presume to attack so formidable an army as his. Had his disposition been regular, the bravery of his troops might have rendered the action successful; but it was so extremely injudicious and ill-precautioned against the order, in which he saw the enemy ranged, that it can be hardly thought surprising, that the event of this battle was so fatal, as it really proved. I shall now represent the errors committed by Marshal de Villeroi with respect to his particular disposition, which I shall describe from the left of the army, and through the extent of the line to the extremity of the right. I shall then proceed to the second line; and from thence to the rear, to make it evident, that the disposition was every where irregular, and contrary to all just rules. The left wing of the cavalry was covered by the Gheet, and the marshes that bounded it; and where the troops could neither charge the enemy, nor be charged by them; and consequently they continued useless during the engagement. The village of Ramillies, which was seated in a plain beyond the source of the Gheet, fronted the right of the infantry, and Marshal de Villeroi had posted some battalions there; but the village was too distant from our line, to be supported to any effect, when it should happen to be attacked by the enemy. We even neglected to open the hedges towards the line, in order to advance with a more extended front, in case it should be necessary to support the infantry in the village, who had not the precaution to accommodate that place, either to their front or flanks, nor even to form a communication between their several battalions, so that they were only posted in the inclosures and gardens. But the most extraordinary circumstance of all was, that, in order to defend the village, which, it was imagined, would cost the enemy very dear to surprize, though it was too remote from the line, to produce any such effect, we posted there all the useless infantry of the army, composed, for the greatest part, of foreign battalions and recruits, and even prisoners taken from the enemy. When the village therefore was attacked, the assailants only engaged a set of considerable troops, who were ill-disposed, and not supported either in time, or from any situation near

9 E

enough

1706. hand, the Confederates, having halted at *Bevesheim* the 24th of May, for the refreshment of their troops, disposed all things for their march early the next morning, in order to force the passage of the *Deule*; but received advice in the night, that the enemy had quitted their

camp, and abandoned *Louvain*. Whereupon 1706. bridges being laid over that river, a detachment of five hundred men was sent to take possession of the place, and the whole army passed the river the next day, about noon, and incamped at *Betblem* (1).

After

“ enough to have any effect; and the village was
“ forced by an attack upon the flanks, which were
“ intirely unprotected. The disposition of our right
“ was still worse than that of our left of the center.
“ The village of *Taniers* on the bank of the *Mebaigne*
“ ought to have supported our right, and reserved a
“ considerable body of infantry to guard it; but Mar-
“ shal de *Villeroy* contented himself at first with de-
“ taching a regiment of dragoons thither, who were
“ very severely treated by the enemy's infantry; and
“ he afterwards supplied it with a brigade and four
“ battalions, who were overwhelmed by the superior
“ fire of the enemy's infantry, who were already mas-
“ ters of the village. I shall add to all this inconfide-
“ rate disposition of the front a particular neglect,
“ which contributed likewise to the loss of the battle.
“ I have already observed, that Marshal de *Villeroy*
“ received intelligence in the morning, that the en-
“emy were advancing towards him; and, yet in all the
“ course of time he then had to disengage his troops
“ from the impediments of their baggage, he never
“ thought of that precaution; so that the greatest
“ part of it was heaped up between the two lines,
“ and embarrassed their motions, especially to the
“ right, where the action was sustained. Such were
“ the principal defects in our disposition; and they
“ were all so very considerable and essential, that one
“ alone would have been sufficient to have lost us the
“ battle. The enemy, who were sensible of our in-
“ judicious arrangement, were above five hours in
“ changing their order of battle, in order to form
“ another, that might be more advantageous to them
“ in that conjuncture. In all that length of time our
“ troops continued under arms, without forming any
“ motion; and whatever instances could possibly be
“ made to Marshal de *Villeroy* to adjust his order of
“ battle by that, which he saw the enemy forming,
“ in order to attack us, it was impossible to prevail
“ upon him to vary his first disposition. Our whole
“ army beheld the enemy unguarding their right, be-
“ cause it would have been in vain for them to have
“ attacked our left, which was covered by the *Gheet*.
“ The Lieutenant-General, who commanded on the
“ left, sent frequent intelligence to Marshal de *Villeroy*
“ of the enemy's motions, which he had observed,
“ and proposed to him, not to leave any more caval-
“ry on the left, than would be proportionable to
“ what the enemy reserved at their right, and to dou-
“ ble the rest behind the left. But Monsieur de *Gaf-
“ son* recommended this salutary and judicious advice
“ in vain. It was likewise observed, that the enemy
“ still drew off part of their infantry from their right,
“ and formed several lines before the village of *Ra-
“ millies*, and the right of our infantry; and we
“ might naturally imagine they intended to make a
“ powerful effort against that village, and the right of
“ our infantry. But whatever remonstrances could
“ be made to Marshal de *Villeroy*, to induce him to
“ approach the village, and double part of the infan-
“ try of the left behind that of the right and center,
“ as he saw performed by the enemy, he continued
“ inflexible, though he had all imaginable reason to
“ conform the disposition for his defence to the en-
“emy's preparations for attacking him. It was like-
“ wise observed, that the enemy drew off a body of
“ infantry from their second line, and marched them
“ to *Taniers*; and it was represented, though ineffec-
“ tually, to Marshal de *Villeroy*, that the enemy pour-
“ ed all their force to their left, and that it would be
“ impossible for our right to sustain so formidable an
“ effort; but no consideration could induce him to act
“ confidently with the enemy. In fine, when above
“ five hours had been employed by the enemy in

“ forming the disposition I have described; while
“ Marshal de *Villeroy*, in all that length of time, ne-
“ ver made the least provision for enabling the right to
“ support the shock with which they were threatened,
“ the enemy attacked the village of *Taniers*; and,
“ when they had intirely carried it, and improved it
“ to support their left, they advanced in four lines to
“ our right wing of cavalry, and in several lines and
“ columns to our infantry, who were posted in the
“ village of *Ramillies*. As they approached our right,
“ they advanced their second and fourth lines into the
“ intervals of their first and second lines; so, that
“ when they made their advance upon us, they form-
“ ed only one front, without any intermediate spaces.
“ This motion was performed so near us, that our
“ right had no time either to close themselves, in or-
“ der to fill their intervals by that contraction, or to
“ supply them with the second line, which, besides
“ their immoderate distance from the first line, were
“ incapable of making that advance with freedom, on
“ account of the several equipages, which, as I have
“ already intimated, were left, through mere negli-
“ gence, between the two lines. Our right therefore
“ was charged by one contiguous front, whose squa-
“ drons, that forced our intervals, penetrated without
“ opposition, and then wheeled about to charge the
“ squadrons of our first line in the rear, who, though
“ they had almost defeated all the squadrons that at-
“ tacked them, were now thrown into a general dis-
“ order by the squadrons of the enemy's second line,
“ and by those, who charged them in the rear. The
“ enemy conducted the attack of the village differ-
“ ly from that of the cavalry on the right. They
“ advanced to it in four columns; but, when they ap-
“ proached the front of that village, they were con-
“ vinced, that our line of foot was too remote to
“ protect it with their fire, and that the flank of the
“ village was not guarded by troops, because their
“ number in that place was too inconsiderable. From
“ this bad disposition on our part they derived one,
“ that was advantageous to themselves; for they ad-
“ vanced one of their last lines into the front of the
“ first; and, when they were marching up to the vil-
“ lage, this front extended in an angle to the flank of
“ that village, and easily forced it, while the other
“ troops sustained the attack from the front of that
“ place. All this disorder of our right was not to be
“ retrieved, either by the presence of the General
“ himself, or the several General Officers in that quar-
“ ter. The bravery, both of Officers and Soldiers,
“ was incapable of reinstating an action, that was lost
“ by a bad disposition; so that a general confusion was
“ communicated through all our right, who abandoned
“ the field of battle and their cannon. The left of
“ the cavalry, and some battalions of the left, who
“ had not shared the engagement, retired without any
“ molestation, till the approach of night, when the
“ flight and disorder became universal.

“ Thus did the enemy, in the space of one quarter
“ of an hour, defeat an army of eighty thousand men,
“ while their own loss did not amount to two thou-
“ sand. They took eighty pieces of cannon, and a
“ prodigious quantity of baggage; and conquered all
“ the *Spanish Netherlands*, which our General had
“ abandoned.”

(1) *Louvain* is a very large and pleasant City of the
Low-Countries; the French abandoned it May 24, 1706,
the next day after the memorable battle of *Ramillies*,
and the Duke of *Marlborough* took possession of it on
the 25th. It stands on the river *Deule*, eleven miles
South-East of *Mechlin*, fifteen North-East of *Brussels*,
twenty-seven North of *Namur*, and thirty-eight North-
East of *Mons*.

1706.
Flanders
and Bra-
bant re-
duced.

After the battle of *Ramillies*, there was nothing to be seen in the *Low-Countries*, but a general revolution; and the Allies were attended with a continued course of conquest. The inhabitants of those parts, weary of the *French* Government, received the Confederate Generals every where as their Deliverers, who had redeemed them from slavery, and recovered their ancient liberty. The cities of *Lowain*, *Mechlin*, and *Brussels* submitted, besides many lesser places. *Antwerp* made a shew of standing out, but soon followed the example of the rest. *Ghent* and *Bruges* did the same. In all these King *Charles* was proclaimed. Upon this unexpected rapidity of success, the Duke of *Marlborough* went to the *Hague* on the 9th of *June*, to concert measures with the *States*; where he staid but a few days, for they agreed to every thing he proposed, and sent him back with full powers. The first thing he undertook was the siege of *Ostend*, a place famous for its long siege in the last age. The natives of the place were disposed to return to the *Austrian* family; and the *French*, who were in it, had so lost all heart and spirit, that they made not the resistance, which was expected. In ten days after, the Confederates sat down before it, and, within four days after the batteries were finished, the place capitulated (1.) From thence they proceeded to *Menin*, which was esteemed the best finished fortification in all those parts. It was built after the peace of *Nimwegen*; nothing, that art could contrive, was wanting to render it impregnable; and it was defended by a garrison of six thousand men; so that many thought it was too bold an undertaking to sit down before it. The *French* army was become considerable by great detachments brought from the *Upper Rhine*, where *Marshal Villars* was so far superior to the *Germans*, that, if it had not been for this revulsion of his forces, the *Circles of Swabia* and *Franconia* would have been much exposed to pillage and contribution (2.)

Ostend
and Me-
nin tak'n.

July 6.

Vendosme
commands
in Flan-
ders.

The Duke of *Vendosme's* conduct in *Italy* had so raised his character, that he was thought the only man fit to be at the head of the army in *Flanders*; and was accordingly sent for, and had that command given him with a high compliment, which was very injurious to the other Officers, since he was declared to be the single man, on whom *France* could depend, and by whom it could be protected in that extremity. The siege of *Menin* was carried on so successfully, that the trenches were opened on the 24th

of *July*, and the batteries finished on the 29th; and the place was so warmly pressed, that it capitulated on the 11th of *August*, and, on the 14th, being *St. Louis's* day, four thousand men marched out of the town. It seemed strange, that a garrison, which was still so numerous, should surrender in so short a time a place, which was both so strong and so well furnished. But as the *French* were much sunk, so the Allies were now become very expert at carrying on of sieges, and spared no cost, that was necessary for dispatch. *Dendermonde* had been for some weeks under a blockade (3). This the Duke of *Marlborough* ordered to be turned into a formal siege. The place was so surrounded with water, that the *French* King, having once begun a siege there, was forced to raise it; yet it was now so pressed, that the garrison offered to capitulate; but the Duke would give them no other terms, but those of being prisoners of war, to which they were obliged to submit. *Aeth* was next invested; it lay so inconveniently between *Flanders* and *Brabant*, that it was necessary to clear that communication, and deliver *Brussels* from the danger of that neighbourhood. In a fortnight's time it was also obliged to capitulate; and the garrison were made prisoners of war (4).

Dender-
monde
and Aeth
taken.

During these sieges, the Duke of *Vendosme*, having fixed himself in a camp that could not be forced, did not think fit to give the Duke of *Marlborough* any disturbance, while he lay with his army covering the sieges. The *French* were jealous of the Elector of *Bavaria's* heat, and, though he desired to command an army apart, yet it was not thought fit to divide their forces, though now grown to be very numerous. *Defflers* said, that the panic was still so great in the army, that there was no appearance of their venturing on any action. *Paris* itself was under no little consternation; and, though the King carried his misfortunes with an appearance of calmness and compulure, yet he was often let blood, which was thought an indication of a great commotion within; and this was, no doubt, the greater, because it was so much disguised. No news was talked of at that Court; all was silent and solemn; so that even the *Duchess Dowager of Orleans* knew not the true state of their affairs; which made her write to her Aunt, the Electress of *Hanover*, to learn news of her.

Whilst these things passed in *Flanders*, the Courts of *Spain* and *France* took such early measures to attack King *Charles* both by sea and land, *Europe*, *Burnet*.

(1) *Ostend* is a very strong and fine sea-port of the *Low-Countries*, in the Earldom of *Flanders*, the Marquisate of the territory of *Fianden-Urien*. It was invested by the Confederates both by sea and land, *June* 25, 1706, and obliged to surrender, *July* 6. It stands about nine miles Northeast of *Newport*, eleven West of *Bruges*, twenty South-West of *Sluys*, twenty-four North-East of *Dunkirk*, and thirty-five almost West of *Ghent*.

(2) *Menin*, a town of the *Low-Countries*, in the Earldom of *Flanders*, one of the strongest and most regular fortifications in *Europe*; notwithstanding which (together with the vigorous resistance of a numerous garrison, and a resolute Commander) the Confederates made themselves masters of it in eighteen days after the opening of the trenches. It stands on the river *Lys*, five miles South-West of *Courtray*, nine almost North of *Lisse*, and twelve almost South-East of *Ypres*.

(3) *Dendermonde*, a strong town of the *Low-Countries*, in the Earldom of *Flanders*. It was blocked up by the Confederates soon after the battle of *Ramillies*, and surrendered to the Duke of *Marlborough* after a formal siege the beginning of *August*. It stands on the river *Scheld*, and *Dender*, twelve miles East of *Ghent*, fourteen South-West of *Antwerp*, and seventeen North-West of *Brussels*.

(4) *Aeth*, a strong frontier-town of the *Low-Countries*, in the Earldom of *Hainault*, the Marquisate of the territory of *Brabant*. The *French* took it in 1697, but restored it to the *Spaniards* the same year by the peace of *Ryswick*: And the Confederates (under the command of *Monsieur D' Auverquerque*) took possession of it the present campaign. It stands on the river *Dender*, fourteen miles almost North-West of *Mons*, twenty-two almost South-West of *Brussels*, and twenty-four South of *Ghent*.

(1) *Dr.*

1706. land, before he could be relieved by the maritime powers, that his affairs were reduced to the last degree of despair. King *Philip* set out in February from *Madrid*, in order to open the campaign with the sieges of *Valencia* and *Gironne*. He was advised to begin with the reduction of *Valencia*; not only as it lay nearer, and was easier come at, but as, by that means, the disposition to revolt would be checked, which might otherwise increase and spread farther. This advice, however, was over-ruled by *France*, where little regard was had to the *Spaniards*. It was therefore resolved (upon the arrival of a Courier from *France*) to begin with the siege of *Barcelona*. There King *Charles* himself lay; and, on taking it, all the rest, it was reckoned, would fall. Pursuant to this scheme, the *French* resolved to send every thing necessary for the siege, and the Count of *Toulouse* was ordered to lie with the fleet before the place, whilst it was besieged by land. It was concerted to begin the siege in *March*; for they knew, that, if they began it so early, our fleet could not come in time to relieve the town. But two great storms, that came soon after one another, did so scatter their tartanes, and disable their ships of war, that, as some were cast away, and others much damaged, so they all lost a month's time; and it was not till the 6th of *April*, that King *Philip's* army (consisting of thirty-seven battalions, and thirty-one squadrons) opened the trenches before *Montjuic*, which, through the obstinate resistance of the *English* and *Dutch* garrison, and the slowness of the attack, occasioned by the death of the *French* Engineer *Lapara*, held out twenty-two days. The *French* seemed to think, there was no danger of raising the siege, and that therefore they might proceed as slowly as they pleased. The town was under such a consternation, that nothing but King *Charles's* preference

Barcelona is besieged by the French and Spaniards.

could have kept them from capitulating the first week of the siege. There were some mutinies raised, and some of the Magistrates were killed in them. But the King came among them on all occasions, and both quieted and animated them. After *Montjuic* was taken, the City was still more pressed. The Earl of *Peterborough* came from *Valencia*, and was upon the hills, but could not give them any great assistance (1). Some few from *Gironne* and other places got into the town. The *French* Engineers (after *Lapara's* death) performed their part with little skill and success. The *Levant* winds were all this while so strong, that it was not possible for Sir *John Leake*, with the confederate fleet, to come up so soon as was desired. *Leake* failed from *Lisbon* in the end of *March*. He very narrowly missed the Galleons, but he could not pursue them, for he was to lose no time, but haste to *Barcelona*. His fleet was increased to thirty ships of the line, by the time he got to *Gibraltar*; but, though twenty more were following him, he would not stay, but hastened on to the relief of the place, as fast as the wind served. But, when their strength, as well as patience, was almost quite exhausted, the wind turned, and *Leake* arrived on the 8th of *May*, N. S. As soon as the Count de *Toulouse*, who with his Squadron had kept the City blocked up by sea, had intelligence that *Leake* was near him, he sailed back to *Toulon*. Marshal de *Tessé*, with King *Philip*, who was in the camp, but not once named in any action, continued three days before *Barcelona*, after their fleet failed away. They could then have no hopes of carrying it, unless a storm at sea had kept the Confederate fleet at a distance. At last, the siege was raised on the 12th of *May*, N. S. with great precipitation, and in much disorder. Their camp was left well furnished, and the sick and wounded

1706.

The siege is raised.

(1) Dr. *Friend*, in his *Account of the Earl of Peterborough's conduct in Spain*, p. 53. observes, "That the Earl's conduct was as steady in the relief of *Barcelona*, as it was in the taking of it; and that in this, as in most of the events of the war, his Lordship overcame all the obstacles, that could be thrown in his way by the Ministers of the *Spanish* Court. As soon as his Lordship perceived, that the enemy's design was upon *Barcelona*, he ordered some of the troops in *Lerida* to march, and reinforce that garrison. The King, who was persuaded they would rather make an attempt upon *Lerida*, countermanded those orders of my Lord, and was so little apprehensive of *Barcelona's* being in danger, though sufficiently warned of it by letters from his Lordship, that, when the enemy was within five leagues of the town, his Majesty had but five hundred men in it. My Lord, in like manner, was solicited by the Court to abandon *Valencia*, in order to secure *Catalonia*, and by the most pressing letters and commands he was urged to such rash and impossible attempts, as must have proved the certain ruin of the forces under his command, and the loss of the King's person. But, in all these distracting and desperate cases, his Lordship, not only took the proper resolutions, but, with a prudence fortunate to himself as well as the public, never omitted to secure the unanimous consent of all in Councils of war, and gave in writing beforehand the reasons, which never failed of being justified by the events. Whilst *Barcelona* was encompassed by land and sea (after the loss of fort *Montjuic*) his Lordship found methods to sling five hundred men into the town, which was thought humanly impossi-

ble. And he brought the forces, which so much contributed to the relief of the City, without abandoning *Valencia*, or any foot of ground, that he had gained in *Spain*. He maintained his post upon the hills for near a fortnight, with about two thousand five hundred men, never above a league or two from the enemy, whom he kept in perpetual alarms. And by the constant vigilance he used, and the exact intelligences he procured, he continued in the neighbourhood of such an army to the last, till he made a march of about seven leagues, with so critical a disposition, that all his foot came in a fleet of boats he had prepared, to the number of three or four hundred, and landed at the same time with the troops, that were on board the navy. The throwing in of so seasonable a reinforcement into *Barcelona*, under such circumstances, was as great a disgrace, as happened to the *French*, except that of their rising from before the town immediately after. For the garrison, even with this addition, was not stronger, than when my Lord *Peterborough* took it with little more than a third part of their army. In order to secure this great advantage, when it should happen, the Earl of *Peterborough*, notwithstanding all the haste he made from *Valencia* to *Barcelona*, had visited, fortified, and secured all the passes behind him, so as to oblige (with an inconceivable number of regular troops, and the country-people) the whole army of Marshal de *Tessé* intirely to abandon *Spain*, into which, had my Lord's advice been followed, they had never to this day returned."

In opposition to this account of Dr. *Friend*, the Author of the *Impartial Inquiry into the management of the*

1706. wounded could not be carried off. On the day of raising the siege, as the *French* army was marching off, the sun was eclipsed, and it was total in those parts. And, though no weight is to be laid on such things, yet, the vulgar being apt to look on them as ominous, it was censured as a great error in Marshal *Théssé*, not to have raised the siege a day sooner; and that the rather, because the *French* King had made the sun, with a motto, *Nec pluribus impar*, his device. King *Philip* made all the haste he could to *Perpignan*; but his army was almost entirely ruined before he got thither.

Alcantara taken.

At the same time the campaign was opened in *Catalonia*, it was also begun on the side of *Portugal*. The Earl of *Galway* had full powers, and a brave army of about twenty thousand men, well furnished in all respects: He left *Badojox* behind him, and marched on to *Alcantara*. The Duke of *Berwick* had a very small force left him, to defend that frontier: It seems, the *French* trusted to the interest they had in the Court of *Portugal*: The Duke's troops were so bad, that he saw, in one small action, that he could not depend on them: He put a good garrison in *Alcantara*; where their best magazine was laid in. But, when the Earl of *Galway* came before the town, within three days the garrison, consisting of four thousand men, delivered up the place, and themselves as prisoners of war: The *Portuguese* would have stopped there, and thought they had made a good campaign, though they had done no more: But the *English* Ambassador at *Lisbon* went to the King of *Portugal*, and pressed him, that orders might be immediately sent to the Earl of *Galway* to march on: And, when he saw great coldness in some of the Ministers, he threatened a present rupture, if it was not done: And he continued waiting on the

King, till the orders were signed, and sent away. Upon receipt of these, the Earl of *Galway* advanced towards *Plaencia*, all the country declaring for him, as soon as he appeared; and the Duke of *Berwick* still retiring before him, not being able to give the least interruption to his march. But, as there was no manner of communication over land between *Barcelona* and *Portugal*, when the Earl of *Galway* had forced a pass at *Massagosa*, where the enemy had intrenched themselves, and was advanced as far as the bridge of *Almaraz*, the *Portuguese*, doubting the issue of the siege of *Barcelona*, unanimously resolved to engage no farther, till they saw how that siege ended. Accordingly, they ordered their army to march aside to *Ciudad Rodrigo*, on pretence that it was necessary to secure their frontier, by taking that place. From thence they advanced to *Salamanca*. But, upon the news of the raising the siege of *Barcelona*, they marched on towards *Madrid*, the Duke of *Berwick* only observing their motions, and still retiring before them. King *Philip* went with great expedition, and a very small train from *Perpignan* to *Navarre*; and from thence post to *Madrid*, on the 6th of *June*; but finding, that he had no army, which he could trust to, the *Grandees* being now retired, and looking as so many dead men; and he seeing, that the *Portuguese* were still advancing, sent his Queen to *Burgos*, and followed her in a few days, carrying with him what was valuable in his palace; and, it seems, he despaired of ever returning thither again, since he destroyed all that he could not carry away; in which he acted a very extraordinary part, for he did some of this with his own hand, as was universally believed at *Madrid*.*

1706.

King Philip comes to Madrid, and soon leaves it.

* Burnet.

The

the war in Spain, p. 81. observes, That, however the Doctor boasts of the Earl of *Peterborough's* intelligence, yet it does not appear, from his orders or letters of that date, that he was under any apprehensions for *Barcelona*, on the 19th of *March* 1705-6, O. S. though the enemy invested it within three days after; the Earl's orders being for the fleet and forces to come to *Altea* or *Denia*; though, before the Admiral received those orders, he received letters from the King of *Spain* and Prince *Lichtenstein*, of the 26th of *March*, of a very different import; wherein the Admiral is desired to come to *Barcelona* with all possible diligence with the ships, troops, and money, which the Queen of *Great-Britain* designed for King *Charles's* service and the relief of *Catalonia*. But, by the 7th of *April*, N. S. the Earl's eyes seem likewise to have been opened; but the news appeared to have been a perfect surprize to him; for, in his letter to Sir *John Leake* from *Valencia* of that date, he talks of the relief of *Barcelona* as a matter desperate, and would compound for the safety of the King's person. It appears likewise, that his Lordship was still of opinion, that all the forces, ammunition, and money should be landed at *Denia*, *Altea*, or the grove of *Valencia*; and his letter to Sir *John Leake*, of the 22d of *April*, shews, that he was even then of opinion, that the forces should be landed no nearer than *Tarragona*, except a thousand men to be put on board the men of war, in order to be thrown into *Barcelona* by sea, if it should be requisite; so that it might justly be said, that the Admiral relieved *Barcelona*, if not contrary, at least not pursuant, to the Earl's method. It cannot indeed be denied, that his Lordship had got some troops ready in small embarkations off of *Vineros* or *Maitore*, to take the opportunity of slipping them in-
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to the town under the protection of the fleet; and that he came on board Sir *John Leake* from the same place, and hoisted his Union-flag at the main-top-mast-head; but all the measures, for the relief of *Barcelona*, had already been concerted, and in a manner executed. For Sir *George Byng*, Sir *John Jennings*, and Admiral *Wassenaer* made sail before the fleet, cast anchor in the road, and by Sir *George Byng's* order a good body of forces were actually thrown into the town, before one half of the fleet knew, that the Earl of *Peterborough* was aboard, who indeed, upon his arrival at *Barcelona*, thought proper to approve of what Sir *George Byng* had directed. Upon the whole, the Author of the *Impartial Inquiry* concludes, that notwithstanding Dr. *Friend* "has attributed so great a share of the relief of *Barcelona* to the Earl of *Peterborough*; it is evident he knew nothing of the enemy's design upon that place three days before they had actually invested it: Five days after he knew the town was besieged, his Lordship was of opinion for landing all the succours in the Kingdom of *Valencia*; and twenty days after, no nearer than *Tarragona*. Now to say nothing of the unparalleled dispatch made by Sir *John Leake* and Sir *George Byng* in bringing the fleet and succours to the relief of *Barcelona* in so critical a time, contrary to my Lord *Peterborough's* opinion; let any indifferent person judge, whether that place had ever been taken, if his Lordship's opinion in the fleet to deny the assistance of the seamen, and his haste to be going into *Italy*, had been complied with; or, if it had ever been relieved, if his Lordship's orders had been obeyed, which were directly opposite to the King of *Spain's* interest and desires."

1706. The capital City being thus abandoned, the Earl of *Galway* came to it by the end of *June*. He met with no resistance indeed, but with as little welcome. An army of *Portuguese* with an Heretic at their head, was certainly a very strange sight to the *Catholics*, who retained all the pride, without any of the courage of their ancestors. They thought it below them, to make their submissions to any but King *Charles* himself; and if he had come thither immediately, it was believed, that the entire reduction of *Spain* would have been soon effected. It is not certain what made him stay so long as he did at *Barcelona*, from the beginning of *May* till near the end of *July* (1). Those about him pretended, that it was not fit to go to *Madrid*,

1706. The Earl of Galway comes there, but King Charles delays too long his coming thither.

till he was well furnished with money to make a decent entry. General *Stanhope* offered to furnish him with what was necessary for the journey, but could not afford a magnificent equipage for a solemn entry. The King wrote a very pressing letter to the Duke of *Marlborough*, representing his great necessities, and desiring greater supplies. The Duke sent over this letter to the Lord-Treasurer; but little regard was had to it, because it was suggested from many different hands, that the Prince of *Lichtenstein* was enriching himself, and keeping his King poor. Others pretended that the true cause of the delay was a secret amour of the King's at *Barcelona*. But whatever the cause was, the effects proved fatal. It was first proposed, that he should

(1) The Earl of *Galway* in his *Narrative*, observes, That, if the *Portuguese* had marched directly to *Madrid* from the bridge of *Almaraz*, after they had forced a pass at *Maffagena*, where the enemy had intrenched themselves, as the Generals of the Allies would have persuaded them, "in all probability, says he, we should have arrived there at the same time with the news of the Duke of *Anjou's* being returned to *France*; the Dukes must have been obliged to escape alone, and the tribunals being still there, it is very likely the war would have been over. Some of the *Portuguese* were willing to go back, and besiege *Badajoz*, which was intirely laying aside all thoughts of *Madrid*; but others for attacking *Ciudad Roderigo*; and, by joining with those, I engaged them, after the taking of that place, to go *Madrid*. But the time, which was lost on this occasion, had given the Duke of *Anjou* an opportunity of returning from *France* to *Madrid*, from whence he withdrew the Court, and all the Tribunals, before the army could reach that place; so that, upon our arrival there, we found *Madrid* an open village; and the troops having been extremely weakened by so long a march, were not above forty thousand horse and eight or ten thousand foot. The *Portuguese* Generals, and those of the Allies, thought it highly necessary the King of *Spain* should come to *Madrid* as soon as possible. For, besides the advantage his presence might have been to his own affairs, it was of the last importance to us, to be immediately joined by the forces with the King, and under the Earl of *Peterborough's* command, not being strong enough without them to attack the Duke of *Anjou*, who had already received some succours from *France*, besides the five thousand five hundred horse and eight thousand foot, of which the Duke of *Berwick's* army consisted, after he had been joined by the *Conde de las Torres*. Being perfectly informed of the enemy's strength, and motions, and having great reasons to believe, that if we were joined in time by all the forces with the King and the Earl of *Peterborough*, we might, in this favourable conjuncture, drive the Duke of *Anjou* intirely out of *Spain*, make ourselves absolute masters of that Kingdom, and put an end to an expensive war; all the while we lay at *Madrid* and *Guadalaxara*, I dispatched every day one or more expresses, and the greatest part of them Officers, with letters to the King of *Spain* and to my Lord *Peterborough*, representing to them both the importance of our being joined forthwith, and earnestly desiring that no time might be lost in improving so critical a juncture. As the next best method to advise our friends of our arrival at *Madrid*, the first *Gazette* day after we got thither, I caused it to be published in the *Gazette*, that we were there, and expected in a very few days to be joined by the King and the Earl of *Peterborough*, hoping, that the natural curiosity of the *Spaniards* would give a printed news-paper a free passage. But, notwithstanding all the diligence, that was used in this mat-

ter on our part, near six weeks were elapsed at *Madrid* and *Guadalaxara*, before we received any advice, that the King was upon his march to join us; and, in the mean time, the Duke of *Anjou's* army was so much increased by daily reinforcements from several parts, that he was now become superior in number to us, even after we were joined by those forces, which the King and my Lord *Peterborough* brought along with them. And I must say, that it is the general opinion, and I do verily believe, as the *Portuguese* lost one fair opportunity of putting an end to the war, by not marching directly from the bridge of *Almaraz* to *Madrid*; so we lost another, for want of being joined in time by the forces under the command of the King of *Spain* and the Earl of *Peterborough*. And whereas that noble Lord is pleased to aver, that he never received any advice from me of my arrival at *Madrid* with the *Portuguese*, and as an argument of my neglect of him on that subject, produces an instance of one Officer, that happened to pass through his quarters with letters from me to the King, and none for his Lordship, I am obliged to observe, that I gave this Officer an hundred pistoles, and ordered him to go directly to the King of *Spain*, who then lay at *Saragossa*; but he was accidentally forced to go out of his way to avoid one of the enemy's parties, which was the true occasion of his passing thro' the Earl of *Peterborough's* quarters at *Valencia*, contrary to his first intention. But several other Officers, who were dispatched by me to the Earl, assured me, they had the honour to deliver him those letters, which I writ his Lordship from *Madrid* and *Guadalaxara*. And, even taking the fact to be as the Earl of *Peterborough* is pleased to state it himself, it is plain, his Lordship had at least some verbal informations from that very Officer, that passed thro' his Lordship's quarters, and consequently could not be altogether ignorant, either of the place, where the *Portuguese* army lay, or of the necessity of joining them without loss of time. After the General had got King *Charles* proclaimed at *Madrid*, it was thought fit to advance to *Guadalaxara*, where we had at last advice, that the King was coming to join us; and, at the same time, we were informed, that the Duke of *Anjou* was at *Guadalaxara*, to which place we marched to prevent the enemy from intercepting the King. Upon our approach the Duke of *Anjou* repassed the river; which little advantage we contented ourselves with, for it was not thought advisable to follow and attack him on the other side, being advantageously posted, and stronger than we. We staid here two days, and, when we thought the King was out of danger, we again retired to *Guadalaxara*, where we were joined by his Majesty and my Lord of *Peterborough*, with two regiments of *Spanish* dragoons, and part of *Pierce's*; for his Lordship had left behind him, in several places, thirteen battalions of *Pierce's*, and two other entire regiments of dragoons. So soon as the armies were joined (having, upon my arrival at *Madrid*, sent Captain *Montague*, to give

1706. should march through *Valencia*, as the nearest and much the safest way; and he came on that design as far as *Tarragona*. But, advice being brought him there, that the Kingdom of *Aragon* was in a good disposition to declare for him, he was diverted from his first intentions, and prevailed on to go to *Saragossa*, where he was acknowledged by both Kingdoms: But he lost much time, and more in the reputation of his arms, by delaying so long to move towards *Madrid*; so that King *Philip* recovered his spirits, and returned from *Burgos* to *Madrid*. The Earl of *Galway* was very uneasy at this slow motion, which King *Charles* made. King *Philip* had some more troops sent him from *France*; and, the broken bodies of his army being now

brought together, he had an army equal in numbers to the Earl of *Galway*, and marched up to him; but, since so much depended upon the issue of an action, the Earl of *Galway* avoided it, because he expected every day reinforcements to be brought him, both by King *Charles*; and by the Earl of *Peterborough* from *Valencia*. In order therefore to facilitate this conjunction, he moved towards *Aragon*; so that *Madrid* was again left to be possessed by King *Philip*. At last, in the beginning of *August*, King *Charles* came up, but with a very inconsiderable force. A few days after, the Earl of *Peterborough* came also with an escort, rather than its strength, for he had not with him above five hundred dragoons. He was now uneasy, because he could
not

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"give the Queen an account of our march, and to desire her Majesty's leave to retire) I waited upon my Lord *Peterborough*, offering him the command of the *English*, and to receive his orders, till I should have the Queen's leave to go home. But, because the *Marquis de Minas* would not do so too, my Lord *Peterborough* chose not to stay with the army, and within a few days after went away." But let us see what the Earl of *Peterborough* says on his part, in his answer to the second question proposed to him by the House of Lords on the 5th of *January* 1710-11, in these terms, *That the Earl of Peterborough may acquaint the House of what he knows of the Earl of Galway's proceedings, during his stay with the army at Madrid, his march to Guadaluara, and his retreat to Valencia; and, if he knows any thing of the opposition made by the King of Spain, the Count de Noyelles, and the Spanish Ministers and Generals, to those measures?*

To this the Earl answered, "That, from the time the Earl of *Galway* came first into *Spain* as far as *Almaras*, and thence returned back into *Portugal*, the Earl of *Peterborough* had no advices from the Earl of *Galway*, no account of the motives of that retreat, or any hopes given him of the return of the *Portuguese* into *Spain*. That, after the raising of the siege of *Barcelona*, and the retreat of the *French* army out of *Catalonia*, the Earl of *Peterborough* received no letter or message from the Earl of *Galway* after his second entrance into *Spain*, nor had the least notice of his situation, circumstances, or designs, till he saw his troops retreating from the enemy to take the strong camp of *Guadaluara*; though the marches of the King from *Aragon*, and those of the Earl of *Peterborough* from *Valencia*, were well known in the *Portugal* camp. That two several Officers, sent by my Lord *Galway*, came to *Valencia*, and brought no letters to the Earl of *Peterborough*, one of them demanding money for the pursuit of his journey. That, as to the persons, who advised the King to go by *Aragon*, and not by *Valencia*, he knows no farther (being at that time absent from his Majesty) but that, having ever extremely opposed it, and having writ to the Secretary of State at his first coming to *Valencia* against it, he received an answer to this purpose, that he hoped the Earl of *Peterborough* would bear the mortification and disappointment with patience, since the King was so resolved; and a messenger by the appointed token, known to be sent by my Lord *Galway*, had given notice, that the said Earl expected the King by the way of *Aragon*, and had given to understand how every thing was prepared for his reception that way." The third question proposed to the Earl of *Peterborough* was in these terms: *That the Earl of Peterborough acquaint the House what advices his Lordship received from the Earl of Galway at Madrid, in order to concert any public measures? And what his Lordship knows of the reasons, that induced the King of Spain to go by Arragon towards Madrid, and not by Valencia? To which he answered, "That the*

"Earl of *Galway* continued about forty days at *Madrid*, without making any endeavours to augment his troops, or provide any magazines for the subsistence of his army. That, meeting the enemy unexpectedly, and retreating to the camp of *Guadaluara*, the troops were without provisions, and in the greatest disorder. That the measures taken in that retreat, where five thousand men were lost without a blow, and their whole cavalry ruined, were all positively against the King's opinion, and that of all Officers and Ministers. That the Earl of *Peterborough* had the accounts he gives from the King of *Spain's* own mouth, and several of his Generals; and it will particularly appear by letters from Count *Noyelles*, Velt-Marshal of the Emperor, and General to the King of *Spain*, and from Mr. *Stanhope*; which letters the Earl is ready to produce. And that it is notorious to the whole world, that, if the Earl of *Galway* had pursued the enemy ten days longer towards the *Ebro*, all the horde under the Marshal of *Berwick* had deserted to King *Charles*, and the *French* could never have return'd to *Spain*."

The Earl of *Galway*, in his reply, to the Earl of *Peterborough's* answers to the five questions proposed to him by the Lords, speaks thus: "In his Lordship's answer to the second question, he is pleased to aver, *That from the time the Earl of Galway came first into Spain as far as Almaras, and thence returned back into Portugal, the Earl of Peterborough had no advices from the Earl of Galway, no account of the motives of that retreat, or any hopes given him of the return of the Portuguese into Spain.* What his Lordship says upon this occasion is very true; for, whilst he was at so great a distance besieged in *Barcelona*, and the Duke of *Berwick* with a considerable body of horse between him and us, it was to no purpose to think of sending dispatches by land: Neither was it necessary to inform the enemy that way, that the *Portuguese* were resolved, (notwithstanding the repeated instances of the foreign Generals to the contrary) to return back again to their own country, after their army had advanced as far as the bridge of *Almaras*. But, when we got to *Madrid*, I immediately sent so many exprests with letters, both to the Earl of *Peterborough* and the King of *Spain*, that it was morally impossible his Lordship could have been ignorant above eight days of our arrival there. And I have since been assured by the inhabitants of *Barcelona*, that they were all informed of it by that time; from whence I must conclude, that his Lordship's delays in joining with us were voluntary, and not occasioned by want of intelligence. I have asserted in the *Narrative* which I delivered in to this most honourable House, that I do verily believe, if the *Portuguese* army had been joined in time, after their arrival at *Madrid*, by the forces with the King of *Spain*, and under the command of the Earl of *Peterborough*, we might have been able to have driven the Duke of *Anjou* out of *Spain*, and have put an end to an expensive war. Nor was this my opinion only, but that of all the world at that time."

"And

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not have the supreme command, both the Earl of *Galway* and Count *Noyelles* being much ancienter Officers than he was. But, to deliver him from the uneasiness of being commanded by them, the Queen had sent him the powers of an Ambassador Extraordinary; and he took that character on him for a few days. His complaining so much as he did, of the Prince of *Lichtenstein* and the *Germans*, who were still possessed of King *Charles's* confidence, made him very unacceptable to that King; so that he, without waiting for orders from the Queen, withdrew

from the camp, and sailed away in one of the Queen's ships to *Genoa*. The *English* fleet lay all the summer in the *Mediterranean*, which obliged the *French* to keep theirs within *Toulon*. *Carthagena* declared for King *Charles*, and was secured by some of our ships. The fleet came before *Alicant*: The seamen landed and stormed the town: The castle held out some weeks; but then capitulated, and the soldiers, by articles, were obliged to march to *Cadiz*. Soon after that, our fleet sailed out of the *Streights*, one Squadron was sent to the *West-Indies*; another was to

“ And I find his Lordship thinks it so far imports him to be clear of this imputation, that he is resolved to be rid of it at any rate. For certainly nothing less than an apprehension of this nature could have made him aver a fact so improbable as that, where, in his farther answer to the same question, he says, *That he received no letter, no message from the Earl of Galway, after his second entrance into Spain; nor had the least notice of his situation, circumstances, or designs, till he saw his troops retreating from the enemy, to take the strong camp of Guadalaxara*. Now what could be the design of his Lordship's marching to *Guadalaxara* with so small a body of troops, as is mentioned in my narrative, unless he knew he was to meet us there? Besides, his Lordship forgets, that he came not to *Guadalaxara*, till some days after the *Portuguese* had been actually encamped there, as I can make appear by the oath of several Officers; and consequently it was impossible for him to have seen us retreating thither. I believe it may be necessary upon this occasion to repeat, that, when his Lordship did join us, he brought no more *English* troops with him than one regiment of dragoons, and a detachment of another, though he had actually at that time under his command in *Spain* thirteen *English* battalions and four regiments of dragoons; as likewise, that the Officer, who (his Lordship says) passed through his quarters with letters for the King of *Spain*, and none for him, was never designed to have gone within several leagues of his Lordship, unless he had been obliged to it by a party of the enemy, as I have already explained more at large in my narrative. And I cannot help observing, it is very improbable, that that Officer should have had occasion to apply to the Earl's Secretary for money, because I gave him an hundred pistoles at the time I dispatched him. In his Lordship's answer to the third question, he is pleased to say, *That the Earl of Galway continued about forty days at Madrid, without making any endeavours to augment his troops, or provide any magazines for the subsistence of his army; that, meeting the enemy unexpectedly, and retreating to the camp of Guadalaxara, the troops were without provisions, and in the greatest disorder*. In reply to this paragraph, I do affirm, that the *Portuguese* staid no longer time at *Madrid* than was necessary to get the King proclaimed there, which did not exceed ten days; then advanced as far as *Guadalaxara*, and afterwards to *Guadaraxa*, about sixty miles beyond *Madrid*, where we obliged part of the Duke of *Anjou's* troops to repass the river, but were not willing to engage them at a time, when we had reason to expect we should have been joined in a very few days by the forces with the King of *Spain* and Earl of *Peterborough*, which was the only secure method left us to augment our troops; for it would have been very imprudent to have attempted to form corps of the *Castilians*, who were intirely devoted to the Duke of *Anjou's* interest. But all the Officers of the army knew we were so far from wanting provisions ourselves, that we sent a convoy of eight thousand livres to meet the King and Earl of *Peterborough*, which, by their delay in not advancing fast enough grew mouldy, and was afterwards pillaged by the peasants. His Lordship's information of our want

“ of intelligence of the enemies motions, and of our disorder upon the retreat, are as great mistakes as the former; for the occasion of our advancing to *Guadaraxa* was purely to post ourselves in such a manner, as to prevent the enemy from marching or sending detachments to intercept the King of *Spain*; and, when we had reason to believe him out of danger, we returned to *Guadalaxara*, there to be joined by the King and Earl of *Peterborough*. Nor was it possible for his Lordship to have seen our disorder, had there been any, because, as I have already observed, he came not to *Guadalaxara* himself, till some days after we had been incamped there. Notwithstanding the Earl of *Peterborough* is pleased to say, *That we left five thousand men in the return to Valencia, without a blow, and intirely ruined our whole cavulry*; it is certain, our loss upon that occasion was very considerable, if any; and the retreat made in so good order, that the enemy (superior as they were in number) never durst venture to attack us, after the warm reception twenty-two of their squadrons met with from two battalions under the command of Colonel *Wade*, in the town of *Villa Nova*, notwithstanding we were obliged to cross plains and rivers in their view. And though his Lordship avers, in his answer to this question, *That this retreat was made against the King's opinion, and that of all his Officers, and Ministers*, it is certain, the retreat was concerted and agreed upon in a Council of war. It is true, some persons about the King seemed at first inclinable to have taken quarters in *Castile*; but that was soon after found impracticable; for none of those squadrons, who were best acquainted with the country, could make a disposition of quarters, where the troops could be secure; and therefore it was resolved immediately to cross the *Tagus*, before the approaching rains should have rendered the fords impracticable; which being done, our next design was to have lodged ourselves behind the river *Xucar*. But neither could this be done without taking a small town with a castle upon that river, that commanded a bridge, where the enemy had a garrison; and therefore a disposition was made for attacking this town: But, by the delay of the King's Generals, the execution of this matter was so long deferred, that the enemy had already reinforced their garrison, and were advanced so near with a superior force, that it was not thought advisable to attempt the place. Thus the only resource left us was the Kingdom of *Valencia*, whither we were absolutely obliged to retreat, that we might preserve our communication with the seas, and caution with security. Nor is it to be wondered, that Count *Noyelles*, in his letter to the Earl of *Peterborough*, should seem dissatisfied with the measures, that were then taken, since it is well known, that General used underhand to ridicule those very opinions in Councils of war, to which he had given his own assent. For being disappointed of the command of the army (which was what he expected at his first arrival) he seemed resolved, that no other General should have an army to command.”

The Reader, who has an inclination to see a larger detail of the conduct of the Earls of *Peterborough* and *Galway*, may compare Dr. *Friend's Account* of the former

1706. to lie at *Lisbon*, and the rest were ordered home. After King *Charles* had joined the Earl of *Galway*, King *Philip's* army and his looked on one another for some time, but without venturing on any action. They were near an equality, and both sides expected to be reinforced; so that, in this uncertainty, neither side would put any thing to the hazard.

Affairs of Italy. Notwithstanding his disgraces both in Spain and the Netherlands, the King of France was re-
Brodick.
B. rect.
Hist. of Europe.

former with the *Impartial Inquiry* into the management of the town in Spain; which latter piece is a confutation of the Earl of *Peterborough's* Historian, supported by a great number of original papers; among which, is a Memorial of Count *Galar* to Queen *Anne*, dated 27 of August 1706, shewing "the true and principal reason, why his Catholic Majesty was so long detained at *Barcelona*, and obliged to chuse the way of *Saragossa*, rather than that of *Valencia*, in order to his going to *Madrid*, and to expose himself to all the inconveniences, which the delay of his arrival in the said City might have occasioned." Which reason is charged upon the Earl of *Peterborough*. For after it had been agreed, that the Earl should embark some troops, and transport them to *Valencia*, whether his Majesty would go by land with the rest of the forces designed for that disposition, after which they would march jointly to *Madrid*, the Earl, instead of giving the King any assistance or relief, represented the way by *Valencia* to be almost impracticable, and intimated that by *Saragossa*; so that his Majesty, having nothing to hope for from the Earl, and finding it impossible for him to carry his troops so far through an enemy's country, without any means of subsisting them, was obliged to accept of the offer of the inhabitants of *Arragon*, who had newly declared for him, and invited him thither. "It is true, says the Memorial, that my Lord *Peterborough*, when he had warning given him, that he would become answerable for the inconveniences, that such an alteration of the route might produce, afterwards wrote to the King, as appears by his letter of the 5th of July, that he had found all that was necessary for his Majesty's occasions: But he did not do it before it was too late, and till such time as his Majesty was already upon the road to *Saragossa*; which obliged him to return the following answer to the said Lord:

"You represent to me the importance of my going immediately to *Madrid*, and propose to me the way to *Reguena*, as the shortest and surest from *infultu*. You tell me the dispositions, both of men and money, you have now made for accompanying my person; and further offer me to come to me to concert the rest, which might contribute to the good success of this undertaking; for which I am very much obliged to you. But, being upon the road to *Arragon*, and engaged to pursue my march that way, I am willing to tell you the chief reasons that have induced and obliged me to take such a resolution. Several of your former letters mention the concern you were in, that you could not supply me with any money: That your foot was almost entirely ruined and useless: That you could not find mules for the baggage: And that, in short, you could not make one step in such a juncture for my service. To this you farther added an account, that, in my passage through the Kingdom of *Valencia*, I should want every thing; and therefore, having not the necessary funds to defray the expence of the journey, the troops I should bring would be ruined in a short time, and my person exposed to great inconveniences and disadvantages. So that, seeing the inclination and fidelity, which the Kingdom of *Arragon* began to shew towards us, I took the resolution, out of necessity, to turn this way, where I hope, from a country abounding in provisions, for a subsistence for my retinue and my troops, besides the supplies, which my faithful subjects may present me. With this prospect I ordered some regiments to march to the frontiers, where I now am; and the Province having ordered it so, that *Saragossa*,
Numb. XLIX. Vol. III.

solved to pursue his designs in Italy, where the Duke of *Orleans* (upon *Vendosme's* being placed at the head of the French army in *Flanders*) was sent to command, with Marshal *Marsin* to assist, or rather to govern him. As all the preparations for the siege of *Turin* were made, and as it was thought impossible for Prince *Eugene* to attempt the relief of that place, the siege was begun in May, and continued till the beginning of September (1). The French were of *Turin*.

"the Capital, has openly declared for me; it seems becoming my Royal Dignity to go myself, and take possession of that Crown; and the rather, since by the same way I can advance towards *Madrid*, and, making use of the favourable conjuncture, join with the King of Portugal's army; not doubting but the Generals of the Allies, that command it, will send some detachments forward to cover, as I desire, my march to that Capital, being resolved to make but a short stay at *Saragossa*, and then to march that way, which will be thought most secure and practicable; whereas I shall forthwith give you notice, in order to regulate afterwards the route, which the troops from *Reguena*, or the neighbourhood, are to take, in order either to meet me, or to secure elsewhere my passage. I am willing to believe the road by *Reguena* is free; but yet I wonder, that by so easy a way you receive no news from my Lord *Galway*, since there is nothing, that can hinder the communication on that side.

"Besides the reasons contained in this answer, there was yet another, which does not carry less force in it than those, viz. That his Catholic Majesty could repose little confidence in these promises, having fresh in his memory the example of what happened at his departure from *Lisbon*, when the Earl, to engage his Catholic Majesty to leave that place, assured him, that he should want for nothing: That he had forty thousand pistoles, whereof eight thousand had been given him by your Majesty; the remainder being his own money, besides an unlimited credit upon *Genoa* and *Lisbon*. But scarce were they arrived in *Catalonia*, when his Lordship, instead of giving any money, demanded some, and obliged his Catholic Majesty to borrow, and advance to him wherewithal to make his first expedition into *Valencia*. His Catholic Majesty hopes, that your Majesty will be fully convinced by this relation, the truth of which is made evident by the said Lord's own letters hereto annexed, and by the King's answers, that it was through mere unavoidable necessity, that his Catholic Majesty did not set out sooner from *Barcelona*, and took the way by *Saragossa*, instead of that by *Valencia*."

The Earl of *Sunderland* likewise, in a letter to the Earl of *Peterborough*, dated at *Whitehall*, Decemb. 18, 1707, has the following passage:

"As to your Lordship's answer to the second head, her Majesty is by no means satisfied with it, because it does appear by the date of your letter to the King of Spain, and from Mr. *Stanhope's* letter to you, to which you refer, that you did not, after coming to *Barcelona*, solicit or press the King of Spain to go by way of *Valencia* till after he had taken the resolution of going by *Saragossa*, which resolution was also occasioned by the discouragements you had given him from going by way of *Valencia* for want of money, carriages, and all necessaries for the army."

(1) *Turin*, a strong and splendid City of Italy, with a fine castle; the Marquise of the Principality of *Piedmont*, in the territory of *Turin*; an Archbishoprick and University, subject to the Duke of *Savoy*, and his Seat. The French besieged it very vigorously the present campaign, and reduced it to great extremities: But, September the 7th, the Duke of *Savoy*, and Prince
9 G Eugene,

1706. in hopes, that the taking of *Turin*, with the intricate reduction of *Piedmont*, of which they seemed secure, would compensate their other losses. They boasted they had formed an army, under the Duke de la Feuillade, for that enterprize, consisting of sixty-eight battalions and eighty-eight squadrons, two hundred and fifty Officers of artillery, eight hundred gunners, two hundred and fifty bombardiers and miners, and four thousand pioneers; and that they had also provided for the siege a hundred and sixty pieces of heavy cannon, eighty mortars, a hundred thousand bullets, twenty-seven thousand bombs, one million and one hundred thousand pounds weight of powder, three hundred thousand weight of lead, eighty thousand grenades, &c. all which were laid up in the magazines of *Casal*, *Crescentino*, and *Cbiras*. On the other hand, the Duke of *Savoy*, who was resolved to defend the place to the last extremity, added new works to the fortifications. The French King, at the same time, used all possible methods to induce him to abandon the Allies, by not only offering him the Government of the *Milanese* for his life, but several millions of livres for repairing his fortified places, that had been demolished. But he rejected those proposals, and declared his resolution to adhere firmly to the interest of the Grand Alliance. The French King therefore determined to reduce him (if possible) by force, and immediately dispatched his orders to the Duke de la Feuillade, to form the siege of *Turin* with the utmost diligence. Accordingly, he caused the lines of circumvallation and contravallation to be carried on; and the latter being finished by the 30th of *May*, N.S. and the other on the 2d of *June*, the trenches were opened the same night, both against the town and citadel. The Duke, having the next day viewed the enemy's works, ordered the guards in the citadel, and at the gate *Suza*, to be doubled, and gave other necessary directions for the defence of the place; and, on the 6th of *June*, gave orders for the planting of sixty pieces of cannon on the bastion de *la Consolare*, near the citadel, and upon some other works. The next day, the Duke de la Feuillade sent Monsieur de *Marignan*, his Quarter-Master-General, with a Trumpet to the grand guard, to acquaint the Duke, "That he had received orders from Court, to form the siege of *Turin*; and, at the same time, to have all imaginable regard to the Royal family there, and offer to them passports, with a guard, before the siege was begun." In answer to which, the Duke sent word, "That he was very much obliged to the King for his offer: That he did not think at present to remove his family: That, whenever he should remove them, he should have no occasion for a pass or a guard: And that he might execute his Master's orders, and begin the siege when he thought fit." On the 8th of *June*, therefore, the Besiegers began to bombard the citadel and town, and continued the three following days without doing any considerable

damage; and, at the same time, the Besieged fired incessantly from their mortars, cannon, and small arms, which very much disturbed the enemy in their works, who, on the 15th, at night, began to fire on the Besieged red-hot bullets, most of which fell near the Duke's palace, but did very little harm. The next day, the two Dutcheffes, with the young Prince and Princesses, left *Turin*, and went to *Quierasco*; and the Duke of *Savoy* having received advice, that the enemy were marching towards *Montcalier*, in order entirely to surround *Turin*, he left his capital on the 18th, and, going to *Carmagnole*, put himself at the head of his horse, whence he sent six hundred of them under General *Marigni* to *Montcalier*; but, on the 20th, the enemy's forces on this side the *Po* advancing thither, that General was forced to retire. On the 21st, Mr. *Melbuen*, Envoy Extraordinary from the Queen of Great-Britain to the Duke of *Savoy*, came from *Genoa* by the way of *Oneglia* to *Carmagnole*, where he had audience of the Duke. But that night, the Duke receiving advice, that the enemy had laid a bridge over the *Po* at *Montcalier*, and intended to march that way the next morning, orders were given for decamping by break of day; and the Duke marched from *Carmagnole* to *Quierasco*, and there passed the *Stura*, being closely pursued by the enemy, who attempted several times to put his rear into disorder, but were as often repulsed, and the Duke made an orderly retreat. Soon after, he received intelligence, that the enemy were advancing to attack *Quierasco*, whereupon he removed the Dutcheffes and Princes to *Mondovi*, being accompanied, at the Duke's request, by the Sieur *Vander Meer*, Envoy Extraordinary from the States-General. From thence they removed to *Ceva*; but, the Duke imagining they were not safe there, he ordered them to retire into the territories of *Genoa*, where, after many inconveniencies and dangers, they safely arrived about the middle of *July*.

The Duke de la Feuillade, being wearied in the pursuit of the Duke of *Savoy*, returned, the 5th of *July*, to the camp before *Turin*, to receive the Duke of *Orleans* (who was come to take the command) leaving forty-five squadrons, under the Count d' *Aubeterre*, with orders to pursue the Duke of *Savoy*: Which pursuit proved advantageous to his Royal Highness; for, from the 10th of *June* to the 15th of *July*, great part of the forces, employed in the siege of *Turin*, being engaged in this service, it not only very much retarded the progress of the siege, but gave Prince *Eugene* an opportunity at last to come up time enough to relieve the place, in hopes of which relief, though the siege was vigorously pushed on, it was as bravely defended. However, on the 4th of *August*, the enemy attacked the first counterescarp of the citadel, and took it after a stout resistance, which lasted for about three hours, having twenty Officers, three Engineers, and three hundred men killed, besides four hundred wounded in the action. After this, they

Eugene, relieved it, gaining a complete victory over their enemies. It stands in a very fruitful pleasant plain, on the river *Po*, twenty miles nigh East of *Pignerol*, seventy-eight almost West of *Genoa* and *Milan*, a hundred almost East of *Grenoble* and *Cambray*, a hun-

dred and twenty South-east of *Geneva*, a hundred and fifty four almost South of *Lyon*, two hundred and fifty West of *Venice*, three hundred and sixty South-east of *Paris*, three hundred and forty North-west of *Rome*, and four hundred and sixty South-west of *Vienne*.

1706. they continued to perfect their lodgments and batteries; but the besieged sprung so many mines, that they had no batteries ready till the 21st. On the 25th, in the morning, the besieged sprung a mine, which buried several men, blew up nine pieces of cannon, and threw down three out of five batteries, which were on the covered way. On the 26th, in the night, the half-moon and counter-guards were attacked and carried by the Besiegers; but those, who defended the half-moon, retired into a walled redoubt at the neck of it, and from thence to the flank of the bastions, and made such a terrible fire upon the enemy for three hours together, that, the next morning, they drove them from the counter-guards with much slaughter, that they owned themselves, they had in those attacks near five hundred men killed. On the 28th of August, the Duke of Orleans arrived in the camp with forty squadrons, eleven regiments of dragoons, and forty battalions. The Besiegers, encouraged by these reinforcements, on the last of August, made a second assault upon the half-moon, and the two counter-guards before the citadel, but were repulsed with greater loss than before; the Besieged making a terrible fire with their small arms, and springing several mines with extraordinary success; for, of seven batteries, some of five, others of six pieces of cannon, which the Besiegers had on the covered way, not one was left, the mines of the Besieged having ruined them all. But, though the French lost about fourteen thousand men before the place, yet the ammunition of the Besieged was now so far spent, that they must have capitulated within a day or two, if they had not been relieved by Prince Eugene, who made all possible haste for that purpose. The Court of Vienna had not given due orders, as they had undertaken, for the provision of the troops, which were to march through their Country to join him. This occasioned many complaints and some delay. The truth was, that Court was so much set on the reduction of Hungary, that all other things were much neglected, while that alone seemed to possess them. A treaty was set on foot with the malecontents there by the mediation of England and the States-General; and a cessation of arms was agreed to for two months. All, who belonged to that Court, were very uneasy, while the cessation continued: They had shared among them the confiscations of all the great estates in Hungary; and they saw, that, if a peace were made, all these would be vacated, and the estates would be restored to their former owners; for which reason, they took all possible means to traverse the negotiation, and inflame the Emperor. There seemed to be some probability of bringing things to a settlement; but that could not be brought to any conclusion, during the term of the cessation; and, when that was elapsed, the Emperor could not be prevailed on to renew it. He recalled his troops from the Upper Rhine, though that was contrary to all his agreements with the Empire. Notwithstanding all this ill management of the Court of Vienna, Prince Eugene got together the greatest part of those troops, which he expected in the Veronese, before the beginning of June. They were not yet all come up; but he, believing himself strong enough, resolved to advance; and he left the Prince of Hesse with a body to receive the rest, and by them to force a diversion,

while he was going on. The Duke of Vendosme had taken care of all the fords of the Adige, the Mincio, and the Oglio; and had cast up such lines and entrenchments every where, that he had assured the Court of France it was not possible for Prince Eugene to break through all that opposition, at least to do it in any time to relieve Turin. By this time the Duke of Orleans was come to take the army out of the Duke of Vendosme hands; but, before Vendosme had left it, they saw, that he had reckoned wrong in all those hopes, which he had given the Court of France of stopping Prince Eugene's march. For, in the beginning of July, that Prince sent a few battalions over one of the fords of the Adige, where the French were well posted, and double their number, who yet ran away with such precipitation, that they left every thing behind them. Upon that the Prince passed the Adige with his whole army, and the French in a consternation retired behind the Mincio. After this the Prince surprized the French with a motion, which they had not looked for, nor prepared against, for he passed the Po. The Duke of Orleans followed him, but declined an engagement; whereupon Prince Eugene wrote to the Duke of Marlborough, that he felt the effects of the battle of Ramillies, even in Italy, the French seeming to be every where dispirited with their misfortunes. Prince Eugene, marching nearer the Appennines, had gained some march of the Duke of Orleans, who, upon re-passing the Po, and advanced with his army towards Turin, that he took no care of at Stradella, which might have been kept and disputed for some days. Prince Eugene found no opposition there; nor did he meet with any other difficulty, but from the length of the march, and the heat of the season, for he was in motion all the months of July and August. At last, after having passed four great rivers, which served for ditches to the four intrenchments, which the enemy had made to hinder his passage, and, after thirty four marches, his army arrived near Turin on the 30th of August. On the 1st of September, Prince Eugene, joined by the Duke of Savoy with his horse, and the whole army, passed the Po, on the 4th, between Montcalier and Carignan towards Quers; and four battalions and ten thousand militia were left under the command of Count Sanienna, with a certain quantity of powder to be thrown into Turin, in case the enemy should quit the hill, to oppose the confederate army with all their forces. On the 5th, the Confederates incamped near the Doria, and, the Duke of Savoy having intelligence, that a convoy of one thousand three hundred mules was coming from Suza, he caused the Marquis de Visconti to pass the ford of Elpignan with the first line of the left wing, and the Marquis de Langallerie to pass below Pianessa with the horse of the second line of the same wing, and so the convoy, being then come into the neighbourhood of that town, was inclosed between them. Monsieur de Bonel, who commanded the guard of the convoy, was beaten, and the regiment of Chatillon intirely defeated. That day eight hundred loaded mules were taken; and at night the cattle of Pianessa, into which the rest of the convoy, and of the regiment of Chatillon, had escaped, surrendered with its garrison (consisting of eighty foot) at discretion. On the 6th, the Confederates passed the

1706. the *Doria*, and incamped with the right on the bank of that river before *Pianessa*, and the left on the *Stura* before the *Venerie*. At night all the troops were ordered to be ready to fight the next day, which order was received with inexpressible joy. On the 7th, at day-break, they marched to the enemy, who were intrenched up to the teeth, having the *Stura* on their right, the *Doria* on their left, and the convent of *Capuchins de Notre Dame de la Campagne* in the center; besides *Lusingo* and several other fortified *Casines* flanked their intrenchment. The Confederate foot marched in eight columns, four in the first line, and as many in the second, and all the grenadiers of each column in the van. The artillery was divided in proportion among the foot. The right moved along the side of the *Doria*, and the left along the *Stura*. Behind the foot marched the horse; the first line in six columns, and the second in brigades. Never was any thing seen so bold and terrible as this march. The enemy fired continually with forty pieces of cannon; but all the fire served only the more to inflame the Confederate soldiers, who, within half cannon-shot, formed into battalions; all their Generals took their posts, their cannon began to fire, and all the instruments of war to sound. They left a proper distance betwixt the brigades of their foot, by which they might march their horse in case of need, which precaution was of great use to them afterwards. Upon notice, that all was in order, the whole army moved in a moment. The infantry marched up with their muskets on their shoulders to the foot of the intrenchment. Then the great fire of the muskets began; and, as, by the unequal situation of the ground, the Confederate left wing sustained alone for some time the efforts of the enemy, that stopped them a little, but without making them give ground. At the same time Prince *Eugene* came up, drew his sword, and putting himself at the head of the battalions on the left, broke into the enemy's intrenchments in an instant. The Duke of *Savoy* did the like in the centre, and

the right near *Lusingo*. In conclusion, the 1706. Confederates triumphed on all sides, and their horse advancing through the intervals left for them, it was no longer a fight, but a pursuit. By noon the victory was complete, and the City intirely deivered, for the enemy abandoned the attack, and the remains of their army retired to the other side of the *Po*. The rest of the day was spent in taking several *Casines* and redoubts possessed by the enemy, who all yielded themselves prisoners; and the Duke of *Savoy* triumphantly entered his capital that evening.

The Duke of *Orleans*, though he lost the day, yet gave great demonstrations of courage, and received several wounds. Marshal *Marsin* fell into the enemy's hands, but died of his wounds in a few hours. Upon him the errors of this dreadful day were cast; the Duke of *Orleans*, with most of the chief Officers, having declared for marching out of their trenches; but the Marshal was of another mind, and, when he found it hard to maintain his opinion, produced positive orders, for it, which put an end to the debate. But the greatest part of the censure fell on Monsieur *Cbamillard*, who was then in the supreme degree of favour at Court, and was intirely possessed of Madam de *Maintenon*'s confidence. The Duke of *la Feuillade* had married his daughter; and, in order to the advancing him, he had the command of this siege given him, which was thus obstinately pursued, till it ended in this fatal manner. The oblinacy continued; for the French King sent orders, for a month together, to the Duke of *Orleans*, to march back into *Piedmont*, when it was absolutely impossible; and the reason of this was understood afterwards. Madam de *Maintenon* (it seems) took that care of the King's health and humour, that she did not suffer the ill state of his affairs to be fully told him. He, all that while, was made to believe, that the siege was only raised upon the advance of Prince *Eugene*'s army, and knew not, that his own was defeated and ruined (1)

While this was done at *Turin*, the Prince of *Hesse*

(1) The loss of the enemy amounted to four thousand seven hundred and six killed in battle, besides those slain in their retreat, and by the *Vaudait*. Count *Marce*, Lieutenant-General; Monsieur *la Bretonniere*, General of the horse; Messieurs *de Senneterre* and *Villars* (Marshals de Camp) the Marquis de *Bonneval*, Brigadier, taken by his own brother, who left the French service, with the Marquis de *Longallerie*, were made prisoners; as were likewise eight Colonels, twelve Lieutenant-Colonels, six Majors, ninety-eight Captains, a hundred and eleven Lieutenants, thirty-four Cornets and Ensigns, thirty Engineers and Commissaries of the Artillery, and seven thousand six hundred and forty private men, including those taken in *Chivaz*; the whole amounting to twelve thousand six hundred and seventy men. In the enemy's works the Germans found two hundred and fifty-five pieces of cannon, a hundred and eight mortars, seven thousand eight hundred bombs, thirty-two thousand Royal grenades, forty-eight thousand cannon-balls, besides a prodigious number in the ditches, &c. four thousand chests of musket-shot, and eighty-six thousand barrels of gun-powder. They took all their tents and baggage, five thousand horses, mules, and oxen, twenty-seven large boats loaded with ammunition, all their pontoons, four pictures of the French King set with diamonds, valued at four thousand pistoles. And Monsieur de *Carrege*, Commissary General of the army, was

taken, with all his mules so richly laden, that that part of the booty alone was valued at three millions of livres; to which must be added ten thousand horses of thirteen regiments of dragoons, which served for a very seasonable recruit to remount the Confederate cavalry, but was such a loss to the enemy, as could neither soon nor easily be retrieved.

Count *Daurin*, General of the artillery, had defended the City of *Turin* with all imaginable conduct and bravery; but the garrison suffered very considerably in the siege, which lasted near four months; during which time, the enemy made such a terrible fire upon them, as can scarce be paralleled in any age. Out of the Imperialists in garrison, during the siege, three hundred and eleven were killed, five hundred and eighty-nine wounded, and a hundred and twenty-two taken prisoners; in all one thousand and twenty-six. Out of the troops of *Savoy* thirteen hundred and three were killed, seventeen hundred and twenty-two wounded, nineteen hundred and fifty-eight deserters; the whole five thousand and ninety-three. Out of the dismounted horse a hundred and forty-one killed, and a hundred and fifty-four wounded. Out of the men belonging to the artillery there were seventy-one killed, seventy-five wounded, and forty-seven deserted; the whole loss amounted to six thousand six hundred and seven, besides near three thousand of the Confederates killed or disabled in the battle.

* The

1706. *Hesse* advanced to the *Mincio*, which the *French* abandoned; but, as he went to take *Castiglione*, *Medavi*, the *French* General, surprized him, and cut off about two thousand of his men; upon which he was forced to retire to the *Adige*. The *French* magnified this excessively, hoping, with the noise they made about it, to balance their real loss at *Turin*; and they continued some time about *Fenestrelles* and *Briançon*, as if they had a design to return with their army into *Piedmont*, and, to give an air of truth to their pretences, made some preparations and unsuccessful attempts to pass through the valley of *Aosta*. But the Duke of *Savoy* and Prince *Eugene*, disregarding the reports spread by the *French*, were only intent upon improving their late advantages and present opportunities. All the places, possessed by the enemy in *Piedmont*, *Monferrat*, the *Milanese*, and the neighbouring Provinces, were reduced one after another, some voluntarily, as *Milan*; others by force, and among the rest *Pavia*, *Mortara*, *Alexandria*, *Pizzighitona*, *Tortona* (the garrison of which was put to the sword) and *Casal*, the garrison of which was made prisoners of war, as well as those of many others; so that, except *Cremona*, *Valenza*, and the castle of *Milan*, which were blocked up, *France* lost at the conclusion of the campaign a vast country, the invading and keeping of which had cost prodigious sums of money, by a revolution no less surprising than that, which happened in the beginning of the campaign in the *Netherlands*.

Designs for a descent in France.
Burnet.
M. S. *

An account of the Marquis of Guiscard.

There was another alarm given the *French* this summer, which heightened the disorder they were in after the battle of *Ramillies*. The Queen and the States made great preparations for a descent in *France*, which was projected by the Abbot de la *Bourlie*, brother to the Count de *Guiscard*, Lieutenant-General in the army of *France*, and Governor of *Namur* when taken by King *William*. This Abbot, upon a family disgust, having thrown up his Abby, formed the airy design of restoring the civil and religious liberties of *France*, which the low condition of that Kingdom, the general discontent of the people, and the united power of the Allies seemed to encourage. In pursuance of his design, the Abbot repaired to the Southern Provinces of *France*, where he settled a correspondence with several persons of note, especially among the *Camisars*, who had then taken up arms.

From thence he went to *Turin*, where he assumed the title of Marquis de *Guiscard*. He was well received by the Duke of *Savoy*, who honoured him with the rank of a general Officer in his army, and gave him a recommendatory letter to the Emperor. Pleased with this success he hastened to *Vienna*, and applying himself to Prince *Eugene* (with whom he had been intimate in his youth) was by the Prince's means made a Lieutenant-General in the Emperor's army, which served to give him credit and confidence with the maritime powers so absolutely necessary to his projects.

From *Vienna* the Marquis came to the *Hague*,

where he prevailed with Pensionary *Heinsius* to hearken to his proposals, and to give him such credentials, as gained him an easy admission to the Duke of *Marborough*, when he came over in the winter 1705-6. Whilst in *Holland*, the Marquis published (as he had done at *Turin*) letters of exhortation to his countrymen, which he found means to disperse over *France* by way of manifestos. These were all penned in the style of Enthusiasm, of which he seemed to have a great tincture.

Thus supported and recommended he came into *England*, where he was favourably received, and grew into the good opinion and intimacy of Mr. *Henry St. John*, Secretary of war (which continued till within a short time of his death) and of other eminent persons. Never was an affair of such importance concerted and settled in so small a time. *Guiscard* was made Lieutenant-General, and had the command of a regiment of dragoons, consisting of twelve troops, with the direction of six regiments of foot, all formed out of the *French* Refugees on the *Hijf* establishment, at least as to the Officers. The Marquis, on account of his Religion, bore only the name of Lieutenant-Colonel. To these regiments were added as many *English* foot and dragoons, as amounted in the whole to ten thousand foot and one thousand two hundred horse. A report of *Guiscard's* commanding in chief caused two Refugee General Officers to desire to be excused serving in the expedition. But this report was without any ground, for the command of the land-forces was conferred on Earl *Rivers*, and of the fleet on Sir *Cloudesley Shovel*. It was the 30th of *July* before the forces and a large train of artillery, under the command of Colonel *Richards*, were all embarked. Earl *Rivers* went on board the *Barfleur* that day, and fell down with the fleet to *St. Helen's* to wait the coming of the *Dutch*, who were detained in the *Downs* by contrary winds, and did not join the fleet till the 13th of *August* near *Plymouth*. Next day the whole fleet, consisting of one hundred and fifty sail, was forced into *Torbay*, where a Council of war was held on board the Admiral. At this Council *Guiscard*, who, the moment the fleet put to sea, had been acknowledged Lieutenant-General, had the mortification to see the project he had been so long contriving entirely demolished. Earl *Rivers*, who had opened his orders the day before he got into *Torbay*, found himself authorised to examine *Guiscard* very strictly concerning the descent, and, to the great surprize of the board, he had nothing but probabilities and a few correspondents to go upon, and therefore the Council came to some resolutions very disadvantageous to *Guiscard*, which were immediately sent up to Court by an express. The Politicians were at a loss, nor is it known to this day what could induce *England* and *Holland* to make such an armament upon so weak a foundation. Indeed, if a diversion was only aimed at by alarming the coasts of *France*, the design was in great measure answered. For the alarm was general. It put all the maritime Counties of *France* to a vast

* The account of this descent, and the campaigns in *Spain* from 1706 to 1712, are chiefly taken from a manuscript narrative, by a Chaplain in the army, who No. 49. Vol. III.

was on the spot. It will be marked in the margin by the letters M. S.

1706. vast charge, and under dismal apprehensions. Officers were sent from the Court to exercise them, but they saw what their militia was, and that was all their defence (1).

About the same time that the express came from the fleet, another arrived from the Lord Galway, after his retreat from *Madrid* into *Valencia*, to solicit for succours, and the Court was not long in suspending what to order. Instead of carrying on the alarm to *France*, the reduction of *Spain* was thought of much greater consequence, and therefore new orders were sent to the fleet to sail first to *Lisbon*, and there to take such measures, as the state of affairs in *Spain* should require. At the same time, *Guiscard* was sent back to *London*, as were the Officers of three of the *French* regiments of foot, the soldiers being left to complete the rest; and Rear-Admiral *Dilks* was ordered to *Portsmouth*, with six of the largest men of war. In their short voyage they met with such a violent storm, that they were all six in danger of being lost, two of them being forced through the *Needles*, a thing unheard of, and very hazardous, for first rate ships.

The fleet, after having been detained near seven weeks in *Torbay*, by contrary and stormy winds, sailed at last the 1st of *October*, and arrived in three weeks at *Lisbon*. Earl *Rivers* went, *November 3*, to wait on the King at a little house at *Alcantara*, which, it was said, he hired for his health, but, more probably, to be near a Convent of Nuns, which was over-against this little house, where a beautiful *English* Lady, sister to a considerable Merchant, was shut up by her husband, a *Portuguese* of a great estate, upon the account of an intrigue with the King. In this house the King lived very privately, four or five straggling soldiers being about the gate in different coloured cloaths, without any regular entry without or within, nor any other appearance of a King than a canopy he stood under, with only four persons with him very indistinctly

1706. rrently dressed, when he gave audience to the General. He received the Earl with his hat off, and with great civility, saying, he was glad to see him, and approved much of his going to join the King of *Spain*. In this he was not thought sincere, for he would fain have kept the army in *Portugal*. He spoke always to strangers by an interpreter, for the palate of his mouth was so much damaged, that even the *Portuguese*, that were not admitted to a great familiarity, could not understand him without great difficulty (2).

In less than a month after the audience, the King died on the 28th of *November*. When he was opened, his body was found to be intirely decayed within. During his three days illness, all the wonder-working relics of *Lisbon* were carried to him, and continual procession made in the City for his recovery, but all to no purpose. The very day after his decease, the young King, his eldest son, who was then eighteen years old, took the Administration into his hands, and signed a treaty of Alliance, expressing great heartiness in it.

About the middle of *December*, the Secretary of State desired a Conference with Earl *Rivers*, in which he pressed him very much from the King, to stay in *Portugal* with the army under his command, but his solicitations proved fruitless: For the Earl ordered, two days after, the horses to be embarked, which were almost all on board, when an express arrived from *England*, with orders to stay in *Portugal*, which put a stop to the embarkation. Ten days after, Earl *Rivers* had an audience of the King, and laid before him several demands in writing, particularly about furnishing mules for drawing the artillery, and for the Officers baggage, as it was practised in *Spain*. The answer was to be returned in three days, and to determine the Earl's staying or going. But when it came, orders were immediately given to embark the remainder of the horses. The General and all the Officers went on

Dec. 21.

(1) The manuscript narrative says, the Duke of *Raguclaire* had an army of no less than forty thousand men to defend *Guinea*, and would have been ready to receive us, if we had gone to the intended place. These troops, he observes, would have been of great service to the *French* in *Flanders*. *Burnet* says, he saw one of the manifestos that Earl *Rivers* was ordered to publish upon his landing: He declared, that he was come neither to pillage the country, nor to conquer any part of it: He came only to restore the people to their liberties, and to have assemblies of the *States*, as they had anciently, and to restore the *Edicts* to the *Protestants*, promising protection to all that should come and join him.

(2) *November 12*, Earl *Rivers* and the Admiral, attended by several Officers, were to wait on the young Princes, the King's sons, at the Royal palace, and were received in the most uncivil formal manner, ever I saw, or heard of: After waiting about six minutes, we were conducted through three rooms to a fourth, where, on a *Turkey* carpet, and under a canopy, were the four young Princes drawn up in exact rank; the eldest on the right, and next to him, according to their ages. As soon as within the room we all bowed very low: Then, going near them, the Earl *Rivers* bowed again low; first to the eldest, then to each particularly: All our Officers doing the same. But they stood stiff like statues, with their hats on, not shewing the least notice or civility either with their bodies or

hands. The Earl *Rivers* spoke twice to the Secretary of State, who was near him, to interpret something to the eldest Prince, who made answers by the Secretary, and then waved his hand for us to go: So we all bowed low, then went backwards, with our faces to them till near the door, then bowed again, and so went out, without the least notice, or return of civility: Which was a most offensive and odious piece of State. The three eldest were in black, with large bands, and large *Holland* ruffles, and black clokes. Their right hands in, or near the coat-pocket; and left hands in their breast: Full bottom'd perukes hanging before, of an awkward length, shorter by much than those worn at our Court: Their hats looped up very low, so that both hat and peruke looked ungenteel. The youngest was in a purple coat fashionably made, with a cravat tucked as ours, and looked very well. The eldest is eighteen years of age; their persons are indifferently good, except the second son, who has an ill-favoured swollen face; he is the tallest: The others promise to be but of a little stature. Their Court was thin, and almost half of Priests of several orders, some in comical dresses. In the room with the Princes, except the Secretary of State, the company stood up against the walls, as immoveable as the Princes: No guard, armed men, or centry without, or within the palace; in the first hall below stairs, about eight halbarbs were set up against the wall near the door, that leads to the great stair case.

1706. on board; and, on the 2d of January, the fleet failed for *Alicant*, where they arrived on the 28th of the same month.

At *Alicant*, Earl Rivers found an *Aid de-Camp* from the Lord *Galway*, waiting for his arrival with a letter, to desire that he would assist at a General Council of war, which was to be held in the City of *Valencia*. Accordingly, about the middle of February, the Earls Rivers and of *Essex* went to *Valencia*, where the Grand Council was held to determine the operations of the campaign; the result of which was, that they should act offensively, seek out the enemy, and endeavour to bring them to a battle, considering the great reinforcement sent from *England*. Here no less than four *English* Generals met together; the Earls of *Peterborough*, *Galway*, and *Rivers*, and General *Stanhope*, the Queen's Envoy Extraordinary to the King of *Spain*. The Earl of *Peterborough* was recalled, so the command of the forces was to remain either with Lord *Galway* or Lord *Rivers*. The Earl of *Galway* used many arguments to persuade Earl Rivers to take it upon him, notwithstanding the orders he had received from *England* to stay and command. But Earl Rivers, not liking the country, or for some other reason, chose to return to *England*, which he and the Earl of *Essex* did a few days after, and Sir *Cloudesley Shovel* sailed back with the fleet to *Lisbon*.

In the end of the campaign, in which Poland had been harrassed with the continuance of the war, but without any great action; the King of *Sweden* seeing, that King *Augustus* supported his affairs in *Poland*, by the supplies both of men and money, that he drew from his Electorate, resolved to stop that resource. He marched therefore in the beginning of September through *Lusatia* into *Saxony*, and quickly made himself master of an open country, that was under no apprehensions of such an invasion, nor in any fort prepared for it, and had few strong places in it capable of making resistance. The rich town of *Leipsick*, and all the rest of the country, was without any opposition put under contribution. All the Empire was alarmed at this; and it was first apprehended, that it was owing to French counsels, in order to raise a new war in *Germany*, and put the North all in a flame. *Robinson* and *Haerflet*, Envoys from *England* and *Holland*, were ordered to attend the King of *Sweden*, and desire him to declare his true intentions. The King gave it out, that he had no design to give any disturbance to the Empire, and intended by this march only to bring the war of *Poland* to a speedy conclusion. Accordingly King *Augustus*, seeing his hereditary dominions in the hands of his enemy, soon found he could no longer maintain the war in *Poland*, and therefore a treaty was set on foot with such secrecy, that it was concluded before it was thought to be in agitation. *Augustus* was only waiting for a fit opportunity to disengage himself from his *Polanders* and from the *Muscovites*; but an incident happened, that had almost imbroiled all again. For, before the ratifications of the treaty were exchanged, the armies being near one another in *Great Poland* at *Kalish*, the *Polanders* and *Muscovites* attacked the *Suedes* at a great disadvantage, being much superior in number, and almost cut them in pieces. King *Augustus* had no share in this, and did all he durst to avoid it. He made all the haste he

could out of *Poland*, and, immediately after the battle, the peace, to the great surprize of all *Europe*, was published, having been signed, the 24th of September, above a month before the engagement. By the treaty King *Augustus* resigned the Kingdom of *Poland*, and the Great Dukedom of *Lithuania*, and acknowledged *Stanislaus* as true, rightful King of *Poland*. He was contented with the empty name of King, though that seemed rather to be a reproach than any accession of honour to his Electoral dignity; but he thought otherwise, and stipulated, that it should be continued to him: He was at mercy, for he had neither forces nor treasure. It was thought the King of *Sweden* treated him with too much rigour, when he had so intirely mastered him; but he was as little pitied as he deserved to be, for, by many wrong practices, he had drawn all his misfortunes upon himself. The King of *Sweden*, being thus in the heart of *Germany* in so formidable a posture, gave great apprehensions to the Allies. The French made strong applications to him, but the Courts of *Prussia* and *Hanover* were in such a concert with that King, that they gave the rest of the Allies great assurances, that he would do nothing to disturb the peace of the Empire, nor to weaken the Alliance. The Court of France pressed him to offer his mediation for a general peace; all the answer he gave was, that, if the Allies made the like application to him, he would interpose and do all good offices in a treaty, but refused to enter into any separate measures with *France*.

This was not the only application the French King made for a treaty. Soon after the battle of *Ramillies*, the Elector of *Bavaria* gave out hopes of peace. He writ a letter from *Mons*, the 21st of October, N. S. to the Duke of *Marlborough*, and another of the same date to the Deputies of the *States*, with proposals from the Court of *France* for holding of Conferences in some place between the two camps, or between *Mons* and *Brussels*, to treat of a peace. The Deputies of the *States* had sent the Elector's letter to the *Hague*, and the Duke had also communicated his to the Queen his Mistress. When the army separated in the *Netherlands*, and the winter-quarters were settled, the Duke came to the *Hague*, the 9th of November, N. S. The next day the Deputies of the *States* came and held a long Conference with him, chiefly upon the subject of the Elector's letters. It was agreed, that the steps, which *France* had made towards a peace, should be communicated to the Ministers of the Allies, in order to remove all suspicions of clandestine negotiations, and encourage the several members of the Grand Alliance to redouble their efforts against the next campaign. This being concerted, as well as the draughts of the respective answers to the Elector of *Bavaria*, the *States* desired the Ministers of the Allies, residing at the *Hague*, to be present, on the 21st of November, at an extraordinary Congress, when the Deputies for foreign affairs made the following notification to them. They owned, "That *France* had formerly, by some private persons, made general intimations of their willingness to treat of peace, and that, last winter, the Marquis d'*Alegre* had presented the *States* a formal memorial on the same subject [the substance of which was read in the Congress] but they had given no

1706. "ear to those advances, nor communicated them to the Allies, because they did not judge them worth imparting to them. But that, in *October* last, the Elector of *Bavaria* had writ a letter to the Duke of *Marlborough*, and another to the Field-deputies of the *States*, which letters, with the draughts of the answers, were also communicated to the Congresses (1)."

Then the Deputies of the *States* declared to the Assembly, "That their High-Mightinesses were resolved not to enter into any negotiation of peace, but jointly with their Allies, and faithfully to communicate to them the proposals, that might be made to them, expecting that the Allies would do no less on their part."

The Duke of *Marlborough* and the Pensionary spoke very prudently on this occasion in the Congresses, and both concluded for the continuation of the war. The Ministers were likewise desired to write to their respective Courts to exhort them to follow the example of *England* and *Holland*, who were resolved to make a vigorous campaign. The Assembly was extremely pleased with the sincerity and fairness wherewith this communication was made.

The *States* and the Duke had several weighty reasons for the communicating these proceedings to the Ministers of the Allies, some of whom were very uneasy on the apprehension, that some secret negotiation was transacting without their knowledge. Besides, it was spread about in *Holland* by the emissaries of *France*, that the Duke of *Marlborough*, finding his account in continuing the war, would induce the Queen of *Great-Britain* to refuse to hearken to a reasonable peace. The same thing had been insinuated in *England*, and therefore it was proper to demonstrate the contrary, and to shew, that the refusing to enter into Conferences with *France* was owing to a belief, that a solid and lasting peace could not be expected from thence.

However the Court of *France* did not stop here, but, finding they could not prevail with the King of *Sweden*, they made a public application to the Pope for his mediating a peace. The sum of their offers, for that purpose, was to give up to King *Charles* either *Spain* and the *West-Indies*, or *Milan*, *Naples*, and *Sicily*, with a barrier for the *Dutch*, and a compensation to the Duke of *Savoy* for the waste made in his Country. But these offers were rejected (2). The Court of *Vienna* was so alarmed at the insinuations

(1) The Elector's letter to the Duke of *Marlborough* was as follows:

"The most Christian King, Sir, finding, that some overtures of peace, which he had caused to be made in a private manner, instead of producing the effect of making known his dispositions towards procuring a general peace, have been looked upon, by ill-designing persons, as an artifice to disunite the Allies, and make an advantage of the misunderstanding, that might be created among them; has resolved to shew the sincerity of his intentions, by renouncing all secret negotiations, and openly proposing Conferences, in which, means may be found for the re-establishing the tranquillity of *Europe*."

"The most Christian King is pleased to charge me to inform you of this, and to desire you to acquaint the Queen of *England* with it."

"I give the like notification on the part of the most Christian King to the *States-General*, by a letter, that I have written to the Field-deputies; and he would do the like with regard to the other Potentates, that are at war with him, had they Ministers near at hand, as you are, to receive the like intimation, he having no design to exclude any of the said Potentates from the negotiation, that shall be begun in the Conferences he proposes. Moreover, for advancing a good so great and necessary to *Europe*, which has too long suffered the inevitable calamities of war, he consents that a place may forthwith be chosen between the two armies; and after their being separated, between *Mons* and *Brussels*, in which you, Sir, with whom the interests of *England* are so safely intrusted, the Deputies, which the *States* shall please to nominate, and the persons, whom the King of *France* shall impower, may begin to treat upon so important an affair."

"I am extremely pleased, Sir, to have such an occasion to write you this letter, being persuaded it will leave no room to doubt of the sentiments of his most Christian Majesty, which may be so beneficial to all *Europe*."

"You will be glad to give an account of it to the Queen of *England* without loss of time, and to whomsoever else you shall think fit. I shall expect your answer, Sir, to acquaint the most Christian King of it; and shall be always ready, Sir, to do you service."

Mons, Octob. 21,
1706.

M. EMANUEL, Elector.

The Duke of *Marlborough*'s answer was in these terms:

SIR,

"Having communicated to the Queen, my Mistress, what your Electoral Highness did me the honour to write to me in your letter of the 21st of last month, of the intentions of the most Christian King to endeavour to re-establish the tranquillity of *Europe*, by Conferences to be held for that purpose between Deputies on both sides; her Majesty has commanded me to answer your Electoral Highness, that as she has received with pleasure the notice of the King's inclination to agree to the making of a solid and lasting peace with all the Allies, being the sole end, that obliged her Majesty to continue this war till now; so she will be very glad to conclude it, in concert with all her Allies, on such conditions, as may secure them from all apprehensions of being forced to take up arms again, after a short interval, as has so lately happened. Her Majesty is also willing I should declare, that she is ready to enter, jointly with all the high Allies, into just and necessary measures for attaining such a peace; her Majesty being resolved not to enter upon any negotiation, without the participation of her said Allies. But the way of Conferences, that is proposed, without more particular Declarations on the part of his most Christian Majesty, does not seem to her to be proper for obtaining a truly solid and lasting peace. The *States-General* are of the same opinion. Wherefore your Electoral Highness will rightly judge, that other more solid means must be thought on to obtain so great an end, to which her Majesty will contribute, with all the sincerity that can be wished, having nothing so much at heart, as the relief of her subjects, and the tranquillity of *Europe*. Your Electoral Highness will always do me the justice to be persuaded of the respect, with which I have the honour to be, &c."

Hague, Novemb. 20, 1706.

The letters between the Elector and the Field-deputies were of much the same tenor.

(2) Dr. *Hare*, in his piece, intitled, *The management of the war*, in a letter to a *Tory-Member*, takes notice of the objection, which had been urged by the

1706. cinations some had expressed towards the entertaining this project, that this was believed to be the secret motive of the treaty, the succeeding winter, for evacuating the *Milanese*, and of their obstinately persisting, the summer after, in their designs upon *Naples*; for by this means they became masters of both.

The Duke of *Marlborough* having now settled several important affairs with the *States*, particularly the continuing the *Hessian* troops in *Italy*, of *Marlborough* according to the Duke of *Savoy's* desire, he embarked for *England*, and arrived at *London* the 18th of *November*, O. S.

As the Duke had by the Emperor been invested

1706. The Duke of Marlborough returns to England:

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Tories, *That a good peace might have been had at the end of the Ramillies campaign.* "Now to decide this question, says he, we must first settle what a good peace is; and, in order to that, must consider, what it was we went into the war for. No body wants to be told, that this was chiefly to obtain these two ends, the restitution of the *Spanish* Monarchy to the House of *Austria*, and the procuring of a good barrier against *France* on the side of the *Netherlands*; without which two points there can be no security for *Great-Britain*, that their best trade will not be lost, and with it their Religion and Government, and every thing that is dear to them. For we should every minute be in danger of having the bigotry, slavery, and poverty of *France* forced upon us by the exorbitant power of that most arbitrary Prince, if he should be suffered to strengthen himself with the addition of that vast Monarchy, who was before much too great for his neighbours; to say nothing of the safety of the *Dutch*, or the liberty of *Europe*.—Now the *Spanish* Monarchy, the restitution of which is the first article of the Grand Alliance, is known by every body to consist, besides the *Spanish Netherlands*, of these two great parts, of *Spain* and the *Indies*; and of *Milan*, *Naples*, and *Sicily*, with *Sardinia* and the adjacent isles. And a good barrier against *France* means, at least, a better than the *Dutch* had before; which, by the experience of fifty years, has been found to be much too weak for so large a frontier; the *Spanish Flanders*, and its capital City, *Ghent*, having in truth no cover at all, and *Brabant* but a very poor one; while, the *French* being intire masters of the *Lyx* and *Scheld*, both provinces lie exposed to their invasions. Look but on some large maps of these provinces, such as have been printed of late years, and your eyes will presently convince you of the truth of this. But, if this restitution and this barrier were thought necessary, at our entering into the war, no body, I presume, will say, they are less necessary now, when so much more has been done to gain these ends, than any body at the beginning could ever hope to see. And, if these two points are necessary, then no peace without them can be a good peace. Let us then compare this good peace with what the *French* offered at the end of the *Ramillies* campaign—which, in short, was no more than this, to give up to the Allies, which of those two they liked best, either *Spain* and the *Indies*, or *Milan*, *Naples*, and *Sicily*, &c. which offer was unanimously rejected. I suppose, there is no need of proving, that the Allies ought not to have accepted either part of this alternative, it being so short of what, upon our entrance into the war, was thought necessary. To have been content with a moiety of what we went into the war for, after so many successes, and not a few surprisingly great, would have rendered us inexcusable to all posterity; and some body, who, we are now told, prolongs the war, would have been said to have been well paid for such a peace. It would have been, in the language of the faction, a plain case, we were sold to *France*, and nothing less than his head could have atoned for it. But, instead of proving the absurdity of accepting such a peace, I shall shew you rather, what to every body is not so plain; and that is, that the *French* were not sincere: They meant nothing by their offer, but to amuse the Allies, and knew they could not all agree to accept either part of the alternative; and that *England* and *Holland* without the Emperor, could not take *Spain* and the *Indies*, were they

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"never so much inclined to it. For, had the Allies hearkened to this proposal, it had been in the power of the *French* to have closed with which they would. Now it is easy to see, what this must have ended in. For in such partition there is no doubt, but, as the *Dutch* and we should have been for *Spain* and the *Indies*, the Emperor would have made the other part his choice, which is evidently left for him. Which part now of the Allies in this division would *France* be most willing to comply with? Or, in other words, which part of the Monarchy would they choose of the two to quit? A man must be blind not to see, that the part the Emperor would like best to have, the same *France* would like best to part with. Behold then the necessary consequence of hearkening to such terms: The Confederacy broken, and the maritime powers left to shift for themselves, without being able to obtain either of the parts, when they ought to be content, according to the terms of the Grand Alliance, with nothing less than both. Who now, I would fain know, have most reason to complain, that these offers were rejected, the people of *London* or *Vienna*? They, who might have had the part they had most mind to, if they would have abandoned their Allies? Or we, who, it is certain, besides the infamy of so base an action, could have had nothing? Had the Writers, who are so able at making something out of nothing, had their lot in *Austrian* ground, what a field had there been for them? What rare matter to shew their skill in? What specious pretences, without the help of *Secret History*, to give out, that the Emperor was ill-advised? What reject so advantageous an offer, by which so great an addition of real strength would have been made to the House of *Austria*; and that, at a time, when they were so unable to carry on the war, when the people have been exhausted with continual wars for more than thirty years!—Would not this be the language of the faction, if the scene were changed from *London* to *Vienna*? And yet we do not hear, that either the Emperor, or his People, have hitherto thought it any crime in the Ministers, who would not hearken to those terms. Instead of that, all the world think it much for their honour, that they have appeared true to themselves, and faithful to their Allies, in rejecting so pitiful and insecure a peace. And is not this a reproach to us, who suffer ourselves to be deluded by such vile impostors, who would persuade us out of our senses, that half the *Spanish* Monarchy is as good as the whole, and that nothing is as good as half. For I have shewn, that one half only was offered, and that even that could not be had. It must, sure, to all thinking men be very surprising, that we only, of all the Allies, should complain, that this ridiculous offer of the *French* was rejected, when we, of all of them, have most reason to be pleased with it.—I must beg leave to observe one thing further, which is of too much moment to be past over; and that is, that they, who have done their country so much service in rejecting this offer from the *French*, would have done it still much greater, could they have prevented any regard being given to it. For, though the refusing these terms could do no harm, the hearkening to them, I will shew you, did a great deal. The inclination some people, of the same complexion with the Author of the *Secret History*, expressed to come to a treaty with the *French* upon the terms offered, raised in the Imperial Court a jealousy, that the maritime powers were

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"tampering

ed with the Principality of *Milddenheim*, for delivering the Empire from the arms of *France*; so he was now no less distinguished at home by the Queen and Parliament. For, soon after his return, he received the thanks of both Houses for his eminent services, and the Lords addressed the Queen to settle his honours on his Posterity. This was readily complied with; and an act

passed to limit his titles and honours to his eldest daughter, and her male heirs, and then to all his other daughters successively, according to their priority of birth, and that *Woodstock-Mannor* and *Blenheim-House* should always go with the titles. And, a few days after, upon the Commons address, the Queen agreed, that the five thousand pounds pension out of the Post-Office

"tampering with *France*, and making terms for themselves, to which the interest of the House of *Austria* was to be sacrificed. This put that Court upon measures, that had a fatal influence on the next campaign, and occasioned the two most unfortunate events, that have happened all this war. First, this suspicion made them begin and conclude a treaty with the *French* for evacuating the *Milanese*, without the privacy of *England* and *Holland*, who did not know one word of the matter. And what do you think was the consequence of this? Why, it gave the *French* an opportunity of sending immediately into *Spain* a great body of good Veteran troops. And it is to this reinforcement sent the Duke of *Anjou*, that we owe the loss of the battle of *Almanza*, which proved so fatal to our own affairs on that side.—And the same jealousy put the Imperial Court upon taking another step, no less prejudicial to the common cause, and that was the expedition to *Naples*, which they could not be prevailed with to defer upon the repeated and most pressing instances, that the maritime powers made to them by their Ministers both at *Vienna* and *Italy*. And the consequence of the expedition was, that it not only diverted a great part of the troops, that were to execute the project on *Toulon*, but retarded, for a considerable time, the march of the rest. And this loss of time, and lessening of their numbers, seem to have been the chief occasion of the miscarriage of that glorious enterprize. Nothing made the Imperial Court so obstinately bent on that unhappy expedition, but the fears they had, that *Naples*, as well as *Milan*, would at the *Hague* be given up to facilitate a peace, which they were resolved to prevent, by getting possession as soon as they could. This is all we have got by hearkening to those offers, which it is now thought a great crime we did not close with; the loss of the battle of *Almanza*, and the miscarriage of the project on *Toulon*, the greatest, most important, best concerted enterprize, that was ever entered on. And both these misfortunes had, in all probability, been prevented, had the offers of the *French* been roundly rejected at the first, and no occasion of jealousy had, by listening to them, been given the Imperial Court.—After saying so much of that part of the offer the *French* made, which concerns the partition they proposed of the *Spanish* Monarchy, which we ought not to have accepted, if we could, and could not, if we would; there is no need of telling you, what barrier was offered for the *Netherlands*, which the *Dutch* were most concerned in, who do not use to neglect good offers to come at a peace, if we may believe the faction, who have for a long time pretended to fear nothing so much as their quitting the Alliance for their own separate interest. Tho' now the noble firmness they have shewn in adhering to it, till terms may be had to the satisfaction of all parties, is by these ill designing Politicians, who can take every thing by a wrong handle, imputed to them for a crime.—That this is the whole truth of this matter; that these, and no other, were the offers the *French* made after the *Ramillies* campaign; I will give you, besides these already hinted, one plain authentic proof, which is as good as a thousand demonstrations; and that is a letter of the *French* King to the Pope on this subject, writ in the following spring, when all thoughts of peace were at an end, and a new campaign was entering upon."

This letter was dated at *Versailles*, February 17. 1707, and was as follows:

"The care, which your Holiness continues to take for procuring the peace of *Europe*, is always equally agreeable to us. We have nothing more at heart than to second your endeavours; and we would even prevent you in any thing we could do to make them effectual. As it was not our fault, that the war was begun, so we shall seek occasions to end it, by the most ready and easy methods. Your Holiness has been informed, that we have already made frequent advances to come to what some call an end. It can be attributed only to the misfortune of the times, that Catholic Princes, struck with fear of displeasing the Allies, should yet refuse to hear the holy exhortations of the Vicar of Jesus Christ. When we left it to the arbitration of your Holiness to satisfy the rights and demands of the Emperor, by a valuable compensation upon some parts of the *Spanish* Monarchy; the Ministry of your Holiness were charged with the care of making the proposal of it to that Prince. But with what harshness did he reject it! Having said things exorbitant, and insolently demanded, that our Grandson should be recalled. Who could have thought, most holy Father, that he would have made so arrogant a return to an insulted King, to a Minister of your Holiness, and to our love of peace? For the conjuncture, far from being favourable to the House of *Austria*, seemed then to threaten it by the superiority of our forces, and by our gaining the battle of *Cassano*. But God, who is the Master of events, changed the posture of our affairs. Yet, though we were employed with the cares of repairing our losses, we had still in our minds the idea we had conceived of peace, at the time even of our greatest prosperity. We renewed to *Holland* the offer of a barrier for their State, and of the security demanded for their trade; reserving it still to ourselves to treat with the Emperor about a compensation. Propositions so reasonable were again rejected by the intrigues of that party, which had shewed itself averse to the advancement of our Grandson. And then we employed all our thoughts to increase our preparations for a war, which had been violently and unjustly declared against us. Nevertheless, as it becomes us to be obedient to the pious exhortations of your Holiness; and, to the end that our enemies may have no pretence to impute to us the loss of so much Christian blood, as is already spilt, and now going to be let out, we will give your Holiness a plain and frank account of the disposition we are in for peace. We will therefore acquaint your Holiness, that the King, our Grandson, has intrusted us with full power to convey the Archduke a part of those estates, that compose the *Spanish* Monarchy. The Catholic King has the hearts of the true *Spaniards*, and is content to reign over them. It only depends therefore on the Emperor to explain himself at this time, who may have, if he pleases, for ever reunited to his family the *Milanese*, *Naples*, and *Sicily*, with the other Islands belonging to *Spain*, that are situated in the *Mediterranean* sea.

"We should easily agree about a barrier for the Republic of the *United Provinces*. And, the two pretences of the war being thus removed, it would not be difficult to put an end to these misfortunes, which *Europe* has been so long oppressed with.

"We

1706. Office should be settled on him and his Posterity, in the same manner as the town of *Woodstock* and the house of *Blenheim* (1).

*Affairs of
Scotland.
* Lock-
hart.
Burnet.*

The affairs of *Scotland* were all this while in a very dangerous situation. The interest of the Pretender (it is said *) increased to such a degree, that four parts in five of the Nobility and Gentry, and above half of the Commons over the whole Kingdom, expressed, on all occasions, their inclination and readiness to serve that cause. Accounts of this were from time to time transmitted to the Court of *France*, who, being much frightened by the successes of the Confederates, seemed more sincere and hearty than formerly, in promoting the interest of the Pretender. Colonel *Hookes* was sent to *Edinburgh* in 1705, with letters from the *French King* and the Pretender to the Duke of *Hamilton*, and the Earls of *Errol*, *Marischal*, and *Hume*, exhorting them to concert measures for the restoration of the exiled Royal Family; promising to assist the *Scots Nation* in so good a design, empowering the Colonel to receive proposals, and desiring them to send over to *France* one fully instructed to treat for that purpose. This *Hookes* had been a Presbyterian, and one of the Duke of *Monmouth's*

Chaplains, when he invaded *England*; but, whether he was taken prisoner and pardoned, or made his escape, it is certain, that, having afterwards turned *Roman Catholic*, and entered into the *French service*, he had, by this time, raised himself there to the command of a regiment of foot, and gained such credit at the Court of *France*, as to be appointed to manage their correspondence with *Scotland*. In conversation he appeared to be a man of tolerable good sense, and quick parts, but, being withal extremely vain and haughty, and not very circumspect, the Cavaliers and Country-party declined admitting him into their private meetings, to propose, as he designed, their owning the Pretender's interest, and moving his restoration in Parliament. They were cautious of confiding in him, because, in all his proposals, he seemed more intent upon raising a commotion in the Kingdom, and to giving a diversion to the enemies of *France*, than upon what really tended to advance the Pretender's affairs. However, the Cavaliers, to whom he delivered his letters and messages, told him in general terms, "That they were willing to do every thing, that could in reason be expected from them; and would,"

"as

"We pray God, that he will preserve your Holiness a great many years, in the Government of his Church."

Your devoted Son,

The King of France

and Navarre,

LEWIS.

The Author of the *Military History of the late Prince Eugene of Savoy*, and the late John Duke of Marlborough, Vol. II. p. 18, tells us, "That it is not certain, what were the true reasons, why the Confederates did not listen at this time to the proposals of peace, since there are just reasons to believe, that his most Christian Majesty would have consented to any thing, that could have been demanded, less than an intire renunciation of *Spain*. Nay, it is to be wondered, that the Alliance itself was not broke at this time, great jealousies arising between the Imperialists and the *Dutch*, about the conquests in the *Netherlands*, the jurisdiction being claimed by the former, and exercised very despotically by the latter. The source of this difference lay here: It was stipulated in the Grand Alliance, that the *Dutch* should first have a barrier, and, when they were safe, the *Spanish Provinces* were to be delivered up to the Emperor or the King of *Spain*. The Imperialists were of opinion, that the *Dutch* were now safe; and demanded therefore, that the Province of *Limburgh*, which had been reduced the last campaign, should be delivered up: To which the States returned general answers, and continued to exercise their jurisdiction as formerly. Count *Zinzendorf* was pitched on therefore by his Imperial Majesty, to go first to the camp, and then to the *Hague*, in order to regulate all things with the Allies. The Duke of *Marlborough* entertained this Ministry very agreeably; they conversed together on the subject of the overtures made for peace, and canvassed the several neutral powers of *Europe*, in order to find out the proper mediation, under the auspice of which a negotiation might be commenced. The Pope was by no means grateful to the Protestant powers, nor a grain more in the good graces of his Imperial Majesty. The *Venetians* expressed no great inclination to concern themselves in such a business; and it was thought the Emperor would not accept

"the mediation of the *Swiss Cantons*. In the North, the King of *Denmark* might have been inclined to take on him such a part; but, in regard, that he himself had some differences to adjust, it was doubted, whether a negotiation could be properly carried on through his mediation. Besides, the only plan, that was talked of on the side of the Confederates, was the absolute cession of *Spain*, and its dependencies, to the House of *Austria*, and the erecting the *Dutchy and County of Burgundy* into a Kingdom, which was to be given to King *Philip*. The *Dutch* in general were very much disposed to a peace; but the Duke of *Marlborough* and the Imperial Minister were for continuing the war, that *France* might be obliged to accept such terms, as would leave it no longer in her power to terrify her neighbours. The answer the Duke of *Marlborough* gave to the Elector of *Bavaria* was concerted with, and approved by the Imperial Minister. And thus all the intrigues of *France*, for bringing on a negotiation somewhere, were absolutely defeated, though she spared no pains to bring them to bear. His most Christian Majesty, however, did not fail to make the most he could of a very indifferent game. He applied himself assiduously to the re-establishment of his troops, and to the raising money by every method he could take; at the same time that his emissaries gave out every where, that the present war was a war merely of interest. That his Imperial Majesty carried it on, because he had all things to hope from it, and nothing either to fear or pay: That the leading people in *Great-Britain* were such, as gained titles and estates by the war: And that, in *Holland*, the Pensionary *Heinsius*, who did all things, was intirely directed by the Duke of *Marlborough* and Prince *Eugene*. If these suggestions were neither agreeable to truth nor to the sentiments of the people, at the time they were thrown out, yet, by being often repeated, they gained credit at last, and occasioned some disturbances in *Holland*, and greater in *England*."

(1) Six days after his arrival, the Duke coming to the House of Peers, the Lord-Keeper, by direction, made the following speech to him:

My Lord Duke of Marlborough,

"I am commanded by this House to give you Grace their acknowledgment and thanks for the eminent services you have done, since the last Session

"of

1706. "as they were desired, in a short time, send over one to confer with King James (for so they stiled the Pretender) and the King of France." With this answer *Hooker* returned to France; and the Cavaliers, having resolved to send one over, to see what assistance they could depend upon from thence, unanimously made choice of Captain *Henry Stratton*, who embarked for France, the very next day after *Lockhart* returned to *Edinburgh*, having waited for him, to get a full account of what passed at *London*, in relation to the intended Union. Besides what concerned that treaty, *Lockhart* was employed to sift the Tories in *England*, and endeavour to know what they would do, in case the Pretender came over, and the Scots declared for him; and, having accordingly found means to understand the sentiments of the Duke of *Leeds*, the Lord *Granville*, and several others, he informed Captain *Stratton*, that the English Tories were much more cautious than the Scots Cavaliers; the former being all of opinion, *That no attempt ought to be made during the Queen's life*. Captain *Stratton* was kindly received in France, but could bring nothing to a conclusion; the battles of *Ramilles* and *Turin* having so disconcerted the French King's measures, that he was not in a condition to spare either men or money for the service of the Pretender. However, the Pretender told *Stratton*, "That he longed extremely to be amongst his Scots friends;" and obliged him to give him in writing a character of every Member of the Scots Parliament, as they stood affected to him. After this *Stratton* was dismissed, with fair promises from the French King, of doing all in his power in a more favourable conjuncture, and with letters from the Pretender to the Duke of *Hamilton*, the Earls of *Errol* and *Marischal*, and the Viscount *Stor-*

mount. The Viscount had two letters inclosed in his, one to the Duke of *Atbol*, the other to the Marquis of *Montrose*; the first of which was delivered, and kindly received; but, the Marquis having left the Cavaliers, it was thought to no purpose to make any attempt upon him, and dangerous to trust him with secrets, which he might discover to the Ministers of State; for which reason the Pretender's letter was not delivered to him.

Upon this encouragement from France, the Cavaliers resolved to stand firm, and to exert their utmost efforts in the ensuing Session of Parliament, against the ratification of the treaty of Union; though, about this time, they sustained a great loss in the death of the Earl of *Hume*, who was more relied on than any other of his party.

Before the Parliament met in Scotland, the Ministry there gave such a fair representation of the Union, that it was generally relished by the people; but no sooner did the articles appear in print, but they were as universally disliked. It was visible, that the Nobility of that Kingdom suffered a great diminution by it; for, though it was agreed, that they should enjoy all the other privileges of the Peers of *England*, yet the greatest of them all, which was voting in the House of Lords, was refrained to sixteen to be elected by the rest every new Parliament; yet there was a greater majority of the Nobility that concurred in voting for the Union, than in the other States of that Kingdom.

On the 3d of October, the Parliament being met, the Duke of *Queenberry*, the High-Commissioner, went thither, attended by most of the Nobility, Barons, and other Members; and the Queen's letter was read as follows:

ANNE.

"of Parliament, to her Majesty and your Country, together with their Confederates, in this just and necessary war. Though your former successes against the power of France, while it remained unbroken, gave most reasonable expectation, that you would not fail to improve them; yet what your Grace hath performed, this last campaign, has far exceeded all hopes, even of such as were most affectionate and partial to their Country's interest and your glory. The advantages you have gained against the enemy, are of such a nature, so conspicuous in themselves, so undoubtedly owing to your courage and conduct, so sensibly and universally beneficial in their consequences to the whole Confederacy, that to attempt to adorn them with colouring of words would be vain and inexcusable, and therefore I decline it; the rather, because I should certainly offend that great modesty, which alone can, and does add lustre to your actions, and which, in your Grace's example, has successfully withstood as great trials, as that virtue has met with in any instance whatsoever. And I beg leave to say, that, if any thing could move your Grace to reflect with much satisfaction on your own merit, it would be this: That so August an assembly does, with one voice, praise and thank you; an honour, which a judgment so sure, as that of your Grace's, a judgment rightly of every thing, cannot but prefer to the ostentation of a public triumph."

The Duke's answer to this speech was: "I esteem this as a very particular honour, which your Lordships are pleased to do me. No body in the world can be more sensible of it than I am, nor more desirous to deserve the continuance of your favour and good opinion."

The day before a Committee, appointed by the Commons, having attended the Duke with the thanks of that House for his eminent services to her Majesty and this Kingdom in the last campaign, the Duke told them, "If any thing could add to my satisfaction in the services I have endeavoured to do the Queen and my Country, it would be the particular notice, which the House of Commons is pleased to take of them so much to my advantage." A little after the Lords waited on the Queen with an address, importing, "That having considered the many great actions, which the Duke of *Marlborough* had performed in her Majesty's service, such actions, as the wisest and greatest of people had rewarded with statues and triumphs; they were extremely desirous to express the just sense they had of his merit, in a peculiar and distinguishing manner; and, in order to perpetuate the memory thereof, to settle and continue his titles and honours, with his right of precedence, in his posterity by act of Parliament. But, having a just regard for the prerogative of the Crown, they thought it their duty, in the first place, to have recourse to her Majesty for her Royal allowance, before any order given for bringing in a bill of such a nature; and to desire her Majesty to let the House know in what manner it would be most acceptable to her, that these titles and honours should be limited." Her Majesty's answer to this address was as follows:

ANNE R.

"Nothing can be more acceptable to me than your address. I am intirely satisfied with the services of the Duke of *Marlborough*, and therefore cannot but be pleased you have so just a sense of them.

"I must

1706.

ANNE R.

*My Lords and Gentlemen,**The Queen's letter.*

"SINCE your last meeting, we did nominate Commissioners to treat of an Union between our two Kingdoms of Scotland and England, and by their great care and diligence a treaty is happily concluded and laid before us.

"We have called you together as soon as our affairs could permit, that the treaty may be under your consideration, in pursuance of the act made in the last Session of our Parliament there; and we hope the terms will be acceptable to you.

"The Union has been long desired by both Nations, and we shall esteem it as the greatest glory of our Reign to have it now perfected, being fully persuaded, that it must prove the greatest happiness of our people.

"An entire and perfect Union will be the solid foundation of a lasting peace: It will secure your Religion, Liberty, and Property; remove the animosities among yourselves, and the jealousies and differences betwixt our two Kingdoms. It must increase your strength, riches, and trade: And by this Union, the whole Island being joined in affection, and free from all apprehension of different interests, will be enabled to resist all its enemies, support the Protestant interest every where, and maintain the liberties of Europe.

"We do, upon this occasion, renew the assurances we have formerly given you, of our resolution to maintain the Government of the Church as by law established in Scotland; and the acts of both Parliaments, upon which this treaty proceeded, having reserved their

"respective Governments of the Church in each Kingdom, the Commissioners have left that matter intire; and you have now an opportunity for doing what may be necessary for the security of your present Church Government, after the Union, within the limits of Scotland. The support of our Government and your own safety does require, that you do make necessary provision for maintaining the forces, ships and garrisons, until the Parliament of Great-Britain shall provide for these ends in the united Kingdom.

"We have made choice of our right trusty and right intirely beloved Cousin and Counsellor, James Duke of Queensberry, to be our Commissioner, and represent our Royal person; being well satisfied with his fitness for that trust, from the experience we have of his capacity, zeal, and fidelity to our service, and the good of his Country; which, as it has determined us in the choice, we doubt not but will make him acceptable to you.

"We have fully instructed him in all things we think may fall under your consideration, and seem to be necessary at present: Therefore we desire that you may give trust and credit to him.

My Lords and Gentlemen,

"It cannot but be an encouragement to you to finish the Union at this time, that God Almighty has blessed our arms, and those of our Allies, with so great success; which gives us the nearer prospect of a happy peace, and with it you will have the full possession of all the advantages of this Union: And you have no reason to doubt, but the Parliament of England will do what is necessary on their part, after the readiness they have shewn to remove

"I must not omit to take notice, that the respectful manner of your proceeding, in desiring my allowance for bringing in the bill, and my direction for the limitation of the honours, does give me great satisfaction.

"My intention is, that, after the determination of the estate, which the Duke of Marlborough now has in his titles and honours, the same should be limited to his eldest daughter, and the heirs male of her body, and then to all his other daughters, successively, according to their priority of birth, and the heirs male of their respective bodies, and afterwards in such manner, as may effectually answer my design and yours, in perpetuating the memory of his merit, by continuing, as far as may be done, his titles and name to all his posterity.

"I think it would be proper, that the honour and manor of Woodstock, and the house of Blenheim, should always go along with the titles; and therefore I recommend that matter to your consideration."

Then the Duke of Marlborough, on this occasion, spoke to the Lords in these words:

My Lords,

"I cannot find words sufficient to express the sense I have of the great and distinguishing honour, which the House has been pleased to do me in their resolution, and their application to her Majesty. The thoughts of it will be a continual satisfaction to me, and the highest encouragement; and the thankful memory of it must last as long as any posterity of mine.

No. 49. Vol. III.

"I beg leave to say a word to the House in relation to that part of her Majesty's most gracious answer, which concerns the estate of Woodstock, and the house of Blenheim. I did make my humble request to the Queen, that those might go along with the titles; and I make the like request to your Lordships, that after the Dutches of Marlborough's death (upon whom they are settled in jointure) that estate and house may be limited to go always along with the honours."

The Lords readily complied with the Queen's and the Duke's desires, and the bill, which was brought in for that purpose, had a quick passage through both Houses.

On the 7th of January, the Commons also having taken into consideration "the eminent services of the Duke of Marlborough, whereby the glory of her Majesty's Government, the honour and safety of the Kingdom, and the interest of the Common Cause had been so highly advanced," they agreed upon an address to the Queen, wherein they humbly desired, "That as her Majesty was, at her expence, graciously pleased to erect the house of Blenheim as a monument of his glorious actions; and the House of Peers, by her Majesty's permission, had given rise to a law for continuing his honours to his posterity; the most obedient Commons might be permitted to express their sense of distinguishing a merit, and their ready disposition to enable her Majesty to make some provision for the more honourable support of his dignity in his posterity, in such manner, as should be most agreeable to her Majesty." Concluding, "That thus the gratitude of the whole Kingdom

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1706. "remove what might obstruct the entering on the treaty. We most earnestly recommend to you calmness and unanimity in this great and weighty affair, that the Union may be brought to a happy conclusion, being the only effectual way to secure your present and future happiness, and to disappoint the designs of our and your enemies, who will, doubtless, on this occasion, use their utmost endeavours to prevent or delay this Union, which must so much contribute to our glory, and the happiness of our people. And so we bid you heartily farewell."

Given at our Court at *Windor-Castle*, the 31st day of July 1706, and of our Reign the 5th year.

By her Majesty's Command,

MAR.

This letter was enforced by the speeches of the Duke of *Queenberry*, and the Lord-Chancellor *Seafeld*, after which the treaty of Union was read, and ordered to be printed, together with the proceedings of the Lords Commissioners of both Kingdoms in relation to that matter; and then the Parliament was adjourned to that day fortnight.

A Power
ful speech
against
the Union.

Her Majesty's Ministers were not insensible of the difficulties, which they had to encounter in the affair of the Union, against which, the Dukes of *Hamilton* and *Arbuthnot*, the Marquiss of *Annandale*, the Earls of *Errol*, *Marschal*, and *Buchan*, the Lord *Belhaven*, Mr. *Fletcher of Salton*, and some others, had formed a powerful party. The Commissioners from the Shires and Boroughs were almost equally divided, though, it was evident, they were to be the chief gainers by it. Among these the Union was agreed to by a very small majority. It was the Nobility, that in every vote turned the scale for the Union: They were severely reflected upon by those who opposed it; and it was said, many of them were bought off, to sell their country and their birth-right. All those, who adhered inflexibly to the Jacobite interest, opposed every step that was made with great vehemence, for they saw that the Union struck at the root of all their designs for a new Revolution. Yet all these could not have raised or maintained so great an opposition as was made, if they had not prepossessed with

fears and jealousies the minds of many among the Presbyterian Clergy, who had the greatest ascendant over the generality of the Laity in *Scotland*. Among other indications of this temper of the Scots Ministers at this critical juncture, it was taken notice, that, some days before the meeting of the Parliament, one of Duke *Hamilton's* Chaplains proposed in the General Assembly of the Clergy, "That, before an affair of so great importance, as the Union was, came to be debated before the Estates of the Kingdom, they ought to enter into an Association for the preservation of the Presbyterian discipline, if the treaty concluded by the Commissioners of both Kingdoms was ratified by the respective Parliaments." Another Minister moved, "That a day of fasting and humiliation should be appointed to seek the Lord for counsel in this arduous affair and time of danger." But these two motions were rejected by the majority of voices. These jealousies of the Presbyterians, lest their Church should suffer a change, and be swallowed up by the Church of *England*, were infused into them chiefly by the old Dutchess of *Hamilton*, who had great credit with them: And it was suggested, that she and her son had particular views, as hoping, that, if *Scotland* should continue a separated Kingdom, the Crown might come into their family, they being the next in blood after King *James's* posterity. The infusion of such apprehensions had a great effect on the main body of that party, who could scarce be brought to hearken to, but never to accept of, the offers, that were made for securing their Presbyterian Government. On the other hand, a great part of the Gentry of *Scotland*, who had been often in *England*, and had observed the protection, which all men had from a House of Commons, and the security, which it procured against partial Judges and a violent Ministry, entered into the Union with great zeal. The opening a free trade, not only with *England*, but with the Plantations, and the protection of the fleet of *England*, drew in those, who understood these matters, and saw there was no other way in view, to make the Nation rich and considerable. Those, who had engaged far into the design of *Darien*, and were great losers by it, saw now an honourable way to be reimbursed; which made them wish well to the Union, and promote it. But, that

"Kingdom would remain upon record to after-ages, and encourage others to follow his great example." This address being the next day presented to the Queen by the whole House, her Majesty was pleased to tell the Commons, "That she was very glad they had so just a sense of the repeated services of the Duke of *Marlborough*, and would consider of their address, and return an answer very speedily."

Accordingly, on the 9th of January, Mr. Secretary *Hedges* delivered to the House a message signed by her Majesty, importing, "That her Majesty, in consideration of the great and eminent services performed by the Lord *Marlborough* in the first year of her Reign, as well by his present negotiation as her Plenipotentiary at the *Hague*, as by his valour and good conduct in the command of the confederate armies abroad, thought fit to grant to him, and the heirs male of his body, the title of a Duke of this Realm; and as a farther mark of her favour and satisfaction with his services, and for the better support of his dignity, her Majesty granted to the said

"Duke, and the heirs male of his body, during life, a pension of five thousand pounds per annum, out of the revenue of the Post-office: And an act having passed this Session, for settling the honours and dignities of the Duke of *Marlborough* upon his posterity, and annexing the honour and manor of *Woodstock* and house of *Blenheim*, to go along with the said honours; it would be very agreeable to her Majesty, if the pension of five thousand pounds per annum were continued and limited by act of Parliament to his posterity, for the more honourable support of their dignities, in like manner as his honours, and the honour and manor of *Woodstock*, and house of *Blenheim*, were already limited and settled." The Commons very readily complied with this message, and an act passed for that purpose.

However, a little after, the Queen having given him the grant of the Royal Manse at *Charing-Cross*, (where a square was designed to be built and called after his name) the Commons, upon a motion made to confirm this grant, refused to do it.

(1) The

1706. that, which advanced it most effectually, and without which it could not have succeeded, was, that a considerable number of Noblemen and Gentlemen, who were in no engagements with the Court (on the contrary, had been disobliged and turned out of great posts, and some very lately) declared for it. These kept themselves very close and united, and seemed to have no other interest but that of their Country, and were for that reason called the *Squadrons* *. The chief of these were the Marquiss of Tweeddale, the Earls of Rothes, Roxburgh, Haddington, and Marchmont. They were in great credit, because they had no visible bias on their minds. Ill usage had provoked them rather to oppose the Ministry, than to concur in any thing, where the chief honour would be carried away by others. When they were spoke to by the Ministry, they answered coldly, and with great reserve; so that it was expected they would have concurred in the opposition; and, they being between twenty and thirty in number, if they had set themselves against the Union, the design must have miscarried. But they continued silent, till the first division of the House obliged them to declare; and then they not only joined in it, but promoted it effectually and with zeal.

* See
p. 690.

There were great and long debates managed 1706. on the side of the Union by the Earls of Seafield, The Union and Stair for the Ministry, and of the *Squadrons* long, i. e. by the Earls of Roxburgh and Marchmont; and against it by the Dukes of Hamilton and Arbol, ^{long, i. e. in the Par-}liament of Scotland and the Marquiss of Annandale. The Duke of Arbol was believed to be in a foreign correspondence, and was much set on violent methods. The Duke of Hamilton managed the debate with great vehemence, but was against all desperate motions. He had much to lose, and was resolved not to venture all with those, who suggested the necessity of running, in the old Scots way, into extremities.

The topics (1) from which the arguments against the Union were drawn, were the antiquity and dignity of their Kingdom, which was offered to be given up, and sold: They were departing from an independent state, and going to sink into a dependency on England; what conditions soever might be now speciously offered, as a security to them, they could not expect that they should be adhered to, or religiously maintained in a Parliament, where sixteen Peers and forty-five Commons could not hold the balance, against above an hundred Peers, and five hundred and thirteen Commons. Scotland would

(1) The proceedings more at large upon the three first articles, and some other particulars, are contained in the following extract:

First article.

The Parliament having gone through the first reading of the articles, the Court-party moved, on the 1st of November, for a more particular consideration of the same, in order to approve or disallow them; and, to begin with the first, namely, That the two Kingdoms shall, May 1, 1707, be united into one. But the opposite party moved also, That the farther consideration of the articles should be delayed for some considerable time, that the sentiments of the Parliament of England about the same might be known; and that the Members of Parliament might consult those, whom they represented. However, after some debate, these two motions were let fall, and it was agreed, that the first article should be read; but that it should be allowed the next sitting to debate, whether the first article should be concluded, by approving thereof, or not; or, if the Parliament might not, before the concluding thereof, begin with, or conclude any other of the articles; and, accordingly, the first article was read. The next day, there was a debate, "Whether they should proceed immediately to the consideration of the first article of the Union, or the security of the Church?" When the vote was pressed for giving the preference to the first article of the Union, several Members urged the unreasonableness of agreeing to an Union, till they had gone through the treaty, and found, that the terms thereof were for the interest of Scotland; for if they should, in the first place, agree to the subverting the Monarchy, and sinking the Parliament, which was the purport of the first article of the treaty of Union; Who could tell but the Royal assent might be given thereto, and the Parliament adjourned; and so the Nation be united upon no terms, or, at least, upon such, as England should afterwards please to grant? This argument carrying a great deal of weight, and the House appearing generally inclined to take the terms of the Union previously into consideration, the Lord Register found an expedient to remove the difficulty, by proposing a resolve, "That the House, in the first place, proceed to take the first article of the treaty into consideration, with this proviso, that, if all the other articles of Union were not adjudged by the Parliament, then the agreeing to and approving the first article should be of no effect. And that, immediately after the first article,

"the Parliament should proceed to an *act* for the security of the doctrine, discipline, worship, and government of the Church, as now by law established." This being approved by the majority, the Lord Belhaven made a long speech, wherein he very pathetically lamented the miserable and despicable condition, into which Scotland was going to fall by the Union. In the next sitting, after some debate, the Marquiss of Annandale presented a resolve against an Incorporating Union; and many of the Country-party urged, that such an Union was altogether inconsistent with the honour of the Scots Nation, and destructive of its interest and concerns, both civil and military. Some went yet farther, affirming, that this scheme would infallibly be an handle to any aspiring Prince to attempt the overthrow of the liberties of all Britain; for, if the Parliament of Scotland could alter, or rather subvert its Constitution, it might be made a precedent for the Parliament of Great-Britain to do the same: And that the Representatives of Scotland, being reduced to a poor miserable condition, would intirely depend upon those, who had the purse; and, having shewn so little concern for the support of their own Constitution, it was not to be expected they would much regard that of any other. The Duke of Hamilton said, "What shall we, in half an hour, yield what our forefathers maintained with their lives and fortunes for many ages? Are here none of the defendants of those worthy Patriots, who defended the liberty of their Country against all Invaders; who assisted the Great King Robert Bruce, to restore the Constitution, and revenge the fallhood of England, and usurpation of Balliol? Where are the Douglasses and Campbells? Where are the Peers; where are the Barons, once the bulwark of the Nation? Shall we yield up the Sovereignty and Independency of the Nation, when we are commanded by those we represent, to preserve the same, and assured of their assistance to support us?" He urged a great deal more to the same purpose; but the Court-party called for a vote, which was thus stated, *Approve of the first article of Union, or not.* Before the question was put upon it, the Duke of Arbol gave in a protest against an Incorporating Union, as contrary to the liberties, rights, and privileges, and constitution of the Kingdom of Scotland, the birth-right of the Peers, the rights and privileges of the Barons and Burghs, and to the claim of right, property, and liberty of the Subjects: Which protest being read, his Grace took

1706. would be no more considered as formerly by foreign Princes and States: Their Peers would be precarious and elective: They magnified their Crown, with the other Regalia so much, that, since the Nation seemed resolved never to suffer them to be carried away, it was provided, in a new clause added to the articles, that these should still remain within the Kingdom. They insisted most vehemently on the danger, that the Constitution of their Church must be in, when all should be under the power of a *British* Parliament: This was pressed with fury by some, who were known to be the most violent enemies to Presbytery, of any in that Nation: But it

was done on design, to inflame that body of men by those apprehensions, and so to engage them to persist in their opposition. To allay that heat, after the general vote was carried for the Union, before they entered on the consideration of the particular articles, an act was prepared for securing the Presbyterian Government: By which it was declared to be the only Government of that Church, unalterable in all succeeding times, and the maintaining it was declared to be a fundamental and essential article and condition of the Union; and this act was to be made a part of the act for the Union, which, in the consequence of that, was to be ratified by another act

1706.

took instruments thereon, and the same was adhered to by the

Duke of Hamilton,
Marquis of Annandale,
Earl of Errol,
Earl Marischal,
Earl of Wigton,
Earl of Strathmore,
Earl of Selkirk,
Earl of Kincardin,
Viscount of Sturmont,
Viscount of Killyb,
The Lord Somers,
The Lord Oliphant,
The Lord Balmerinach,
The Lord Blantyre,
The Lord Borgan,
The Lord Belhaven,
The Lord Colvill,
The Lord Duffus,
The Lord Kinnaird,
George Lockhart of Carn-
roath,
Sir James Foulis of Colling-
ton,
Andrew Fletcher of Saltoun,
Sir Robert Sinclair of Long-
formacus,
Sir Patrick Home of Ren-
town,
John Sinclair, junr. of Ste-
venson,
John Sharp of Hadlom,
Alexander Ferguson of
Ips,
John Brisbane of Bishop-
ston,
William Cochran of Kil-
maronock,
Sir Hugh Colquhoun of Luss,
J. Graham of Killcarn,
T. Sharp of Houston,

Sir Patrick Murray of
Auchtertyre,
John Murray of Strawn,
James More of Stenwood,
David Benton of Balfour,
Thomas Hope of Rankil-
ler,
Patrick Lyon of Auch-
house,
James Carnegie of Phin-
haven,
David Graham, jun. of
Fintrie,
James Ogilvie, junr. of
Boyn,
George Mackenzie of In-
chaulter,
Alexander Robertson,
Walter Stuart,
Alexander Watson,
Alexander Edgar,
John Black,
James Oswald,
Robert Johnston,
Alexander Duff,
Francis Mollison,
Walter Scott,
George Smith,
Robert Scott,
Robert Kellie,
John Hutchinson,
William Sutherland,
Archibald Shield,
John Lyon,
George Spence,
William Johnston,
John Carruthers,
George Home,
John Boyne,
Robert Frazer.

Then the vote was put, *Approve of the first article of the Union in the term of the motion (beforementioned) yes, or not?* and it was carried *Approve* by a majority of thirty-four voices. Then it was moved, that the list of all the Members of Parliament, as they voted *pro* and *con*, be printed, which was agreed to. After which an overture for an act for security of the true Protestant Religion and Government of the Church, as by law established, within the Kingdom of Scotland, was read, and afterwards passed by a majority of seventy-four votes. However the Lord Belhaven gave in a protestation, importing, "That this act was no valid security to the Church, in case of an *Incorporating Union*; and that the Church could have no real and solid security by any manner of Union, by which the claim of right was unbanded, the *Scots* Parliament incorporated, and the distinct Sovereignty and Independency intirely abolished." To this protestation adhered the Dukes of Hamilton and Athol,

the Marquis of Annandale, the Earls of Errol, Mar-
schal, Wigton, and others.

Two days after, the second article of the Union (namely, That the Succession to the Monarchy of the United Kingdom of Great-Britain shall be to the Princess Sophia and her issue) was read, and a motion was made, "That the Parliament should proceed to settle the Succession upon regulations and limitations in the terms of the resolve mentioned in the minutes of the 4th of November, and not in the terms of the second article of the Union." This was warmly opposed by the Court-party, who urged, that the Parliament of Great-Britain would be more competent Judges of what was necessary for the good of the United Kingdoms, than that House. To which it was answered, "That any limitations made by the Parliament were alterable by a subsequent Parliament: But if, as was by some alledged, the articles of Union were to be punctually observed in all future ages, and nothing to be altered in them, without demolishing the whole structure; then it followed, that it was the general interest of all Britain to have such limitations, as were necessary to be put upon the Succession to the Crown, inserted in the articles of Union, particularly in what related to Scotland, whose representatives could but act precariously in the Parliament of Great-Britain." In the height of this debate it was moved, "To address her Majesty to lay before her the condition of the Nation, and the aversion in many persons to an *Incorporating Union with England*, and to acquaint her with the willingness of the House to settle the Succession in the Protestant line upon limitations; and, in order thereto, that a short recess might be granted." But this was opposed, and a vote demanded upon the second article, which at last was stated. But, before voting, the Earl Marischal gave in a protest for himself and all those, who should adhere to his protestation, importing, that no person could be designed a Successor to the Crown of that Realm, after the decease of her Majesty, and failing issue of her body, who was Successor to the Crown of England, unless that in the present Session of Parliament, or any other Session of this or any ensuing Parliament, during her Majesty's Reign, there were such conditions of Government settled and enacted, as might secure the Honour and Sovereignty of that Crown and Kingdom, the Frequency and Power of Parliament, the Religion, Liberty, and Trade of the Nation from any *English* or any foreign influence. To this protestation, forty-six Members having adhered, it was agreed, that a list of the Members should be printed, as they voted, *Approve, or not?* And that they who adhered to the protest, should likewise be marked. Then the vote was put, *Approve, or not?* And it was carried, *Approve*, by fifty-nine votes.

On the 18th of November, the third article (namely, that both Kingdoms shall be represented by one and the same Parliament) falling under consideration, the Country-party endeavoured to shew the dishonour and prejudice, that would arise to the *Scots* Nation from this single article, urging, "that thereby they did, in effect, sink their own Constitution, when the English

Seco. 1
article
Nov. 14.

third ar-
ticle.

1706. act of Parliament in England. Thus those, who were the greatest enemies to Presbytery, of any in the Nation, raised the clamour of the danger that form of Government would be in, if the Union went on, to such a height, that by their means this act was carried, as far as any human law could go, for their security: For, by this, they had, not only all the security that their own Parliament could give them, but they were to have the faith and authority of the Parliament

of England, it being, in the stipulation, made at 1706. essential condition of the Union: The carrying this matter so far was done, in hopes that the Parliament of England would never be brought to pass it. This act was passed, and it gave an entire satisfaction to those who were disposed to receive any; but nothing could satisfy men, who made use of this, only to inflame others.

The

"English would not allow the least alteration in theirs: That the Members of Scotland in the British Parliament would bear so small a proportion to the English, that it could not be expected, that the former should ever be able to carry any thing, that should be for the interest of Scotland, against so great a majority, who, though divided among themselves about different parties, would yet unite against the Scots, to whom they all bore a natural antipathy. That in all Nations there are Fundamentals, which admit of no alteration by any power whatsoever. That the rights and privileges of Parliament being one of these fundamentals among the Scots, no Parliament, nor any other power, could ever legally prohibit the meeting of Parliaments, or deprive any of the three Estates of its right of sitting or voting in Parliament, or give up the rights and privileges of Parliament; but that, by this treaty, the Parliament of Scotland was intirely abrogated, its rights and privileges given up, and those of the Parliament of England substituted in their place. That, if the Parliament of Scotland could alter their Fundamentals, the British Parliament might do the same; and if so, what security had the Scots for any thing stipulated in the treaty of Union, with respect either to the representation of Scotland in that Parliament, or any other privileges and immunities granted to Scotland? That though the Legislative power in Parliament were regulated and determined by a majority of voices; yet the giving up the Constitution, and the rights and privileges of the Nation, was not subject to suffrage, being founded on dominion and property; and therefore could not be legally done, without the consent of every person, who had a right to elect, and be represented in Parliament. That, by this treaty, not only the Constitution of the Parliament in general was wholly altered, or rather given up, but the Barons and Boroughs were aggrieved in their particular rights and privileges. For supposing the twenty-second article, which limits the number of Scots Peers, Barons, and Boroughs, should be rejected; yet, nevertheless, the Barons and Boroughs were still deprived of their judicial authority, to which they had an undoubted right, and of which the Parliament could not deprive their Constituents, without their own consent. That though the Barons, for their own convenience, consented to be represented by a certain number in Parliament, yet they had as good a right to sit, and vote, and advise their Sovereign, as the Peers themselves, whenever they pleased to reassume their power, of which the third and twenty-second articles deprived them. And, lastly, it was represented, that the Scots Members being obliged to reside so long in London to attend the British Parliament, that alone were sufficient to drain Scotland of all their money in specie." And it was moved, "That the agreeing to the third article, in relation to the Parliament of Great Britain, should not be binding, nor have any effect, unless terms and conditions of an Union of the two Kingdoms, and particularly the Constitution of the said Parliament, were finally adjusted and concluded, and an act passed thereupon in the Parliament; and that the said terms and conditions be also agreed to and ratified by an act of the Parliament of England; the Constitution of the Parliament of Great-Britain being left intire, until the Parliament came upon the twenty-second article." It was moved also, to pro-

ceed to the consideration of the fourth and other articles of Union before the third; but it was carried to proceed to the consideration of the third article. After a long debate, a vote was stated, *Approve of the third article, in the terms of the motion relating thereto, or not?* And it was carried *Approve*, by a majority of thirty-one votes. But, before voting, the Marquis of Amandale gave in a protest, and desired, that the Narrative of the 4th of that month of November might be prefixed thereto, being both together as follows: *viz.* "Whereas it evidently appears, since the printing, publishing, and considering the articles of treaty now before this House, that this Nation seems generally averse to the Incorporated Union, in the terms now before us, as subversive of the Sovereignty, fundamental Constitution, and claim of right of this Kingdom, and as threatening ruin to this Church, as by law established: And since it is plain, that if an Union was agreed to in these terms by the Parliament, and accepted of by the Parliament of England, it would in no sort answer the peaceable and friendly ends proposed by an Union, but would, on the contrary, create such dismal distractions and animosities amongst ourselves, and such jealousies and mistakes betwixt us and our neighbours, as would involve these Nations into fatal breaches and confusions. Therefore I do protest for myself, and in the name of those, who shall adhere to this my protestation, that an *Incorporating Union* of the Crown and Kingdom of Scotland with the Crown and Kingdom of England, and that both Nations be represented by one and the same Parliament, as contained in the articles of the treaty of Union, are contrary to the Honour, Interest, fundamental Laws and Constitution of this Kingdom, is a giving up the Sovereignty, the birth-right of the Peers, the rights and privileges of the Barons and Boroughs, and is contrary to the claim of right, property, and liberty of the Subjects, and the third act of her Majesty's Parliament, 1703, by which it is declared High-treason in any of the Subjects of this Kingdom, to quarrel, or endeavour by writing, malicious and advised speaking, or open act or deed, to alter or innovate the claim of right, or any article thereof. As also that the Subjects of this Kingdom, by surrendering the Sovereignty of Parliaments, are deprived of all security, both with respect to such rights, as are by the intended treaty stipulated and agreed, and in respect of such other rights, both Ecclesiastical and Civil, as are, by the same treaty, pretended to be reserved to them. And therefore I do protest, that this shall not prejudice the being of future Scots Parliaments and Conventions, within the Kingdom of Scotland, at no time coming." To this protest fifty two Members adhered. The next eighteen articles, from the fourth to the twenty-first, passed without any thing very remarkable; but, before the House came to the twenty-second article, which settles the number of the Representatives of Scotland in the British Parliament, Duke Hamilton, having assembled the leading Men of the party, who had long opposed the Union, exhorted them, "Not to look back upon what might have been done amiss by any amongst them, but to go forwards, and now at last to unite their efforts to save the Nation, which stood on the very brink of ruin." After all, who were present, had declared their concurrence, let the consequences be what they would, he proposed, "That the Marquis of Amandale should renew his motion

1706. The party, who opposed the Union, finding the majority against them, studied to raise a storm without doors, to terrify them. A set of addresses against the Union were sent round all the countries, in which those, who opposed it, had any interest. There came up many of these in the name of Counties and Boroughs, and at last from Parishes. This made some noise abroad, but was very little considered there, when it was known, by whose arts and practices they were

procured. When this appeared to have little effect, pains were taken to animate the rabble to violent attempts, both at *Edinburgh* and at *Glasgow*. About two or three thousand Commissioners came in arms to *Dumfries*, and publicly burnt the articles of Union, and affixed on the Market-cross a declaration of their reasons for so doing. Sir Patrick Johnston, Lord Provost of *Edinburgh*, had been one of the Commissioners, and had concurred heartily in the design. A great

“for settling the Succession of the Crown upon the House of *Hanover*; and, as it was not to be doubted, but the same would be rejected, that then a protestation should be entered and adhered to by all, who were against the Union, who, immediately after, should in a body separate from the other Members, and leave the House, never to return again. And that, in the next place, a national address should be forthwith signed by as many hands as possible, and dispatched to the Queen; urging, that, of all measures, this was the most likely to prevail with the *English* to let the Union drop.” And then he offered the draught of the intended Protestation, which had been put into his hands by the Marquis of *Anandale*, but was thought to have been drawn up by Sir *James Stuart*, the Queen’s Advocate. The persons present, most of whom were professed Jacobites, having desired a day or two to take the proposal into consideration before they came to a final resolution, the Duke of *Hamilton* was, in the mean time, at no small pains to convince them of the reasonableness of this counsel. The greatest difficulty, with some, was the mentioning their concurrence to settle the Succession on the House of *Hanover*, which they said was a kind of obligation upon them to have recourse to that Family, to protect them in opposing the Union; whereas their design was to restore the Pretender to the Throne, which they thought the present ferment among the people would much advance. To this the Duke of *Hamilton* returned, “That this could draw no obligation upon them to adhere to the interest of the House of *Hanover*, since they did not protest against the motion’s being rejected; and, even supposing it were otherwise, it was not the first time they had made greater stretches, with a design, that good might come of it, and he hoped this would be the last. For, added he, this bold protestation, backed by the separation, will not only confound the *English*, but likewise encourage our Countrymen, and engage them to support us. And, for my part, I am of opinion, that, if the *English* do not desist from prosecuting the Union, we must have recourse to arms, and call over the King; nor do I doubt but the Nation will concur with us, to save themselves from utter ruin.” By these arguments and considerations all were brought over, and at the next meeting declared their approbation, promising to adhere to the protestation, which, it was taken for granted, the Duke of *Hamilton* would present; only the Duke of *Arbuthnot* could by no reasons be prevailed upon to adhere to the protestation, on account of the clause relating to the house of *Hanover*; but he engaged to join with the rest in leaving the House, and concerting further measures. All things being thus adjusted, and the next day appointed for the execution, great numbers of Gentlemen and eminent Citizens flocked that morning about the Parliament-House, to wait the issue, and, in case of need, to assist the separating Members. But all their hopes were soon defeated; for the Duke of *Hamilton*, pretending to be seized with a violent tooth-ach, refused to go to the House. Some of his friends having boldly expostulated with him about his fluctuating and ambiguous conduct, which bore so near a resemblance to that of his Grandfather, in the Reign of King *Charles I.*, he was at last prevailed with to go to the Parliament-House; but, notwithstanding all the pressing instances his friends made to engage him to present the intended protesta-

tion, he still refused to do it, and only promised to be the first adherer. So much time was therefore spent in this private contest among the Cavaliers, that the opportunity was lost, and, in a few days, great numbers of those who had strenuously opposed the Union, left the House in despair; so that, when the twenty-second article came to be read and debated, it met with little or no opposition. Only, before approving the first paragraph, Mr. *George Lockhart* of *Carmichael* entered a protest, with relation to the privileges of the Barons; as the Duke of *Arbuthnot* did another, relating to the several branches of that article; the Earl of *Buchan* a third, with relation to the rights of the Peers; Sir *Walter Stuart* of *Pardovan* a fourth, in behalf of the Peers, Barons, and Boroughs; the Earl of *Errol* a fifth, with relation to his hereditary office of High-Constable; and the Earl of *Marischal* a sixth, in relation to his hereditary office of Earl-Marshal of *Scotland*. The Earl of *Marchmont* inveighed and protested in very severe terms against these protestations, as presumptuous, illegal, unwarrantable, and seditious; after which, the first paragraph of the twenty-second article was approved by a majority of forty voices; and then the second paragraph, relating to the calling the Representatives of *Scotland* to the Parliament of *Great-Britain*, was also approved with some amendments.

On the 8th of *January* it was moved in Parliament, that the protests given in the former sitting by the Duke of *Arbuthnot*, Earl of *Buchan*, *George Lockhart* of *Carmichael*, and *Walter Stuart*, should be neither inserted in the minutes, nor printed; and the Earl of *Marchmont* gave in a protestation against these four protests, and the Lord-Chancellor, the Marquis of *Montrose*, President of the Council, the Duke of *Argyle*, the Marquisses of *Tweeddale* and *Lothian*, and most of the well-affected to the Union, adhered thereto. The next day, the Lord *Balmerino* gave in a protestation against that of the Earl of *Marchmont*, to which the Duke of *Hamilton* and his party adhered; and after some debate it was agreed, that none of these protests be inserted at length in the minutes, or printed, but that they be all recorded in the books of Parliament. Then, the third paragraph of the twenty-second article being approved, the remaining part of the article was read, and after some reasoning, and reading of the oaths, to which it relates, an oath was given in for an additional clause, for explaining the word limitation, mentioned in the oath appointed to be taken by Stat. 13 Will. III. Cap. 6; as also an overture for exempting persons in any office or employment in *Scotland*, from taking the oath of abjuration mentioned in the article. A third overture was also given in for a clause, importing, “That, so long as the act appointing the Sacramental Test shall continue in force in *England*, all persons in public trust, within the limits of *Scotland*, shall swear, and sign a Formula thereto subjoined, in manner, and under the penalty therein mentioned.” After reading these three overtures, and reasoning thereon, a vote was started, Approve of the twenty-second article of Union as explained, or not? But before voting it was agreed, that, notwithstanding the vote, and that the article should thereby be approved, it should nevertheless be in force and free afterwards to proceed on the overtures next sitting, and to the Parliament to give their sentiments thereon: And, it being thereupon moved to adjourn the vote for approving the article till next sitting, a previous vote was stated, Proceed or Delay? And it was

1706. great multitude gathered about the House, and were forcing the doors, on design, as was believed, to murder him; but Guards came and dispersed them. Upon this attempt, the Privy-Council published a proclamation, the next day, against tumults, and gave orders for quartering the Guards within the town. But, to shew that this was not intended to over-awe the Parliament, the whole matter was laid before them, and the proceedings of the Privy-Council were approved. Although no person of distinction appeared a-

mong the rioters, yet it was no difficult matter to guess from what quarter that disturbance came, since, at the same time, that they insulted the High-Commissioner, and other well-wishers to the Union, they attended the Duke of Hamilton with loud acclamations, as he passed the streets to and from the Parliament. However, no other considerable attempt was made after this; but the body of the people shewed so much fullness, that probably, had any person of authority once kindled the fire, they seemed to be of such combustible

1706.

ried, *Proceed*. Then the vote being put, Approve the twenty-second article, as explained, or not, it was carried *Approve*.

On the 10th of January, the overture for exempting persons in any office or employment in Scotland from taking the oath of abjuration, mentioned in the twenty-second article of Union, being read, and dropped, the overture for an additional clause to the twenty-second article, for explaining the word limitation, mentioned in the oath appointed to be taken by 13 W. III. Cap. 6, was again read, viz. "Like as it is declared, that, by the word limitation in the oath mentioned in the above article, is only understood, entail of the Succession, and not the conditions of Government upon the Successor; for; and that all persons of Scotland, who may be liable to take the oath, swear it in that sense only." But, after some debate, the vote being put for adding the said clause, it was carried in the negative. Then the third overture, for a clause to be added to the twenty-second article, mentioned in the minutes of the last sitting, was again read in these terms: "And further it is agreed, that, so long as that part of the second act, *Ann. 25, Cap. 20*, appointing a *Sacramental Test*, shall stand and continue in force in England, all persons in publick trust, civil or military, within the limits of Scotland, shall swear and sign the Formula underwritten, within six months after the commencement of the Union; and all, who shall be admitted to any publick trust thereafter, shall, before the exercising their office of trust, swear and subscribe the same; to be administered by the Lords of the Privy-Council, or any one of them, under the like penalties and disabilities, as are provided by the foresaid act, made in the Parliament of England." The Formula was thus: "I A. B. do sincerely declare, in the presence of God, that I own the Presbyterian Government of the Church, as by Law established in Scotland, to be a lawful Government of the Church; and that I shall never, directly nor indirectly, endeavour the subversion thereof, nor any alteration in the Worship, Discipline, or Government of the Church, as by law established: So help me God." But, after some debate, this clause was rejected by a majority of thirty-five voices. Then the twenty-third article of Union was read, and, on the 13th of January, an overture was given in for adding a clause thereto, in these words: "With this express prohibition, that none of the Peers of Scotland shall have personal protection within Scotland, for any debt owing before the commencement of the Union." As also another overture, for adding a clause, importing, "That all the Peers of that part of Great-Britain, called Scotland, qualified according to law, should, after the Union, have the right to sit covered in the House of Peers of Great-Britain, notwithstanding that the right to give vote therein belong only to the sixteen Peers, who were summoned in the manner appointed by the preceding article." After reasoning upon these two overtures, and upon two separate motions, the first in relation to allowing all the Peers of Scotland to sit upon the trial of the Peers of Britain; and the other in relation to their precedence according to their patents; the vote was stated in these terms, *Approve the twenty-third article of Union, or alter, referring intire the consideration of the above two overtures, and whether the same shall be added to the*

article; and it was carried, *Approve*. Then the first overture for the clause in relation to personal protection, and the second clause in relation to all the Peers of Scotland sitting covered in the House of Peers of Great-Britain, were debated, and both severally rejected.

The next day, the twenty-fourth article was read; Jan. 14. whereupon a memorial was given for Lyon King at Arms, in relation to his precedence; which being read and debated, it was at last agreed, that his rank should be left to her Majesty. There was another clause offered to be added to the twenty-fourth article, "That the Crown, Scepter, and Sword of State, Records of Parliament, and all other Records, Rolls, and Registers whatsoever, both public and private, general and particular, and Warrants thereof, continue to be kept, as they are, in that part of the united Kingdom, now called Scotland; and that they shall so remain in all times coming, notwithstanding the Union." Which, being read, was agreed to be added, and was accordingly subjoined, and the article, thus amended, read over and approved; as was also the twenty-fifth article, without any opposition.

On the 15th of January, the draught of an act, ratifying and approving the treaty of Union of the two Kingdoms of Scotland and England was given in, and offered to be read: Whereupon it was moved, That the Parliament should first proceed to the Constitution of the manner of electing the Representatives for Scotland to the Parliament of Great-Britain; and either now determine that matter, or appoint a day for that end. After debate the vote was stated, "Proceed to the ratification of the treaty of Union, and act for security of the Protestant Religion and Presbyterian Church-Government, or to the Constitution of the manner of electing the Representatives of Scotland." But, before voting, it was agreed, that, in case it should be carried to proceed to the ratification, the Parliament, would, immediately after passing the act of ratification, proceed to the Constitution of the manner of electing the Representatives for Scotland. Then the vote being put, it was carried to proceed to the ratification: After which, the draught of the act, ratifying, approving, and at length narrating the articles of Union, as enlarged, explained, and amended, and the act of security of the Protestant Religion, and Presbyterian Church-Government, was read; and, after some discourse, a first reading was marked thereon. The next day, the act was read a second time; and then the act for security of the Protestant Religion, and Presbyterian Church-Government, inserted in, and ratified by that act, was touched with the royal Scepter. Immediately after this, there was laid before the House a representation and petition of the Church of Scotland, importing, "That being informed, that the Parliament were passing an act of ratification of the articles of the treaty of Union, declaring, That the Parliament of England might provide for the security of the Church of England, as they should think expedient, to take place with the Kingdom of England, and not derogating from the security provided for the Church of Scotland: Which clause seemed to them not only to be like a blank, put into the hands of the Parliament of England, to exact what they should think fit, for securing the Hierarchy and Ceremonies of their Church; but also a consent, that it be an article and fundamental of the Union: They there-

Jan. 16.

"fore

1706. combustible matter, that the Union might have cast that Nation into great convulsions (1). These things made great impressions upon the Duke of *Queensberry*, and on some about him. He despaired of succeeding, and he apprehended, that his person might be in danger. A friend of his wrote to the Lord Treasurer *Godolphin*, representing the ill temper the Nation was generally in, and moved for an adjournment, that so, with the help of some time and good management, those difficulties, that seemed then insurmountable, might be brought to a happy issue.

1706. sooner's answer was, that a delay was, upon the matter, laying the whole design aside. Orders were given both in *England* and *Ireland* to have troops ready upon call; and, if it were necessary, more forces should be ordered from *Flanders*. The *French* were in no condition to send any assistance to those, who might break out; so that the circumstances of the time were favourable. The Lord *Godolphin* desired therefore, that they would go on, and not be alarmed at the foolish behaviour of some, who, whatever might be given out in their name, he believed, had more

"fore besought the High Commissioner and the Estates
"consent for the establishment of that Hierarchy and
"Ceremonies, as they would not involve themselves,
"the *Scott* Nation, in
"suted the peace and quiet of that Nation both in
"Church and State." An Act for the security of the
Presbyterian Church Government in Scotland, having already been passed, this representation was, by all sober men, looked upon as frivolous and impertinent; and the Duke of *Hamilton*, in retaliation for his privilege of the first vote in Parliament, which was opposed by a counter-privilege from the Duke of *Hamilton*, the Act for ratifying and approving the *Scott* Nation, &c. was approved by one hundred and ten voices, and touched with the Royal Scepter.

(1) The common people are said to have been so enraged, that they threatened to come up in a body to the Parliament. But none showed more zeal on this occasion than the Western Shires, where a vast number of people, and chiefly the *Camererians*, were willing to venture their all to oppose the Union; for which purpose they had several meetings, divided themselves into regiments, chose their Officers; provided themselves with horses, arms, and ammunition; mentioned the Restoration of the King, as the only means to save their Country; were so far reconciled to the Northern parts, and Episcopal party (whom they formerly hated on account of their different principles in Religion) that they were inclined to concert measures with them, and had appointed correspondents in all places throughout the Kingdom to strengthen and encourage their party, and to feel the pulse of those Members of Parliament, who were against the Union. There was one *Cunningham* of *Edin*, who had been very forward in promoting the Union, but who, upon the peace of *Ryswick*, the Regent, whereof he was Major, being broke, he went to *Darien*, and, after the ruin of that enterprize, returning to *Scotland*, he lived privately and meanly at his country-house. He had no prospect of application for an employment, but though new levies were made, upon the war breaking out again, he could never obtain to be provided for in the army, which he ascribed to his having been employed by the *Darien* Company, and at which he was not a little disgusted. As he waited for an opportunity to shew his resentment, he was soon known to the Western agents, and, being of the Presbyterian principles, intirely trusted by them. Having concerted measures with Mr. *Brisbane* of *Bishoptown*, Mr. *Cochrane* of *Kilmeronock*, and Mr. *Lachart* of *Carrawath*, three staunch Cavaliers, who assured him, that the Duke of *Hamilton* approved his design of bringing up the *Camererians* to dissolve the Parliament, and that the Duke of *Abol* readily undertook to cause his Highlanders to secure the pass of *Stirling*, to open a communication with the Northern parts, Major *Cunningham* took a progress through the Western shires, and, by his dextrous management, brought together in a confederacy, that seven or eight thousand men, well armed, were ready to rendezvous at the town of *Hamilton*, in order to march forwards to *Edinburgh* under his command. But, a day or two before they were to meet, the Duke of *Hamilton*, with-

out acquainting any of those who had concerted this design, sent privately expresses through the whole Country, strictly requiring them to put it off till another time; so that not above five hundred, more forward than the rest, came to the place appointed, which intirely broke Major *Cunningham*'s measures. What induced the Duke of *Hamilton* to act as he did on this occasion, the *Scott* Memorial, who was privy to the design, leaves undetermined, acquainting us, "That some swore he had made his terms with the Court; others saying, that he was afraid to venture, by reason of his estate in *England*; and that the only thing, that was alleged in his behalf, was, that he thought the Nation was not in a condition to carry on such an enterprize at that time, because the *English* had sent their troops to the borders, and more forces might soon be wasted over from *Holland*, and so the *Scott* Nation be undone." But *Fletcher* of *Salton* used to declare to his friends, that this conduct of the Duke fully convinced him of his treachery to his party. This project of dissolving the Parliament, carried on by *Cunningham*, having miscarried, the party bethought themselves of another expedient to prevent the Union, which was (according to a precedent in the minority of *James* the Fifth) to invite as many of the Barons, Freeholders, and Heretors, as could possibly be got, to *Edinburgh*, that they might in a body attend the Lord High-Commissioner, and (by a Prolocutor) intreat his Grace, either to lay aside the intended Union, or, at least, to grant a recess, until they had informed the Queen of the present temper and disposition of the Nation, and obtained an order for calling a new Parliament, to provide against the calamities that were like to ensue: And, whether, his Grace granted, or refused this demand, they resolved that a national address, to that purpose, should be signed, and forthwith sent up to the Queen. This counsel came first from the Duke of *Abol*, and Mr. *Fletcher* of *Salton*; and, being relished and recommended by the Duke of *Hamilton*, was generally approved by the Cavaliers, who acquainted their friends in the country with the design, and desired them to come privately to *Edinburgh*, against a certain prefixed day. In the mean time, Mr. *Henry Meul*, brother to the Earl of *Pannure*, was pitched upon for the Prolocutor; and the form of an address to the Queen concerted and agreed to, by all who were in the secret; wherein they made it their most humble supplication to her Majesty, that she would be graciously pleased to discountenance this treaty, and call both a new Parliament and a General Assembly of the Church of that Kingdom. Against the day appointed, above five hundred Gentlemen were actually come to *Edinburgh*, and many more were upon the road: But, the very next day, the Duke of *Hamilton* acquainted those in concert with him, That, unless they added a clause to the address, intimating their readiness to settle the Succession in the House of *Hannover*, he would by no means be concerned in it; urging, that, without such a clause, the *English* Tories, who (it was expected) would oppose the Union in the *English* Parliament, could have no foundation to go upon. This objection was no small surprize to the Cavaliers, who generally looked upon it as intended to break the design; since the Duke of *Hamilton* could not be ignorant, that the far greater part of the Gen-

1706, more wit than to ruin themselves (1). Every step that was made, and every vote that was carried, was with the same strength, and met with the same opposition: Both parties giving strict attendance during the whole Session, which lasted three months. Many protestations were printed, with every man's vote. In conclusion, the whole articles of the treaty were agreed to, with some small variations.

Death of
the Earl of
Stair.

The Earl of Stair, who had all along exerted himself with great zeal in favour of the Union, and who, tho' much indisposed, came on the 7th of January to the Parliament-House, and maintained the debate upon the twenty-second article, died suddenly the next night, his spirits being quite exhausted by the length and vehemence of the debates. He was son of Sir James Dalrymple, formerly President of the Session, and afterwards created Viscount and Earl of Stair. He was succeeded in honour and estate by his son the Lord John Dalrymple.

The man-
ner of elec-
ting the
sixteen
Peers.

As soon as the act for ratifying the treaty of Union was passed, the next business, which the Parliament went upon, was the preparing an act for settling the manner of electing the sixteen Peers and forty-five Commoners, to represent Scotland in the Parliament of Great-Britain; and on the 22d of January, the Question was put, Whether the sixteen Peers should be sent by *rotation* or *election*? And it was carried by *election*. And then upon the Question, Whether the election should be by *ballotting*, or by *open election*? It was carried for the latter. It was also debated, what proportion the Shires and Boroughs should have of the forty-five Members, that were to sit in the House of Commons of Great-Britain; and it was agreed, that thirty should be the number for the Shires, and fifteen the number for the Boroughs. It was resolved, that the Borough of *Edinburgh*, by itself, should have one Representative; and then a scheme, dividing the Boroughs into fifteen districts, one of which

was to have one Representative, was given in; read, and approved.

On the 31st of January, the Parliament proceeded to consider the motion, for allowing the Commissioners for the treaty of Union their expences; and a *Resolve* was brought in, for allowing each Nobleman twelve thousand pounds *Scots*, and each other Commissioner six thousand pounds; their Secretary four thousand eight hundred pounds; and to each of the three Accountants two thousand four hundred pounds *Scots*, out of the equivalent, *pari passu*, with public debts, after the *African Company*: Which, after some debate, was approved. Then it was moved and agreed, That the Commissioners for the treaty in 1702, should likewise be allowed their expences; *viz.* each Nobleman five hundred pounds; each Baron three hundred pounds; and each Borough two hundred pounds *sterling*: Which sums were declared to be a public debt, and referred to the Committee to state the same as such. After this it was moved, "That no Representative to the Parliament of Great-Britain, either for Shire or Borough, should have any allowance for their charges in attending the same." But, this being adjourned to the next sitting, on the 3d of February, it was then resolved, "That nothing in relation to the expences of the Representatives of Shires and Boroughs, should be inserted in the act for settling the manner of electing the sixteen Peers, and forty-five Commoners." Then it was moved, "That at all meetings of the Peers for electing their Representatives, such Peers as were absent, be allowed to vote by proxy; the parties being Peers, and they and their Constituents being qualified by taking the oaths required by law. And thy the absent Peers might either vote by their proxies, or by sending up a list subscribed by them." And, after reasoning thereon, it was carried for allowing proxies. Afterwards it was agreed,

tlemen, who were come up to *Edinburgh*, would never consent to such a clause. Two or three days being spent in endeavouring to make up this difference, the Country Gentlemen grew weary of spending their time and money to no purpose, so that many of them returned home; and the Government, having been informed of the design, resolved to put an effectual stop to it.

(1) Besides the precautions used to preserve the public tranquillity, and protect the well-affected from the insults of the male-contentes, other methods were employed to remove the obstacles, which the Union met with in the House. The Lord Godolphin prevailed with the Queen to lend her *Seals Treasury* the sum of twenty thousand pounds, which the Earl of *Glasgow* is said to distribute to the best advantage, and for which he, some years after, accounted with the Commissioners of public accounts. *Lockhart* gives a list of the persons, to whom, the Earl declared upon oath, he distributed the money.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To the Lord <i>Anstruther</i> ,	300	00	0
To Mr. <i>Stuart</i> , of <i>Cassid-Stuart</i> ,	—	—	—
To the Lord <i>Elphinstoun</i> ,	200	00	0
To the Lord <i>Frazer</i> ,	100	00	0
To the Lord <i>Cesnock</i> , now <i>Pelwarth</i> ,	50	00	0
To Mr. <i>John Campbell</i> ,	200	00	0
To the Earl of <i>Pindlater</i> ,	100	00	0
To Sir <i>Kenneth Mackenzie</i> ,	100	00	0
To the Earl of <i>Glencairne</i> ,	100	00	0
To the Earl of <i>Kintene</i> ,	200	00	0
To the Earl of <i>Forfar</i> ,	100	00	0
To <i>John Muir</i> , Provost of <i>Aber</i> ,	100	00	0
To the Lord <i>Forbes</i> ,	50	00	0
To the Earl of <i>Safield</i> , Lord Chancellor,	400	00	0
To the Marquis of <i>Roxdale</i> ,	1000	00	0
To the Duke of <i>Roxburgh</i> ,	500	00	0
To the Lord <i>Ellibank</i> ,	50	00	0
To the Lord <i>Bampf</i> ,	11	02	0
To Major <i>Cunningham</i> of <i>Echet</i> ,	100	00	0
To the Messenger, that brought down the Union,	60	00	0
To Sir <i>William Sharp</i> ,	300	00	0
To <i>Patrick Caultain</i> , Provost of <i>Wigton</i> ,	25	00	0
To Mr. <i>Alexander Wedderburn</i> ,	75	00	0
To the Commissioner for equipage and daily allowance,	12325	00	0
	2747	17	7

1706. agreed, that the meeting of the Peers, for the election, should be at any place the Queen should appoint within the Kingdom of Scotland; as also, that, in case of the decease or promotion of any of the forty-five Commons, to be chosen by this Session of Parliament to the Parliament of Great-Britain, the district, for which he was a Member, upon a writ directed to them for that effect, should chuse another in his place. And it was agreed likewise, that, in case of the decease of any of the sixteen Peers, the Peers should meet and elect another in the room of the deceased, upon a writ directed to them for that purpose. Then it was moved, That such Peers of Scotland, who were also Peers of England, who, after the Union, should be created Peers of Great-Britain, should have no vote in the election of the sixteen Peers from Scotland to the Parliament of Great Britain: And, after some debate, it was agreed, that nothing, in relation to this motion, should be inserted in the act. It was also agreed, that, when the Commissioners for Boroughs, who should meet for electing their Representatives, should happen to be equal, the President of the Meeting should have the casting vote; and that the Commissioners for the eldest Borough, should preside at the first meeting, and the Commissioners for the other Boroughs by turns, as the Boroughs were then called in the Rolls of Parliament. After this, the act for settling the manner of election was approved and confirmed by the touch of the Royal Scepter. The same day, a proclamation concerning the coin was brought in from the Committee, read, voted, and approved. A few days after, the House proceeded to elect the Representatives for Scotland in the first Parliament of Great-Britain; and, the Three Estates having retired to their usual places, they returned, and reported their respective elections. As it was resolved, that the Parliament of England should sit out its period, which by the law for Triennial Parliaments, ran yet a year farther, in order to have another Session continued of the

same men who had made the Union (since they would more readily consolidate and strengthen their own work) so, upon this ground, it seemed most proper, that the Members to represent Scotland should be named by the Parliament there. Those, who had opposed the Union, carried their aversion to the *Squadrons* so far, that they concurred with the Ministry in a nomination, in which very few of them were included, not above three Peers, and fifteen Commons; so that great exceptions lay against many who were nominated to represent that Kingdom: All this was very acceptable to the opposers of the Union (1).

The remainder of the Session was spent, among other affairs, in examining the accounts of the *African and Indian Company*, and providing for the due application of the *Equivalent*. In disposing of this sum, great partialities appeared, which were much complained of, but there was not strength to oppose them. The Ministry, and those who depended on them, moved for very extravagant allowances to those, who had been employed in this last, and in the former treaty; and they made large allotments, of some public debts, that were complained of as unreasonable and unjust; by which, a great part of the sum was diverted, from answering the end, for which it was given. This was much opposed by the *Squadrons*; but as the Ministers promoted it, and those, who were to get by it, made all the interest they could to obtain it (some few of them only excepted, who, as became generous Patriots, shewed more regard to the public, than to their private ends) so those, who had opposed the Union, were not ill pleased to see this sum so misapplied: hoping, by that means, that the aversion, which they endeavoured to infuse into the Nation against the Union, would be much increased; therefore they let every thing go as the Ministers proposed, to the great grief of those, who wished well to the public (2).

The

(1) These Representatives were:

For the LORDS,

The Duke of *Queenbury*,
The Earl of *Seafeld*,
Chancellor,
The Marquis of *Montrose*,
Lord-Keeper of the Privy-Seal,
The Marquis of *Tweedale*,
The Marquis of *Lathian*.

EARLS,

Mar,

For the BARONS,

W. Nisbet, of *Dirletoun*,
John Cockburne, Jun. of *Ormistoun*,
Sir *W. Kerr*, of *Greenhead*,
Sir *John Swintoun*, of that *Ilk*,
W. Bennet, of *Grubbet*,
Archibald Douglas, of *Caivers*,
Mr. *J. Murray*, of *Bowhill*,

Mr. *J. Pringle*, of *Haining*,
W. Morleson, of *Prestoun-Grange*,
Geo. *Baillie*, of *Jerviswood*,
Sir *John Johnston*, of *Westerhall*,
Mr. *J. Stuart*, of *Sorbie*,
Mr. *F. Montgomery*, of *Gristan*,

W. Dalrymple, of *Glenmure*,
Sir *R. Pollock*, of that *Ilk*,
John Halden, of *Glenargie*,
Mungo Graham, of *Garthy*,
Sir *D. Ramsay*, of *Balmain*,
Sir *Tho. Burnet*, of *Leys*,
W. Seatoun, Jun. of *Pitmedden*,
Alexander Grant, of that *Ilk*, Jun.

Hugh Ross, of *Kilravock*,
Sir *K. Mackenzie*, of *Cromarty*,
Mr. *J. Campbell*, of *Mammore*,
Sir *J. Campbell*, of *Auchinbrek*,
Ja. Campbell, of *Arkinlask*,
James Halyburton, of *Pitcurr*,
A. Abercrombie, of *Glasloch*,
A. Douglas, of *Eaglehawk*,
John Bruce, of *Kinross*.

For the BOROUGHS.

Sir *Pat. Johnston*,
Lieut. Col. *John Erskine*,
Hugh Montgomery,
James Scot,
Sir *John Erskine*,
Mr. *P. Moureiff*, of *Readdy*,
Sir *Andrew Home*,
Sir *Peter Halket*,
Sir *James Smollet*,
Sir *David Dalrymple*,
Mr. *John Clerk*,
Mr. *Patrick Ogilvie*,
George Allardice,
Daniel Campbell, Esq;
Mr. *Alexander Maitland*.

(2) The Commissioners appointed (June 6, 1707) under the Seal of Great-Britain, for managing the Equivalent, were:

Sir *Andrew Hume*,
William Dalrymple, of *Glenmure*, Esq;
Sir

1706. The business of the Session being ended, the High-Commissioner went to the Parliament-House in great solemnity, being attended by the whole troop of Life-guards, and all the Nobility and Gentry in their coaches, and, having touched with the Royal Scepter several acts, made the following speech to the Parliament :

My Lords and Gentlemen,

THE public business of this Session being now over, it is full time to put an end to do it. I am persuaded, that we and our posterity will reap the benefit of the Union of the Two Kingdoms ; and, I doubt not, but, as this Parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of this Nation a grateful sense of her Majesty's goodness and great care for the welfare of her Subjects, in bringing this important affair to perfection ; and that you will promote an universal desire in this Kingdom, to become one in heart and affections, as we are inseparably joined in interest with our neighbour Nation.

My Lords and Gentlemen,

" I have a very deep sense of the assistance and respect I have met with from you in this Session of Parliament ; and I shall omit no occasion of shewing, to the utmost of my power, the grateful remembrance I have of it."

The Parliament being adjourned to the 22d of April, the Duke returned to the Queen's palace in the same solemnity as he went to the House, and gave a splendid entertainment to the Nobility and Gentry. The day before, the draught of a letter from the Parliament to the Queen was brought in, voted, and approved ; and, the Duke having thus happily concluded this Session, and surmounted all the difficulties, which he met with, he set out, a few days after, for London, where he arrived, the 16th of April, being met several miles out of town by many Noblemen and Gentlemen in their coaches, to the number of above forty, and by near four hundred persons on horse-back. The next morning he waited upon the Queen at Kensington, where he was very graciously received.

The second Session of the second Parliament of Q. Anne. It was the general opinion, and perhaps the first resolution of the Court, that the Parliament of England should not sit, till that of Scotland had finished the affair of the Union ; but, that drawing into a great length, and the Queen's occasions not admitting of delays, the Parliament of England, which, on the 21st of November, had been further prorogued to the 3d of December, met that day at Westminster ; and the Queen, being come to the House of Peers with

the usual solemnity, made the following speech to both Houses :

My Lords and Gentlemen,

" I Hope we are all met together at this time with hearts truly thankful to Almighty God, for the glorious success, with which he has blessed our arms and those of our Allies, through the whole course of this year ; and with serious and steady resolutions to prosecute the advantages we have gained, till we reap the desired fruit of them in an honourable and durable peace. The goodness of God has brought this happy prospect so much nearer to us, that, if we be not wanting to ourselves, we may, upon good grounds, hope to see such a balance of power established in Europe, that it shall no longer be at the pleasure of one Prince to disturb the repose, and indanger the liberties of this part of the world. A just consideration of the present posture of affairs, of the circumstances of our enemies, and the good disposition of our Allies, must needs excite an uncommon zeal, and animate us to exert our utmost endeavours, at this critical conjuncture."

Gentlemen of the House of Commons,

" As I am fully persuaded you are all of this mind, so I must earnestly desire you to grant me supplies sufficient for carrying on the war next year in so effectual a manner, that we may be able to improve every where the advantages of this successful campaign. And I assure you, I shall make it my business to see all you give applied to those ends with the greatest care and management."

My Lords and Gentlemen,

" In pursuance of the powers vested in me by act of Parliament, both in England and Scotland, I appointed Commissioners to treat of an Union between the two Kingdoms. And though this be a work of such a nature, as could not but be attended with great difficulties, yet such has been the application of the Commissioners, that they have concluded a treaty, which is at this time before the Parliament of Scotland ; and, I hope, the mutual advantages of an intire Union of the two Kingdoms will be found so apparent, that it will not be long before I shall have an opportunity of acquainting you with the success, which it has met with there. Your meeting at this time being later than usual, I cannot conclude, without earnestly recommending to you to give as much dispatch

Sir Robert Sinclair, of Stevenson,	Sir Patrick Johnston, late Provost of Edinburgh,	William Seaton of Pittmedden, Jun.	John Graham, of Douglas,
Sir Thomas Burnett, of Leys,	Sir Francis Grant, Advocate,	John Clark, of Pennycook, Jun.	— Douglas, of Kellbraid,
Sir John Erskine, of Alva,	George Baillie, of Ferriwood,	Alexander Abercromby, of Glasseloch,	Daniel Campbell, of Arntennet, Esqrs.
Sir James Campbell, of Abernethy,	John Halden, of Glenargie,	Mungo Graham, of Gerthy,	Sir John Cope, Knt.
Sir John Swintoun, of Swintoun,	John Bruce, of Kinross,	John Pringle, of Haining,	Jacob Reynardson,
Sir James Smollet, of Bowhill,			John Bridges,
			James Houlton, Esqrs.

1706. "patch to the public affairs, as the nature of
"them will admit, it being of the greatest
"consequence, that both our friends and our
"enemies should be fully convinced of your
"firmness, and the vigour of your proceed-
"ings."

This speech was received with uncommon applause both within and without doors; and, two days after, each House, in a body, attended the Queen with their congratulatory addresses. The Lords, in particular, took notice of "the universal joy and satisfaction, upon the public declaration, which her Majesty, in concert with the *States-General*, made to the Ministers of the other Confederate Princes, that no negotiations of peace should be entered into, but in conjunction with all the Members of the Grand Alliance: Which generous method would prevent the indirect and dangerous practice of the common enemy; put a stop to clandestine and corrupt transactions; and must not only remove all present jealousies from the Allies, but create in them a lasting confidence and reliance on her Majesty's honour and justice." This was intended to keep the Queen steady to the measures, which had been suggested to her by the Duke of *Marlborough* and the Lord-Treasurer *Godolphin*, upon a well-grounded surmise, that Mr. Secretary *Harley*, who had, by this time, insinuated himself very deep into the Queen's confidence, endeavoured to infuse pacific counsels; which were more agreeable to the Queen's temper, and more suitable to his own ambitious designs. The Commons, on their part, passed also a compliment on the Ministry, by telling the Queen, "That the experience they had of the prudent Administration, and the great care and management in the application of the public aids, encouraged them to assure her, that they would cheerfully give such speedy and effectual supplies, as, by the continuance of God's blessing upon her arms, might establish the balance of power in *Europe* by a safe, honourable, and lasting peace." To both these addresses, the Queen returned very gracious answers.

Pursuant to their promise, the Commons proceeded on the Supply with all imaginable dispatch. In less than a week they voted the necessary sums for the fleet and army, granted an aid of four shillings in the pound upon all lands, and continued the duties upon malt. Upon presenting these money-bills, the Speaker of the Commons made a speech to her Majesty, importing, "That as the glorious victory obtained by the Duke of *Marlborough* at *Ramillies* was so surprizing, that the battle was fought, before it could be thought the armies were in the field; so it was no less surprizing,

"that the Commons had granted Supplies to her Majesty, before her enemies could well know, that her Parliament was sitting." And the Queen, on her part, made a speech to both Houses, wherein having repeated to them "her great satisfaction in their several addresses, in the zeal they had expressed in them for her service, and the common cause of *Europe*, which could not fail of being a great encouragement to all their Allies, and in the notice they had taken of the eminent services of the Duke of *Marlborough*;" she thanked the Commons, in a very particular manner, for the more than usual dispatch of the bills of Supply." In the close of this speech, the Queen said, "She supposed they would think it convenient to make some short recess during the holidays;" whereupon the Lords adjourned to the 30th, and the Commons to the 31st of *December*.

The Queen closed the year with two triumphal processions. At the request of the City of *London*, she ordered, that the standards and colours taken at the battle of *Ramillies*, and which were lately brought from the *Netherlands*, should be put up in *Guilddhall*, as trophies of that victory. A detachment of the *Horse-guards* and *Horse-grenadiers*, and a battalion of the *Foot-guards*, were drawn up on the parade in *St. James's Park*; and having received the colours and standards, which had been laid up at *Whitehall*, they proceeded in the following manner: First, the troop of *Horse-grenadiers*; then the detachment of the three troops of the *Horse-guards*, twenty-six of the Gentlemen in the center, carrying each a standard taken from the enemy. The battalion of *Foot-guards* closed the march, sixty-three of the *Pikemen* carrying each one of the enemy's colours instead of their pikes. In this manner they marched through the Park and *St. James's Meuse*, where the Queen was pleased to see them pass by from the *Lady Fitzbarding's* lodgings; the guns in the Park being fired at the same time; and so they proceeded down *Pall-Mall*, the *Strand*, &c. to *Guilddhall*. The Duke of *Marlborough* having been invited by the Lord-Mayor and Court of Aldermen to dine with them in the City, he went thither the same day about noon, accompanied by the Lord-Treasurer, and the Dukes of *Somerset* and *Ormond*, in one of the Queen's coaches, and was followed by a train of other coaches, in which were several of the Nobility, the foreign Ministers, and other persons of Quality, with the Generals, and other chief Officers of the army. They were received at *Temple-Bar* by the City Marshal, and were conducted to *Vintners-Hall*, where a splendid entertainment was provided for them; and they were attended, both going and coming, with great acclamations from the people (1).

The

(1) The creations and promotions at this time were as follows: Towards the middle of *December* the Queen was pleased to create *Henry*, Earl of *Kent*, Lord-Chamberlain of her Household, Viscount *Goderrick* in the County of *Hereford*, Earl of *Harrold* in the County of *Bedford*, and Marquis of *Kent*. A few days after her Majesty was also pleased to create *Robert*, Earl of *Lindsey*, Lord Great-Chamberlain of *England*, Marquis of *Lindsey* in the County of *Lincoln*; *Evelyn*, Earl of *Kington*, Marquis of *Dorchester*

in the County of *Dorset*; *Thomas*, Lord *Wharton*, Viscount *Winchendon* in the County of *Bucks*, and Earl of *Wharton* in the County of *Wiltshire*; *John*, Lord *Peulet*, of *Hinton St. George* in the County of *Somerset*, Earl *Peulet*; *Sidney*, Lord *Godolphin*, Lord-High-Treasurer of *England*, Viscount *Rialton*, and Earl of *Godolphin* in the County of *Cornwall*; *Hugh*, Lord *Chalmadely*, Viscount *Malpas*, and Earl of *Chalmadely* in the County of *Cheshire*; *Henry*, Lord *Walden*, Son and Heir apparent of *Henry*, Earl of *Suffolk*.

1706. The Queen having, by proclamation, appointed a general thanksgiving to be observed on the last of December, for the great successes of her Arms, and those of her Allies, the last campaign, she went to the Cathedral of *St. Paul's*, attended by both Houses of Parliament, the Great Officers of State, the Judges, and other publick Officers, with the same solemnity and ceremonies, as were used before after the victory gained at *Ramillies*, so that she gave her subjects the joyful spectacles of two triumphs in one year. The Bishop of *Salisbury* preached the sermon upon this occasion. The same day both Houses adjourned themselves to the 7th of January, and at their meeting again the Commons thanked the Bishop for his sermon.

Debate in the House of Lords about the Union.

Pr. H. L. II. 106. Hitherto every thing had gone very smoothly in both Houses of Parliament; but, on the 10th of January, the Earl of *Nottingham* acquainted the House of Peers, that he had something of great consequence to lay before them; and therefore desired, that they would name a day this to receive it in a full House. The Lords having appointed the Tuesday following, and ordered their Members in and about London to attend; the Earl of *Nottingham*, in a set speech represented to them, "That the Union of the two Kingdoms of *England* and *Scotland* was a matter of the highest importance, and a work of so much difficulty, that all the attempts that had been made towards it in the last century, had proved ineffectual. That, the Parliament of *Scotland* having thought fit to secure the Presbyterian Church-Government in that Kingdom, it became the wisdom of the Parliament of *England* to provide betimes against the dangers, with which the Church, by law established, was threatened, in case the Union was accomplished. And therefore he moved, that an address be presented to the Queen, humbly to desire her Majesty, that the proceedings, both of the Commissioners for the treaty of Union, and of the Parliament of *Scotland*, relating to that matter, be laid before them." He was seconded by the Earl of *Rockeford*, who declared, "That he was for an Union, and had been so for twenty years past; but that he had a few doubts in the matter, and therefore was for entering upon the debate of that important affair as soon as possible." The Duke of *Buckingham* spoke to the same purpose, adding, "That the Union of both Kingdoms had been upon the anvil since the accession of King James I. to the *English* Throne; and as it could not be expected, that so weighty a matter, which took up so much time and labour before, should now be completed in a few days, therefore he was for taking it forthwith into consideration."

The Treasurer *Gedolpin* answered, "That this affair was not yet ripe for them to debate; and that they need not doubt, but that her Majesty would communicate to the Parliament of *England* all the proceedings relating to the Union, as soon as that of

Scotland should have gone through with it." 1706. The Lords *Wharton*, *Sommers*, and *Hallifax* spoke on the same side, and urged, "That it was an honour to this Nation, that the treaty of Union should first come ratified from the Parliament of *Scotland*; and that then, and not before, was the proper time for the Lords to take the same into consideration." The other party finding, that they were too weak to carry a question, the Earl of *Nottingham's* motion was dropped.

Though the grant of the Supplies went on quicker than was usual, there was one particular, to which great objections were made. When several accounts and estimates were laid before the Commons, in relation to monies, either advanced to the Duke of *Savoy* and King *Charles* of *Spain*, or expended in the expedition under the Earl *Rivers*, it was found that these extraordinary Supplies amounted to about eight hundred thousand pounds more than had been provided for by Parliament. Some complained of this, and said, if a Ministry could thus run the Nation into a great charge, and expect the Parliament must pay the reckoning, this might have very ill consequences. But it was answered, a Ministry deserved public thanks, who had followed our advantages with such vigour: If any thing was raised without necessity, or ill applied, under pretence of serving the public, it was very reasonable to inquire into it, and to let it fall heavy on those who were in fault: But, if no other exception lay to it, than because the matter could not be foreseen, nor communicated to the Parliament before those accidents happened that occasioned the expence, it was a very unjust discouragement, if Ministers were to be quarrelled with for their care and zeal: So it was carried by a majority of two hundred and fifty voices against one hundred and five, that the several sums, for the extraordinary services of the year 1706, had been expended for the preservation of the Duke of *Savoy*, for the interest of King *Charles* of *Spain* against the common enemy, and for the safety and honour of the Nation. All the other Supplies (and among them the equivalent for *Scotland*) were given and lodged on good funds, so that no Session of Parliament had ever raised so much, and secured it so well, as this had done.

By this time the act of the Parliament of *Scotland*, for ratifying the treaty of Union, was sent up to London. Upon which the Queen (Jan. 28.) came to the House of Peers, and made the following speech to both Houses:

My Lords and Gentlemen,

HAVING acquainted you, at the opening of this Session, that the treaty for an Union between *England* and *Scotland*, which had been concluded here by the Commissioners appointed for that purpose, in pursuance of the powers given by the Parliaments of both Kingdoms, was then under consideration of the Parliament of *Scotland*; I can now, with

Suffolk, Baron of *Chesterfield* in the County of *Essex*, and Earl of *Bindon* in the County of *Dorset*; the Lord-Keeper, a Peer of this Kingdom by the name and title of *William*, Lord *Cowper*, Baron of *Wingham* in No. 50. Vol. III.

the County of *Kent*; and Sir *Thomas Pelham*, Bart. likewise a Peer by the name and title of Lord *Pelham*, Baron of *Laughton* in the County of *Suffex*.

1706-7. " with great satisfaction, inform you, that the said treaty has been ratified by act of Parliament in Scotland, with some additions and alterations.

" I have directed the treaty, agreed to by the Commissioners of both Kingdoms, and also the act of ratification from Scotland, to be laid before you; and I hope it will meet with your concurrence and approbation.

Gentlemen of the House of Commons,

" It being agreed by this treaty, that Scotland is to have an Equivalent for what that Kingdom is obliged to contribute towards paying the debts of England, I must recommend to you, that, in case you agree to the treaty, you would take care to provide for the payment of the Equivalent to Scotland accordingly.

My Lords and Gentlemen,

" You have now an opportunity before you of putting the last hand to a happy Union of the two Kingdoms; which, I hope, will be a lasting blessing to the whole Island, a great addition to its Wealth and Power, and a firm security to the Protestant Religion.

" The advantages, which will accrue to us all from an Union, are so apparent, that I will add no more, but that I shall look upon it as a particular happiness, if this great work which has been so often attempted without success, can be brought to perfection in my Reign."

The articles of Union presented to the House of Commons.

The Commons being returned to their House, the Lord Coningsby, by the Queen's command, presented to the House the articles of Union agreed upon by the Commissioners, the act of Parliament in Scotland for the ratification of them, and a copy of the minute-book of the proceedings of the Commissioners, which were ordered to be printed. Then a motion being made by the Tory-party, and the question being put, " That an address be presented to her Majesty, that she would be pleased to give orders, that the minutes of the proceedings of the former Commissioners, appointed in the first year of her Reign to treat of an Union, be laid before the House;" it passed in the negative. It was afterwards resolved, " That an address be presented to her Majesty, returning her the humble thanks of the House for her most gracious speech that day to both Houses of Parliament, and for communicating to this House the articles of

Union, and the act of Parliament in Scotland 1706-7. for ratification thereof." Which address being presented by Mr. Chancellor of the Exchequer, the Queen answered, " That she was well pleased, that what she had done was so much to the satisfaction of that House."

The treaty of Union, and the proceedings relating to the same, having been likewise communicated to the House of Peers, their Lordships, upon the Archbishop of Canterbury's motion, ordered a bill to be brought in for the security of the Church of England; which being read a second time on the 3d of February (the Queen and Prince being present) a question was put, " Whether it should be an instruction, by the leave of the House, to insert in the bill the act made 25 Car. II, intitled, *An act for the preventing dangers, which may happen from Popish Recusants.*" Which was resolved in the negative, by a majority of sixty three voices against thirty-three. After which their Lordships went through the bill, by which all acts, passed in favour of the Church, were declared to be in full force for ever; and this was made a fundamental and essential part of the Union. Some exceptions were taken to the words of the bill, as not so strong as the act passed in Scotland seemed to be, since the Government of the Church was not declared to be unalterable; but they were judged more proper, since, where a supreme Legislature is once acknowledged, nothing can be unalterable. This bill had a quick passage through both Houses, and received the Royal assent (1).

On the 4th of February, the Commons, in a Debate in Committee of the whole House, considered of the articles of Union, and act of ratification of the Parliament of Scotland; and, Mr. Compton, being chosen Chairman, Mr. Charles Caesar opened the debate, and raised some objections against the Union. He was seconded by Sir John Packington, who made a speech, importing, " That the business of the Union, that was now before them, being of the highest importance, required therefore the most deliberate consideration. That, with relation thereto, people without doors had been, for a long time, tongue-tied by a special order of Council; which not reaching them within these walls, he would very freely impart his thoughts about it. That, for his own part, he was absolutely against this Incorporating Union, which, he said, was like marrying a woman against her consent; an Union, that was carried on by corruption and bribery within doors, by force and violence without." Many Members taking offence at this bold expression, which highly reflected

(1) Dr. Calamy has the following observation on this act: The thus confirming the act of Uniformity, and the Ecclesiastical Constitution here in England, in all particulars, upon the present foot, for perpetuity, was reckoned by the Dissenters to make their way the clearer, since all hopes of a further Reformation of the Constitution (of which there is so much need) were hereby taken away. The old Puritans many of them fell in with the Established Church, in hope of that way contributing to a farther Reformation: And they, that adhere to their principles, have, since the Restoration, been often pressed to imitate their example, and fall in with the Established Church, with that view;

and some worthy persons actually have done it: But the Government by this settlement of all things in the Church as they were to perpetuity, and embodying this settlement with the Union, and making it a fundamental part of it, has quite silenced that plea, and made it as senseless to urge it, as it would be weak to regard it. So that henceforward all, that are convinced, that a farther Reformation is needful, and that it is their duty in their places to pursue it, are bound in conscience to keep at a distance from that Church, which has (as much as in it lies) barred all avenues of farther light, and determined by a law, that it will be, as it is, for ever.

(1) Some

1706-7. Affected both on her Majesty's Ministers, and the Scots Commissioners and Parliament, Sir *John Packington* said, "He was told, that in *Scotland* they said, the Union was carried on by bribery and force": Adding, "That the promoters thereof, in thus basely giving up their independent Constitution, had actually betrayed the trust reposed in them; and therefore he would leave it to the judgment of the House to consider, whether, or no, men of such principles were fit to be admitted to sit amongst them? That, among the many inconveniences and irreconcilable contradictions this Union was liable to, he would only take notice of this material one, *viz.* that her Majesty, by the Coronation-Oath, was obliged to maintain the Church of England, as by law established; and bound likewise by the same oath, to defend the Presbyterian Kirk of *Scotland* in one and the same Kingdom. Now, said he, after this Union is in force, who shall administer this oath to her Majesty? It is not the business of the *Scots*, who are incapable of it, and no well withers to the Church of *England*. It is then only the part of the Bishops to do it. And can it be supposed those Reverend persons will, or can, act a thing so contrary to their own Order and Institution, as thus to promote the Establishment of the Presbyterian Church-Government in the united Kingdom?" He urged likewise, "That, the Church of *England* being established *Jure Divino*, and the *Scots* pretending, that their Kirk was also *Jure Divino*, he could not tell how two Nations, that clashed in so essential a point, could unite: And therefore he thought it proper to consult the Convocation about this critical point." Colonel *Henry Mordaunt*, in opposition to Sir *John Packington*, said, "That he knew of no other *Jure Divino* but God Almighty's permission: In which sense it might be said, that the Church of *England*, and the Kirk of *Scotland*, were both *Jure Divino*; because God Almighty had permitted, that the first should prevail in *England*, the other in *Scotland*: And that the Member, who spoke last, might, if he thought fit, consult the Convocation for his own particular instruction; but that it would be derogatory to the rights of the Commons of *England*, to advise, on this occasion, with an inferior Assembly, who have no share in the Legislature." Little was said in answer to this speech, only some Members moved, "That the first article of the treaty, which implies a peremptory agreement to an Incorporating Union, be postponed; and that the House should proceed to the consideration of the terms of that intended Union, contained in the other articles." This motion being rejected by a great majority, several Members of the High-Church party went out of the House; whereupon the first, second, third, and fourth articles of the treaty were read and approved without opposition; and, on the 8th of *February*, the Commons, in a Committee of the

whole House, went through and approved the remaining articles. The only objection raised by the Tory-party on this last occasion was, that the Commons went post-haste in a business of the highest importance: to which it was answered, "That deliberation always suppoeth doubts and difficulties; but, no material objections being offered against any of the articles, there was no room for delays (1.)" However, as the debates about the Union lasted but a few days (for they begun the 4th of *February*, and the whole treaty was approved the 11th) it was thought the Commons did not interpose delay and consideration enough, suitable to the importance of so great a transaction.

The debates were longer and more solemn in the House of Lords. On the 15th of *February* (the Queen being present) the Lords having resolved themselves into a Committee of the whole House, and the Bishop of *Sarum* being called upon by the Earl of *Sunderland* to take the Chair, the debate on the first article was opened by the Earl of *Rocheſter*, who acquainted the House, that he had many things to object to several of the articles, and said, "It was all one to him, whether their Lordships would please to receive them now, or when those articles came more properly under their consideration." The Earl of *Angleſey* moved, "That the first article might be postponed, it being impossible for him to give his vote to it, before he knew, and was thoroughly satisfied, wherein this Union was to consist." Several others were of that opinion, among whom the Bishop of *Bath and Wells* spoke much to the same effect. The Earl of *Nottingham* excepted against the name of *Great-Britain*, alledging, that it was such an innovation in the Monarchy, as totally subverted all the laws of *England*; and therefore moved, That the Judges opinions might be asked about it; and he was seconded by several other Members. Hereupon the Judges, being severally asked their opinions in that respect, unanimously declared, "They could not conceive, that in any ways altered or impaired the Constitution of this Realm, whose laws, in their opinion, must remain intirely the same, as well after, as before the Union, except such as were altogether inconsistent with, and directly contrary thereto." The Lord *Haverſham*, who, of late years, had made himself famous by his set speeches on several occasions, could not be silent on this, and therefore spoke as follows:

My Lords,

"WHAT my noble Lord (*Rocheſter*) has mentioned to your Lordships, occasions my standing up. I find myself under the same difficulties. I have several things to say to this matter of the Union to your ships, and it is very indifferent to me, when I offer them. I have a right of speaking my thoughts, and entering my protest too, to any thing I dislike; and I shall certainly find some

(1) Some Members of that party still crying out, *Poste-haste, poste-haste*, Sir *Thomas Littleton* pursued the simile, and said, "They did not ride post, but a good easy trot; and, for his own part, as long as the

"weather was fair, the roads good, and their horses in heart, he was of opinion, they ought to jog on, and not take up, till they got home."

1706-7. "some time to do so, before this matter can pass into a law. I am in your Lordships judgment, whether you will allow me to speak, what I have to say, now.

"My Lords, with what disposition I come hither, I hope may be evidenced by the motion, I made your Lordships last year, for repealing certain clauses, that were grievous to Scotland. I would do any thing, that were for the benefit and good of both Nations.

"These articles come to your Lordships with the greatest countenance of authority, that, I think, it is possible any thing can come. Your Commissioners have agreed to them; the Scots Parliament has, with some few amendments, ratified them, and the Queen herself from the Throne approves of them. And yet, you must give me leave to say, that authority, though it be the strongest motive to incline the will, is the weakest argument in all the world to convince the understanding. It is the argument the Church of Rome makes use of for their superstitious worship, where there are ten *Ave Maria's* to one *Pater Noster*; just as unreasonable, as if ten times the application and address were made to a she-favourite, as to the person of the Sovereign, which is a kind of State-Idolatry.

"I would not, my Lords, be misunderstood, as if I were against an Union. A federal Union, an Union of interest, an Union in Succession, is what I shall be always for. Nay, were it, whether a people inhabiting the same island, speaking the same language, and having the same Religion, should be all under one and the same form of policy and Government, I cannot see how any man could be against it. But this is a matter of a quite different nature: It is, whether two Nations independent in their Sovereignties, that have their distinct laws and interests, and what I cannot forget, their different forms of worship, Church-government, and order, shall be united into one Kingdom. An Union made up, in my opinion, of so many mismatched pieces, of such jarring, incongruous ingredients, that, should it ever take effect, I fear it would carry the necessary consequence of a standing power and force, to keep us from falling asunder, and breaking in pieces every moment. For, as my Lord Bacon well observes (whom I take to be a very great man, though sometimes the Courtier got the better of the Philosopher) an *Unity*, says he, *that is pieced up by a direct admission of contraries in the fundamental points of it, is like the toes of Nebuchadnezzar's image, which were made of iron and clay; they may cleave together, but can never incorporate.*

"Another reason, why I am against an incorporating Union, is, for the sake of the good old English constitution, justly allowed to be the most equal and best-poized Government in all the world, the peculiar excellency of which lies in that well-proportioned distribution of powers, whereby the greatness of the Monarch, and the safety of the people, are at once provided for; and it is a maxim in all policy, that the surest way to preserve any Government is by a strict adherence to its principles. So that, whilst this balance of power is kept equal, the constitution is safe;

"but who can answer what alteration so great a weight, as sixty one Scots Members, and those too returned by a Scots Privy-Council, when thrown into the balance, may make?

"Besides, my Lords, I must own I am apprehensive of the precedent, and know not how far it may be carried hereafter, or what alteration future Parliaments may think fit to make. It is evident by the two and twentieth article, that above an hundred Scots Peers, and as many Commoners, are excluded from sitting and voting in the British Parliament, who perhaps as little thought of being so a year or two ago, as any of your Lordships do now; for they had as much right by inheritance of sitting there, as any one Lord in this House has of sitting here; and that right too as well and as strongly fenced and secured to them by the fundamental laws of their Kingdom, by claim of right, and act of Parliament, which made it treason to make any alteration in the constitution of that Kingdom; and yet have not they lost their privilege? And what one security has any Peer of England, by the laws of this land, to his right and privilege of Peerage, that those Lords had not? My Lords the Bishops have been once voted out of this House by the Temporal Lords already; and who knows what question may come hereafter? I will venture my life in defence of the Church of England; and yet at the same time own myself an Occasional Conformist. But if my Lords the Bishops will weaken their own cause, so far as to give up the two great points of Episcopal ordination and Confirmation; if they will approve and ratify the act for securing the Presbyterian Church-government in Scotland, as the true Protestant Religion and Purity of Worship; they give up that, which has been contended for between them and the Presbyterians this thirty years, and, which I will undertake to prove to my Lords the Bishops, has been defended by the greatest and learnedest men in the Church of England. I hope, when it is proper, my Lords will please to give some light to one, who desires instruction, that I may not ignorantly do any thing to their prejudice in this matter.

"There is another reason, why I am against this Union, because I cannot think it an intire Union. The exempting articles, I mean the twentieth article, whereby heritable offices and superiorities are reserved; and also the one and twentieth; both which *Oliver*, by an act of State, was so wise as to abolish; especially their act for securing their Presbyterian Church-Government and General Assemblies, seem to me like those little clouds, in a warm calm summer's day, that are generally the seeds and attractives of approaching tempest and thunder. I the rather take notice of these, because, though the articles of Union are ratified by the Scots Parliament, yet the bulk and body of that Nation seem to be against them. Have not the murmurs of the people there been so loud, as to fill the whole Nation? And so bold too, as to reach even to the doors of the Parliament? Has not the Parliament itself thought fit to suspend their beloved clause in the act of Security, for arming their people during the Session? Nay, Has not the Government, by advice of Parli-

ment,

1706-7. "liament, set out a proclamation, which I have here in my own hand, pardoning all slaughter, blood-shed, maiming, &c. that is committed upon any, who are found in any tumults there, and discharging all prosecution for the future? I do not mention this to find fault with any thing, that is done in *Scotland*, but only to shew to your Lordships, that when such an unusual proclamation as this is set out by advice of Parliament, and cannot stay the forms of a law; when we know, that, upon extraordinary occasions, a bill may be read three times in one day; sure, my Lords, it shews a very great ferment, that requires so very speedy an application. After all, has not what we desire, I mean their being upon the same foot of Succession with us, been offered without this Union? In short, my Lords, I think an incorporating Union one of the most dangerous experiments to both Nations; in which, if we happen to be mistaken, however we may think of curing things hereafter, the error is irretrievable.

"My Lords, this is the last time, that I believe I shall ever trouble your Lordships in an *English Parliament*: Give me leave therefore to say but one word.

"In King *Charles* the First's time the Cavaliers were the persons, that ventured their lives, and lost their estates to save him. And, in King *Charles* the Second's time, they were forgot, and left starving. At the Restoration the Presbyterians were as zealous for that as any men whatever, and none more persecuted all his Reign. Towards the latter end of that Reign, the Bishops threw out the bill of exclusion, and King *James* put them into the Tower. At the Revolution, the *Londonderry* men, &c. were the persons, that made the first and noblest stop to King *James* in *Ireland*; and I myself have fed some of them at my own table, when they were starving with the greatest commendations and promises in their pockets, which I have seen under King *William*'s own hand. In the last Reign every body knows, who they were, that made their most constant Court at *St. James's*; and we see in what favour they are in at this present.

"Now there is a great deal of zeal for this Union. I wish, from my zeal, that the advantages may attend it of tranquillity and security, power, peace, and plenty, as is intended by it. But yet it is possible men may be mistaken. I will not say they will ever repent of it; but I will take leave to say what I have formerly said in this place, *That what has been, may be.*"

It may here be observed, that to all the objections, that were offered against the Union, this general answer was made, that so great a thing, as the uniting the whole island into one Government, could not be compassed but with some inconveniencies: But, if the advantage of Safety and Union was greater than those inconveniencies, then a lesser evil must be submitted to.

The debate being over, the question was put, Whether the consideration of the first article of the treaty of Union should be postponed till after the other articles had been examined? But it

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was carried in the negative by a majority of twenty-two voices against twenty-two; and so the first six articles were read and approved, and the consideration of the rest adjourned to the 19th of *February*, when the Lord *North* and *Grey* observed, with relation to the ninth article, "the small and unequal proportion, which *Scotland* was to pay to the land-tax; urging, that *Wales*, as poor a country every whit as that, and of a much less extent, paid to the full as much again, and yet sent not much more than half the number of Representatives in Parliament, which were granted to *Scotland*; and, for that reason, his Lordship said he could not agree to this article." He was answered by the Lord *Hallifax*, "That the number of Representatives was no rule to go by, since there was the County of *Cornwall* in *England*, that paid not near so much towards the land-tax as that of *Gloucester*, and yet sent almost five times as many Members to Parliament as the other did. That it was very true, the quota of *Scotland* was very small and unequal, in comparison to what was paid in *England*; but that the *English* Commissioners could not induce the *Scots* ones to agree to any more, upon account of several impossibilities on their side. That we could not expect to reap the like advantages of every article of the treaty; and that, if they had the better of us in some few, we were infinitely recompensed by the many advantages, which did accrue to us from the whole." Here again the House divided on this article, there being seventy for it, and twenty-three against it; and so, having run over the four following articles, the consideration of the rest was further adjourned to the 21st of *February*, when (the Queen being present) the debate chiefly ran upon the fifteenth article. The Earl of *Nottingham* observed, that it consisted of two parts, a certain grant of money, and the application thereof, in reference to which he said, "That it was highly unreasonable, that the *Scots*, who were by the treaty let into all the branches of our trade, and paid so little towards the support of the Government, and of a most expensive and bloody war, should moreover have an *Equivalent* of three-hundred ninety-eight thousand and eighty five pounds given them for coming into this treaty. His Lordship insisted much upon that argument, and took notice, as to the disposal of this *Equivalent*, that part of it, which was to be given to the *Darien* Company, was so ordered, as that it might be swallowed up by a few persons, without any particular regard to the indemnifying every private sufferer in that unhappy enterprise." The Lord *Hallifax* answered, "That this *Equivalent* could not be looked upon as a gift, but as an actual purchase of the *Scots Revenue and Customs*, which, by this Union, were to be applied to the payment of the debts of *England*; and that they were so more gainers by it, than the *English* were by the sale of Annuities at fifteen or sixteen years purchase. That, as to the disposal of the money, it being their own, it was but reasonable they should have the liberty of applying the same, as they thought most convenient, the *English* Commissioners being no ways concerned therein, whose care, nevertheless, and great pru-

1706-7. "dence had been such, that they made provision it should not be disposed of but by certain Commissioners, who should be accountable for the same to the Parliament of Great-Britain." Then their Lordships proceeded as far as the nineteenth article, and so adjourned to the 24th of February, when (the Queen being likewise present) the Lord *Thanes*, on the twentieth article, acquainted their Lordships, "That, himself having an *Heritable Office* here in *England*, by being perpetual Sheriff of the County of *Wiltshire*, he should be glad, with their Lordships leave, to have the opinion of the Judges about the preservation of that his right, there being no provision made in this article for *Heritable Offices* in *England*." The Lord Chamberlain seconded him in that motion, saying, "He had the honour likewise of having such an *Heritable Office*, about the preservation whereof he had the very same doubts and scruples with the noble Peer, who spoke last." Whereupon it was agreed, that the Judges should deliver their opinion about it, which they did, and their answers were much the same with what they had declared to the House to be their opinion with respect to the first article.

The Earl of *Rocheſter*, after reading the twenty-second article, declared, "That he looked upon it as incongruous, contradictory to, and inconsistent with itself. That there were sixteen Peers to be returned to the House of Lords, in the Parliament of Great Britain, who were Peers and no Peers. That, being all Peers by *Right of Inheritance*, they were, nevertheless, made here elective, which he took to be wresting them of their Peerage; because, not being sure of being always elected to every Parliament of Great-Britain, they consequently must lose, when left out, the benefit of sitting in Parliament, which was ever deemed an inseparable right of the Peerage. That the rest of the nobility of Scotland, to the number of above a hundred, were thereby manifestly injured; and that, for his part, he wondered very much, how the Scots came to accept of such unreasonable conditions; or how their Lordships could entertain the thoughts of permitting such Peers by election to sit among them." The Lords *Nottingham*, *North* and *Grey*, and *Guernsey* very much enforced this topic, adding, "That, as one might very well suppose, that those Scots Peers would be such, as were addicted to the Kirk, it might prove of dangerous consequence to the Church of *England*." The Earl of *Wearion* replied, "That, though they were all never so much of the Kirk party, yet there was no reason to fear, but they would also be very well disposed for the Church of *England*, and stand up in its defence on all occasions, since there were even some sitting amongst their Lordships, who would venture their lives for the Church of *England*, and yet openly declared themselves to be at the same time *Occasional Conformists*." The Lord *Haversham*, rightly judging, that he was hinted at by the Earl, stood up to inform the House, what he understood by an *Occasional Conformist*, in which explanation he appeared somewhat embarrassed; for after having made a long encomium on the *Episcopal Order*, which he took to be the best and most conformable to *Primitive*

Christianity, he gave no less commendations to all the Protestant Churches abroad, and to the Kirk of Scotland itself in particular, which, he said, was a true Protestant Church." The Bishop of *Bath and Wells* declared, "That, for his part, he was altogether against this Union, though he could wish with all his heart it had been completed an hundred years ago, because all the ferment and discords, which now were likely to issue upon it, would, by this time, have had their course. That he could no better compare it, than to the mixing together strong liquors of a contrary nature in one and the same vessel, which would go on being burst asunder by their furious fermentation: That their bench was always reckoned the dead weight of the House; but that the sixteen Scots Peers, being admitted to sit therein, would more effectually be so, especially in any future debates relating to the Church, towards which they could no ways be supposed to be well-affected; and therefore he was humbly of opinion, that some provision might be made for debarring them of their votes in any Church-matter, that should hereafter come in agitation." To all this, and much more that was alleged on account of the danger of the Church, when so many votes of persons tied to Presbytery were admitted to a share in the Legislature, it was answered by the Lords *Sommers*, *Hallifax*, and others, that the chief danger, the Church was in, were from France and from Popery: So that whatsoever secured us from these, delivered us from our justest fears. Scotland lay on the weakest side of England, where it could not be defended, but by an army: The coaleries on the *Tyne* lay exposed for several miles, and could not be preserved, but at a great charge, and with a great force: If a war should fall out between the two Nations, and if Scotland should be conquered, yet, even in that case, it must be united to England, or kept under by an army: The danger of keeping up a standing force, in the hands of any Prince, and to be modelled by him (who might engage the Scots to join with that army and turn upon England) was visible: And any Union, after such a conquest, would look like a force, and so could not be lasting; whereas all now was voluntary. As for Church-matters, there had been such violence used by all sides in their turns, that none of them could reproach the others much, without having it returned upon them too justly. A softer management would lay those heats, and bring men to a better temper: the *Canons of Switzerland*, though very zealous in their different religions, yet were united in one general body: The Diet of Germany was composed of men of three different Religions: So that several Constitutions of Churches might be put under one Legislature; and, if there was a danger of either side, it was much more likely that five hundred and thirteen would be too hard for forty-five, than that forty-five would master five hundred and thirteen; especially when the Crown was on their side: And there were twenty-six Bishops in the House of Lords, to outweigh the sixteen votes from Scotland. The debate being over, the twenty-second article was approved by a majority of seventy-one votes against twenty-two; and then the remaining articles were likewise approved. Upon the reading the last, the Earl of *Abingdon* moved, that the Judges opinion

1706-7. opinion might be asked, what laws would be repealed by this Union, and what would remain in force; but that motion was rejected. Then the Earl of Nottingham stood up, and begged their Lordships pardon "for having troubled them almost to every article, excusing himself, however, by urging, that they were such material objections occurring to him, as in conscience he thought himself obliged to lay before the House. That as Sir John Maynard made this compliment to the late King at the Revolution, *That, having buried, upon account of his great age, all his Contemporaries in Westminster-Hall, he was afraid, if his Majesty had not come in that very juncture of time, he might have likewise outlived the very laws themselves*; so, if this Union did pass, as he had no reason to doubt but it would most certainly pass, he might, with as much reason, and as justly affirm, he had outlived all the laws, and the very Constitution of England." Concluding with a prayer to God, "to avert the dire effects, which might probably insue from such an Incorporating Union." Three days after, the Bishop of Sarum reported to the House of Lords

the Resolutions of their Grand Committee, ap-^{1706-7.} proving the treaty of Union, which were agreed to by a great Majority; but several Peers entered their protests, some against all, others, against some of the articles (1).

The several articles of the Union being thus agreed to by both Houses, a bill was ordered to be brought in to enact it, which was prepared by Sir Simon Harcourt, the Solicitor-General, with so particular a contrivance, as to cut off all debates. The preamble was a recital of the articles, as they were passed in Scotland, together with the acts made in both Parliaments for the security of their several Churches; and in conclusion there came one enacting clause, ratifying all. This put those upon great difficulties, who had resolved to object to several articles, and to insist on demanding some alterations in them: They could not object to the recital, it being merely matter of fact; and they had not strength enough to oppose the general enacting clause; nor was it easy to come at particulars, and to offer proviso's relating to them. The matter was carried on with such zeal, that it passed the House of Commons, before those who intended

(1) They were as follow:

We dissent to every one of the twenty-five resolutions.

Granville, Haverham, Stawell.

I dissent to the four last resolutions, having not been present at the passing the others.

Geo. Bath and Wells.

I dissent to every one of the twenty-five resolutions, except the second.

Beaufort.

I dissent to the first, fourth, fifth, sixth, ninth, fifteenth, eighteenth, nineteenth, twenty-first, twenty-second, and twenty-fifth resolutions.

Abingdon.

Dissentient To the ninth Resolution.

Because we humbly conceive the sum of forty-eight thousand pounds, to be charged on the Kingdom of Scotland, as the quota of Scotland, for a land-tax, is not proportionable to the four shillings aid granted by the Parliament of England; but if, by reason of the present circumstances of the Kingdom, it might have been thought it was not to bear a greater proportion at this time, yet we cannot but think it unequal to this Kingdom, that it should be agreed, that whenever the four shillings aid shall be enacted by the Parliament of Great-Britain, to be raised on land in England, that the forty-eight thousand pounds, now raised on Scotland, shall never be increased in time to come, when the trade of that Kingdom should be extremely improved, and consequently the value of their land proportionably raised, which, in all probability, it must do, when this Union shall have taken effect.

North and Grey, Rochester, Howard, Leigh, Guilford.

Dissentient To the fifteenth Resolution.

Because we humbly conceive nothing could have been more equal on this head of the treaty, than that neither of the Kingdoms should have been burdened with the debts of the other, contracted before the Union; and if that proposal, which we find once made in the minutes of the treaty, had taken place, there would have been an occasion to have employed the Revenues of the Kingdom of Scotland towards the pay-

ment of the debts of England; those Revenues might have been strictly appropriated to the debts of the Kingdom, and to any other use within themselves, as should have been judged requisite; and there would have been no need of an Equivalent of very near four hundred thousand pounds to be raised on England, within this year, for the purchase of those Revenues in Scotland, which, however it may prove to be but a reasonable bargain, upon a strict calculation, there does not seem to have been a necessity just now to have raised so great a sum, when this Kingdom is already burdened with so vast ones for necessary charges of the war.

Rochester, North and Grey, Guilford, Leigh.

Dissentient To the twenty-second Resolution.

Because we humbly conceive, in the first place, that the number of sixteen Peers of Scotland is too great a proportion to be added to the Peers of England, who very rarely consist of more than an hundred attending Lords in any one Session of Parliament; and, for that reason, we humbly apprehend, such a number as sixteen may have a very great sway in the resolutions of this House, of which the consequence cannot now be foreseen.

In the second place, we conceive the Lords of Scotland, who, by virtue of this treaty, are to sit in this House, being not qualified as the Peers of England are, must suffer a diminution of their dignity to sit here on so different foundations, their right of sitting here depending intirely on an election, and that from time to time during the continuance of one Parliament only; and, at the same time, we are humbly of opinion, that the Peers of England, who sit here by creation from the Crown, and have a right of so doing in themselves or their heirs by that creation for ever, may find it an alteration in their constitution, to have Lords added to their number, to sit and vote in all matters brought before a Parliament, who have not the same (right) of their seats in Parliament, as the Peers of England have.

Buckingham, North and Grey, Leigh, Rochester, Guilford.

We dissent to the resolution of passing the last article, because, there being no enumeration of what laws are to be repealed, it is conceived too great a latitude of construction thereupon is left to the Judges.

Abingdon, Leigh, North and Grey, Guilford.

(1) On

1706-7. to oppose it had recovered themselves out of the surprize, under which the form, it was drawn in, had put them. The bill was carried there by a majority of two hundred and seventy-four voices against a hundred and sixty, who were for rejecting it (1). The bill was, on the 11th of March, carried by Mr. *Spencer Compton* to the House of Lords, who gave it a quick dispatch; but, upon the third reading, the Lord *North* and *Grey* offered a Rider to be added to it, importing, "That nothing, in this ratification contained, should be construed to extend to an approbation or acknowledgement of the truth of the Presbyterian way of worship, or allowing the Religion of the Church of Scotland to be what it was styled, the true Protestant Religion." After a debate, the question was put, "Whether this Rider should be read a second time, and it was carried in the negative by fifty-five voices against twenty-nine; upon which several Lords entered their dissent (2). Then the question being put, *Whether this bill should pass?* It was resolved in the affirmative by a great majority; but several Peers entered their protests against it (3).

When the Queen came to the House of Lords to pass the Union-bill, she made the following speech to both Houses:

My Lords and Gentlemen,

The Queen's speech on passing the Union-bill.

"I T is with the greatest satisfaction, that I have given my assent to a bill for uniting *England and Scotland* into one Kingdom. "I consider this Union as a matter of the greatest importance to the wealth, strength, and safety of the whole Island; and, at the same time, as a work of so much difficulty and nicety in its own nature, that till now all attempts, which have been made towards it, in the course of above a hundred years, have proved ineffectual; and therefore I make no doubt, but it will be remembered and spoke of hereafter, to the honour of those,

"who have been instrumental in bringing it to 1706-7. such a happy conclusion.

"I desire and expect from all my subjects of both Nations, that from henceforth they act with all possible respect and kindness to one another, that so it may appear to all the world, they have hearts disposed to become one people.

"This will be a great pleasure to me, and will make us all quickly sensible of the good effects of this Union.

"And I cannot but look upon it as a peculiar happiness, that in my Reign so full provision is made for the peace and quiet of my People, and for the security of our Religion, by so firm an establishment of the Protestant Succession throughout Great-Britain.

Gentlemen of the House of Commons,

"I take this occasion to remind you of making effectual provision for the payment of the *Equivalent* to Scotland, within the time appointed by the act; and I am persuaded, you will shew as much readiness in this particular, as you have done in all the parts of this great work.

My Lords and Gentlemen,

"The season of the year being now pretty far advanced, I hope you will continue the same zeal, which has appeared throughout this Session, in dispatching what yet remains unfinished of the public business before you."

Thus this great design, so long wished and laboured for in vain, was begun and happily ended within the compass of nine months. The Union was to commence on the 11th of May, and, till that time, the two Kingdoms were still distinct, and their two Parliaments continued to sit.

The act of Union was no sooner passed, but

Ill use of an the 4th and 6th articles of the Union prevented.

(1) On the 22^d of February, upon Mr. *Bromley's* motion, the Commons ordered, "That it be an instruction to the Committee of the whole House, to whom the bill for an Union between the two Kingdoms of *England and Scotland* was committed, that they might receive a clause, that the two Universities of this Kingdom might continue for ever, as they now are by law established." But a motion being made, and the question put, "That it be another instruction to the Committee, that they might receive a clause to make the like provision, that the subjects of this Kingdom should be for ever free of any oath, test, or subscription within this Kingdom, contrary to, or inconsistent with, the true Protestant Religion, Government, Worship, and Discipline of the Church of *England*, as now by law established, as was already provided for the subjects of *Scotland*, with respect to their Presbyterian Government;" it passed in the negative. The same day Sir *Roger Molyneux* moved, that a clause should be inserted in the said bill, in favour of the Convocation of the Clergy, as part of the Constitution; which assertion and motion were both exploded. But, the Parliament of *Scotland* having inserted in the articles of Union several clauses for draw-backs and allowances upon divers commodities of the growth of that Kingdom, which might put the *English* traders upon an unequal foot with the *Scots*; the Commons of *England* took that matter into their consideration; and, in a

Committee of the whole House came to several resolutions for allowing draw-backs on *English* salt, white herrings, beef, pork, oatmeal, and grain, called *Bear* alias *Big*, exported from *England and Wales*: Which resolutions were, on the 27th of February, reported to the House, agreed to, and a bill ordered to be brought in, which received the Royal assent.

(2) *Dissentient*

Beaufort, Buckingham, North and Grey, Anglesea, Winchelsea, Northampton, Abingdon, Nottingham, Scarfdale, Geo. Bath, and Wells, Thanet, Granville, Stawell, Guernsey, Weymouth, Guilford, Leigh.

(3) *Dissentient*

Nottingham, Anglesea, Thanet, Winchelsea, Northampton, Scarfdale, Weymouth, Guernsey.

Because the constitution of this Kingdom has been so very excellent, and therefore justly applauded by all our neighbours, for so many ages, that we cannot conceive it prudent now to change it, and to venture at all those alterations made by this bill, some of them especially being of such a nature, that, as the inconvenience and danger of them (in our humble opinion) is already but too obvious, we think it more proper and decent to avoid entering further into the particular apprehension we have from the passing of this law.

Beaufort, Buckingham, Stawell, Guilford, Granville, Leigh.

1706-7. an ill use was intended to be made of it. The Customs of *Scotland* were then in a farm, and the Farmers were the creatures of the Ministry, some of whom, as was believed, were sharers with them: It was visible, that, since there was to be a free trade opened, between *Scotland* and *England*, after the first of *May*, and since the duties in *Scotland*, laid on trade, were much lower than in *England*, that there would be a great importation into *Scotland*, on the prospect of the advantage, that might be made by sending it into *England*. Upon such an emergency, it was reasonable to break the farm, as had been ordinarily done upon less reason, and to take the Customs into a new management, that so the gain, to be made in the interval, might go to the publick, and not be left in private hands: But the lease was continued in favour of the Farmers. They were men of no interest of their own, so it was not doubted, but that there was a secret practice in the case. Upon the view of the gain, to be made by such an importation, it was understood, that orders were sent to *Holland*, and other places, to buy up wine, brandy, and other merchandize. And another notorious fraud was designed by some in *England*; who, because of the great draw-back that was allowed for tobacco and other plantation commodities, when exported, were sending great quantities to *Scotland*, on design to bring them back after the first of *May*, that so they might sell them free of that duty. A bill was therefore offered to the Commons, for preventing these fraudulent practices. When this bill was read the third time, Mr. Secretary *Harley* proposed the adding another clause, namely, that all goods, that were carried into *Scotland* after the first of *February* (unless it were by the natural-born subjects of that Kingdom inhabiting in it) in case they were imported into *England* after the first of *May*, should be liable to the *English* duties; and of this, the proof was to lie on the Importer: This angered all the *Scots*, who raised a great clamour upon it, and said, the Union was broke by it; and that such a proceeding would have very ill effects in *Scotland*. But the House of Commons were so alarmed with the news of a vast importation, which was aggravated far beyond the truth, and by which they concluded, that the trade of *England* would greatly suffer, at least for a year or two, that they passed the bill, and sent it to the Lords, where it was rejected; for it appeared plainly to them, that this was an infraction of some of the articles of the treaty. It was suggested, that a recess for some days was necessary, that so the Commons might have an opportunity to prepare a bill, prohibiting all goods from being brought to *England*, that had been sent out, only in order that the Merchants might have the draw-back allowed. Accordingly, the Queen came to the House of Peers on the 8th of *April*, and prorogued the Parliament to the 14th of that month.

Petition
of the
Merchants
against im-
porting
goods into
Scotland.
Fr. H. C.
IV. 68.

The Parliament being met again on that day, the Queen came to the House of Lords, and made a short speech to both Houses, importing, "That she was willing to give them an opportunity of coming together again, to consider, if any thing could properly be done to prevent the inconveniencies, that might hap-

pen to trade, by too great an interval between 1707.
"the rising of the Parliament and the first of *May*; and that she need not add, that what-
"ever was to be done of that kind, would re-
"quire to be dispatched in a little time." The Commons, who were more inflamed than be-
"fore, being returned to their House, received
and read a petition of the Merchants concerned
in the importation of wines and brandy from
Spain, *Portugal*, and *Italy*, and of other goods
from *Holland*, &c. complaining, "That great
"quantities of *French* wines, brandies, silks,
"prunes, rosin, &c. of the growth and pro-
"duct of *France*; whalebone, linen, drugs,
"coffee, spices, &c. from *Holland* and from
"France; were directly brought, and more in-
"tended to be imported into the Kingdom of
"Scotland, in order to be brought thence and
"imported into *England*, after the first of *May*,
"to avoid the *English* duties, to the great de-
"triment and loss of some, and the utter ruin
"of others, who had imported, and were im-
"porting into *England* the like commodities
"from *Spain*, *Portugal*, *Italy*, and *Holland*,
"paying the high duties upon them; which
"commodities had been chiefly purchased abroad
"with the woollen manufactures, corn, and other
"products of *England*; and praying, that the
"House would prevent the importation of these
"goods, which would be a great damage, not
"only to the Petitioners, but to her Majesty's
"Customs; or otherwise so to provide for the
"Petitioners relief, as the House should think
"fit. The next day the Commons, in a Com-
"mittee of the whole House, resolved, first, "That ^{Resolution}
"the importation of goods and merchandizes of ^{thereon}
"the growth and produce of *France*, and other
"foreign parts, into *Scotland*, in order to be
"brought from thence into *England*, after the
"first of *May*, and with intention to avoid the
"payment of the *English* duties, would be to
"the damage and ruin of fair traders, to the
"prejudice of the manufactures of *England*, a
"great loss to her Majesty's revenue of the cus-
"toms, and a very great detriment to the pub-
"lick. Secondly, That the exporting of goods
"and merchandizes from *England* into *Scotland*,
"that are intitled to a draw-back, with intention
"to bring the same back again into *England* af-
"ter the first of *May*, was a most notorious
"fraud, to the damage and ruin of fair traders,
"to the great loss of her Majesty's revenues of
"the Customs, and a very great detriment to the
"publick." These resolutions being immediately
reported and agreed to, a bill was ordered to
be brought in upon the same; which, being pas-
sed, was sent to the Lords for their concurrence.
But it being apprehended, that this law would
give offence to the *Scots*; and the most eminent
Lawyers, who were consulted about it, not agree-
ing in their opinions, the Court thought fit to
let it fall; the rather, because the first of *May*
was near at hand, and that the practices of the
fraudulent Traders had, in great measure, been
prevented by the terror of the intended law, and
the clause offered by Mr. *Harley*. And, there-
fore, the Queen came to the House of Peers on
the 24th of *April*, and made the following
speech to both Houses:

1707.

My Lords and Gentlemen,

The
Speech to
both
Houses.
April 24.
Pr. H. C.
IV. 70.

"I Return you my hearty thanks for the great zeal and affection, which you have shewn for my service and the publick good, in the several affairs, which have been before you, especially in that of the Union of Scotland, which, I doubt not, will prove a lasting blessing to this Island.

Gentlemen of the House of Commons,

"I am to thank you in particular for the great dispatch you have made, in providing the largest and most effectual Supplies, that have ever been given to the Crown for the current service, in any one Session of Parliament. I am very much concerned, that the publick occasions require the raising of such great sums from my people. I will take care they shall be applied to the uses, for which they are given; and I hope, by God's blessing, we may obtain advantages from them, answerable to so great an expence.

My Lords and Gentlemen,

"It is proper for me, before we part, to communicate to you, that I think it expedient, that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great-Britain, for, and on the part of England; and therefore I intend, within the time limited, to publish a proclamation for that purpose, pursuant to the power given me by the acts of Parliaments of both Kingdoms, ratifying the treaty of Union. And, after we have so fully compleated this great work, I assure myself, that, when you return to your several Countries, you will omit no opportunity of making my subjects sensible of the security, and the other great and lasting benefits, they may reasonably expect from this happy Union.

"This will conduce very much to make it prove so, and be a good preparation to the success of our next meeting; when, I hope, we shall all join our sincere and hearty endeavours to promote the welfare and prosperity of Great-Britain."

After this speech, the Lord-Keeper prorogued the Parliament to the 30th of April 1707.

Remarks
on the
Union.
Burnet.

Thus this remarkable Session came to a happy conclusion, after having finished the great transaction of the Union, on which it may not be improper to make the following observations. It is certain, the design on *Darien* the great charge it put *Scotland* to, and the total miscarriage of that project, made the trading part of that Kingdom see the impossibility of undertaking any great design in trade; and this made them the more ready to concur in carrying on the Union. The wiser men of that Nation had observed long, that *Scotland* lay at the mercy of the Ministry, and that every new set of Ministers made use of their power to enrich themselves and their creatures at the cost of the publick; that

the Judges being made by them were in such a dependance, that, since there are no Juries allowed in *Scotland* in civil matters, the whole property of the Kingdom was in their hands, and by their means in the hands of the Ministers. They had also observed, how ineffectual it had been to complain of them at Court. It put those, who ventured on it, to a vast charge, to no other purpose, but to expose them the more to the fury of the Ministry. The poor Noblemen and the poor Boroughs made a great majority in their Parliament, and were easily to be purchased by the Court. They saw therefore no hopes of a remedy for such a mischief, but by an Incorporating Union with *England*. These thoughts were much quickened, by the prospect of recovering what they had lost in that ill-concerted undertaking of *Darien*; and this was so universal and so operative, that the design on *Darien*, which the Jacobites had set on foot and prosecuted with so much fury, and with bad intentions, did now engage many to promote the Union, who, without that consideration, would have been at least neutral, if not backward in it. The Court was engaged to promote the Union, on account of the act of Security passed in the year 1704, which was imputed chiefly to the Lord-Treasurer. Threatenings of impeaching him for advising it had often been let fall; and, upon that, his enemies had set their chief hopes of overthrowing him; for, though no proof could be brought of his counsel in it, yet it was not doubted, but that his advice had determined the Queen to pass it. An impeachment was a word of an odious sound, which would engage a party against him, and disorder a Session of Parliament; and the least ill effect it might have, would be to oblige him to withdraw from business, which was chiefly aimed at. The Queen was very sensible, that his managing the great trust he was in, in the manner he did, made all the rest of her Government both safe and easy to her; and therefore she spared no pains to bring this about, and it was believed she was at no small cost to compass it; for those of *Scotland* had learned from *England* to set a price upon their votes, and expected to be well paid for them. The Lord-Treasurer likewise exerted himself in this matter with an activity and zeal, that seemed not to be in his nature; and indeed, all the application, with which the Court pursued this affair, was necessary to master the opposition and difficulties, which sprang up in the progress of it. That, which compleated all, was the low state, to which the affairs of *France* were reduced. That Kingdom could spare neither men nor money to support their party, which otherwise they would undoubtedly have done. They had, in imitation of the *Exchequer* notes here in *England*, given out *Mint-Bills* to a great value; some said two hundred millions of livres. These were ordered to be taken by the subjects in all payments, as money to the full value, but were not to be received in payments of the King's Taxes. This put them under a great discredit, and the fund created for repaying them, not being thought a good one, they had sunk seventy per cent. This occasioned an inexpressible disorder in all payments, and in the whole commerce of *France*. All the Methods, that were proposed for raising their credit, had proved ineffectual;

1707. ineffectual; for they remained, after all, at the discount of fifty-eight *per cent.* A Court, in this distress, was not in a condition to spare much to support such an inconsiderable interest, as they esteemed their party in *Scotland*; who therefore had not the assistance, which they promised themselves from thence. The conjuncture of these various incidents, which brought this great work to a happy conclusion, was so remarkable, that the laying them all in one view will, it is hoped, not be thought an impertinent digression.

The Parliament reviewed by proclamation.

The Parliament being at an end, the Queen, by virtue of a clause in the act of Union, and pursuant to her promise in her speech, revived it by a proclamation of the 29th of April, and, by another of June 5, declared her pleasure for holding the first Parliament of *Great-Britain* on the 23d of October. Upon this, many of the Scotch Lords came to London, and were very well received. *Montrose* and *Roxburgh* were made Dukes in *Scotland*; some of them were made Privy-Counsellors in *England*; and a Commission, for a new Council, was sent to *Scotland*: There appeared soon two different parties among the Scotch; some of them moved, that there should neither be a distinct Government, nor a Privy-Council continued there, but that all should be brought under one Administration, as the several Counties in *England* were; they said, the sooner all were consolidated, in all respects, into one body, the possibility of separating and disuniting them would be the sooner extinguished; this was pressed with the most earnestness by those, who were weary of the

present Ministry, and longed to see their power at an end: But the Ministry, who had a mind to keep up their authority, said, there was a necessity of preserving a shew of Greatness, and a form of Government in those parts, both for subduing the Jacobites, and that the Nation might not be disgusted, by too sudden an alteration of outward appearances. The Court resolved to maintain the Ministry there, till the next Session of Parliament, in which new measures might be taken. Thus affairs were happily settled at home, and the first of May, when the Union took place, being appointed to be observed as a day of publick and general thanksgiving for the happy conclusion of the treaty of Union, it was celebrated with a decent solemnity. Congratulatory addresses on account of the Union were presented to the Queen from all parts of the Kingdom. But it was observed, that the University of *Oxford* were silent on this occasion, as well as the *Scots*, which made the Addressers of *Brackley* in *Northamptonshire* suggest, "That after the little notice, that had hitherto been taken of the Union by those, who enjoyed the greatest share of it, at least an equivalent of the advantage, they had some thoughts of not disturbing her Majesty at this time, in her great concerns for the liberties of all *Europe*, had they not been afraid, lest the malice of the world should have unjustly tacked them to some of her Majesty's mistaken subjects, who, by their silence, in not addressing, had sufficiently declared their dislike of what her Majesty had owned her greatest pleasure and satisfaction." (1)

About

(1) That the proceedings in the affair of the Union might not be interrupted, the following particulars, which happened during this Session, were purposely omitted.

The House of Commons addressed the Queen about resettling the islands of *Nevis* and *St. Christophers*, which had suffered much by the *French*. The *French* came from *Martinico* with five men of war and twenty sloops to *St. Christophers*, and made a descent in March 1706; being repelled in their attack of the castle, they fell in among the plantations, some of which they burnt, and plundered the inhabitants; but the Governour of *Barbadoes*, upon notice of it, sent down a sloop to the Governour of *St. Christophers*, to acquaint him there was a strong squadron of *English* men of war coming to his assistance; which news being conveyed to the *French* had the intended effect, for they no sooner heard of it, than they quitted the island, taking away with them about three hundred Negroes. From thence they went to *Nevis*, where they landed their troops, and the inhabitants being over-powered by numbers retired to the mountains; the enemy, marching thither too, attacks them; they beat a parley, and a capitulation was concluded the next day, March 24, by which they were to be prisoners of war, but to remain in the island, and procuring a like number of *French* prisoners, to be released by way of exchange, either in *America* or *Europe*; and, in the mean time, they were to be civilly used, and their houses and sugar-works preserved; but the *French* broke the capitulation in several respects, treating them most barbarously, and burning their houses and sugar-works, and by threats and ill usage forced many of them to form a second agreement the 6th of April, promising the enemy in six months time to send to *Martinico* a certain number of Negroes, or money in lieu thereof, af-

ter which they left the island. The Commander and other Officers of this squadron gave so little content to the *French* Court by their conduct in this expedition, that they were put under arrest upon their arrival in *France*.

The Marquis of *Caermarthen* having offered to go with a small squadron of men of war to *Madagafcar*, to suppress the pyrates there, who were become very troublesome and dangerous to the navigation in those parts, the Commons appointed a Committee to consider that matter; and it was resolved to present an humble address to her Majesty to take into her Royal consideration how the said pyrates might be suppressed; and another, that she would be pleased to use her endeavours to recover and preserve the ancient possessions, trade, and fishery in *Newfoundland*.

The *French* Refugees, by private direction of the Bishop of *Sam*, and some other persons in power, addressed the Queen, representing, "That the Protestant Churches of *France*, though ever struggling under oppression, held formerly a considerable rank; and that her Majesty's predecessors had always such a tender regard for them, as to protect and support them to the utmost of their power: That the famous edict of *Nantes*, in favour of the Protestants of *France*, was, in great measure, owing to the great interest Queen *Elizabeth* had with King *Henry* the Fourth of *France*: That King *James* the First, her Majesty's Great Grandfather, did often interpose, by his Ambassadors, in behalf of the *French* Reformed Churches. And, that King *Charles* the First, her Majesty's Grandfather, intervened as Mediator in the treaty, which *Lewis* XIII. made with the *Rochellers* (who held the principal rank among the Protestants of *France*) and afterwards, upon the *French* King's infraction of that treaty, began

1707.
Changes
and pro-
motions.

About this time there were made some changes in several publick offices. The Earl of *Stamford*, the Lord *Herbert of Cherburg*, *Robert Monkton*, and *John Pulney*, Esquires, were made Commissioners of Trade and Plantations, in the room of the Lord Viscount *Weymouth*, who had before resigned that post, and of *William Blaitwaite*, *John Pollexfen*, and *Matthew Prior*, Esquires, who were laid aside, as too strongly attached to the Tory-party. At the same time, by the interst of Mr. Secretary *Horley*, Sir *Simon Harcourt* was constituted Attorney-General, in the room of Sir *Edward Northey*; Sir *James Montague* succeeded Sir *Simon Harcourt* in the place of Solicitor-General; and the Honourable *Spencer Compton*, who had exerted his zeal and abilities in the treaty of Union, was made Treasurer and Receiver-General to Prince *George of Denmark*, and Pay-master to her Majesty's Pen-

sioners, in the room of Mr. *Nicholas*. In the beginning of *May*, the Queen declared the Lord *Cowper* Lord High-Chancellor of Great-Britain. In like manner, the Lord *Godolphin* was appointed Lord High-Treasurer of Great-Britain. Prince *George of Denmark* took the oath in the Court of Chancery, as Lord High-Admiral of Great-Britain, and by a new Commission appointed Sir *David Mitchell*, *George Churchill*, Mr. *Robert Walpole*, and Sir *Stafford Fairborne*, to be Council in the affairs of the Admiralty. In *January*, the Earl of *Manchester* received his instructions to go Ambassador Extraordinary to the Republick of *Venice*, and, in his journey thither, he went to the Courts of *Vienna* and *Turin*. But the most considerable change had been made in *December*, by the promotion of the Earl of *Sunderland* to the Post of Secretary of State, in the room of Sir *Charles Hedges*:
Though

1707.

"a war with *France* upon that account." Moreover, they set forth, "That they found and accounted themselves to happy in living under her Majesty's gentle Government, and among a Nation, where they had been so kindly entertained, when driven from their native country by the violence of persecution, that, if they had nothing but their own private interest in view, they would sit quiet and easy, and be contented to share the felicity of her Majesty's natural-born subjects; but that the just concern they ought to have for their brethren, relations, and friends, who still groaned in *France* under the pressure of persecution, obliged them to lay hold on this occasion, most humbly to beseech her sacred Majesty, that, when her thoughts should be employed in settling the great concerns of *Europe* in a treaty of peace, her Majesty would graciously vouchsafe to take into her Royal care the interest of the poor distressed Churches of *France*, which having been ruined by the superstitious vanity of the enemy, so it would add to the solid glory of her Majesty's Reign, to be instrumental in restoring the same." This address having been presented to the Queen, on the 7th of *April*, by some of the most eminent persons among the *French* Refugees, she was pleased to tell them, "That she always had a great compassion for the unhappy circumstances of the persecuted Protestants of *France*: That she would communicate her thoughts upon this matter to her Allies; and she hoped such measures might be taken, as might effectually answer the intent of their petition."

On the 15th of *May*, *Andrew de Matneff*, Ambassador Extraordinary from the Czar of *Muscovy*, had a private audience of the Queen, in which his Excellency delivered to her Majesty a long letter from the Czar, dated *April 27*, containing a detail of the services he had done King *Augustus* from his first election to the Crown of *Poland*; and "complaints of the ill treatment of the *Russian* troops sent to his assistance; of the imprisoning of Count *Patkul*, his Minister and General; of King *Augustus*'s non-performance of the treaty made with the Czar; and of his concluding a dishonourable peace with the King of *Sweden*, without his Czarish Majesty's privy; pursuant to which he had delivered up Count *Patkul*, on pretence of his being a *Swedish* Deserter, contrary to the laws of Nations, and even custom of the *Barbarians*." Desiring, in the conclusion, "That her Britannic Majesty would use her good offices, to procure the liberty of the said *Patkul*, or, at least, that he might be used as his Czarish Majesty's Minister, and not as a subject of the King of *Sweden*; as also to obtain the enlargement of the other

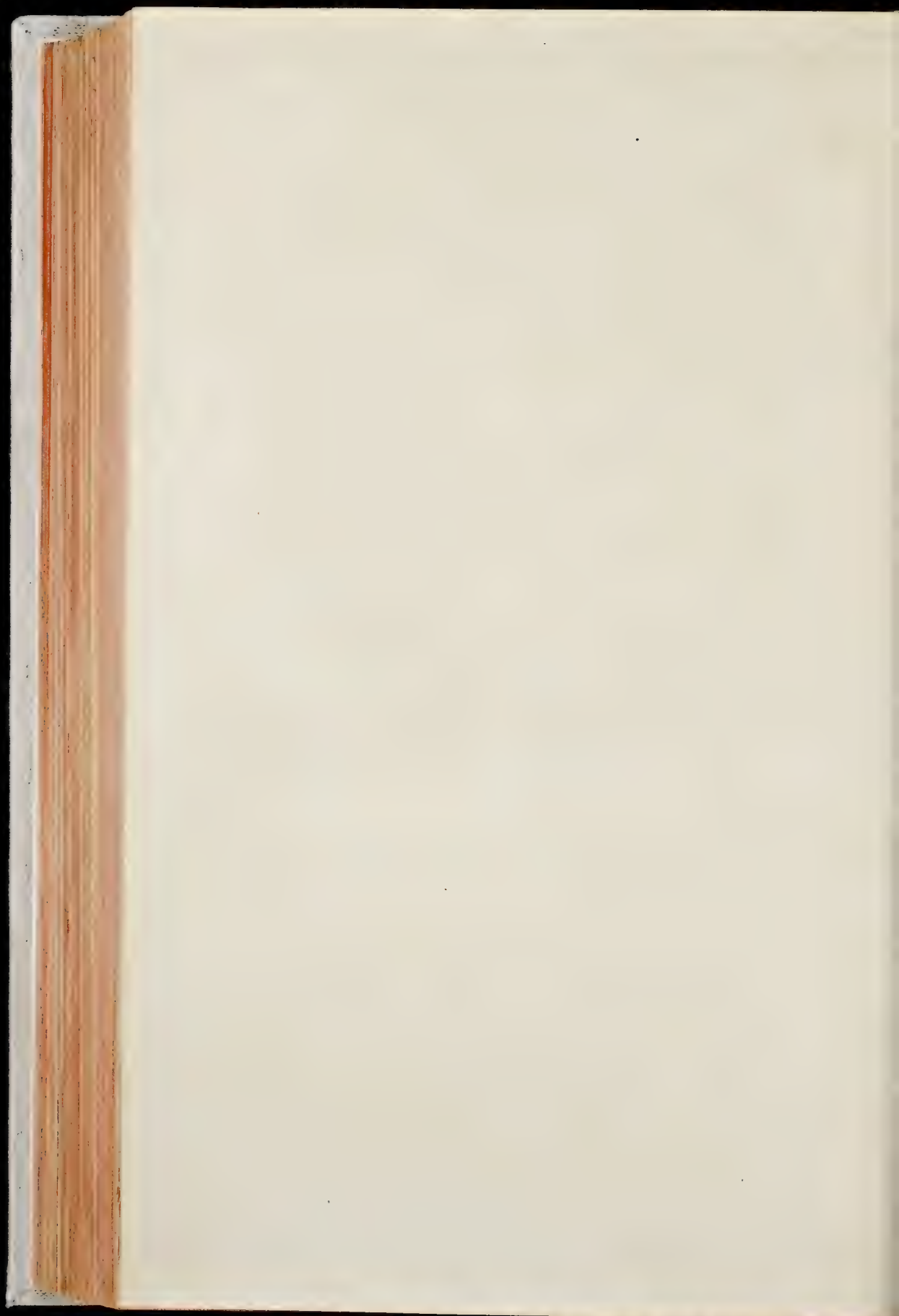
"*Russian* General Officers, and other subjects of *Muscovy*, detained at *Stockholm*. As for the remaining "of the *Russian* auxiliaries, now upon the *Rhine*, the Czar put them under her Britannic Majesty's protection, and desired, that they might enter into her Majesty's service, or that of her Allies; or, at least, "he intreated her Majesty's good offices, that they might have leave to return home with safety." In compliance with the Czar's desire, the Queen used her good offices in favour of Count *Patkul*, but her intercession proved ineffectual, and that unfortunate Gentleman was afterwards barbarously put to death.

The Republick of *Venice*, having at last appointed the Chevaliers *Erizzo* and *Pisani* their Ambassadors Extraordinary, to compliment the Queen on her accession to the Throne, their Excellencies made their public entry into *London*, on the 19th of *May*, in a very magnificent manner; and having, for three days, been splendidly entertained at *Somerjet-House*, had their public audience of the Queen, on the 22d, at *St. James's House*. Three days after they had a private audience of her Majesty, and then returned homewards, Signior *Cornaro*, the *Venetian* Ambassador in ordinary, continuing here to take care of the concerns of that republick.

The Government thinking fit to check the licentiousness of the press, *William Pittis*, being convicted of writing a scandalous and seditious libel, intituled, *The case of the Church of England's Memorial fairly stated: Or, A modest inquiry into the grounds of those prejudices, that have been entertained against it*, was fined by the Court of *Queen's Bench* one hundred marks, and to stand in the pillory at *Charing Cross* with a paper on his head, denoting his offence; and also near the *Royal Exchange* in *Cornhill* in like manner. Which sentence was executed accordingly. *George Sawbridge*, convicted of publishing that libel, was fined two hundred pounds, and committed to the *Queen's Bench* prison till he paid the same; and also to be brought by the Marshal of that prison to all the Courts at *Westminster* (the Courts sitting) with a paper on his head, denoting his offence.

On the 30th of *April* the case of Dr. *James Drake*, indicted for writing a pamphlet, called *Mercurius politicus*, was argued at the *Queen's Bench* bar; but it appearing, that, in the libel set forth in the information, the word *nor* was inserted, and in the libel given in evidence the word *nor*; upon arguing of that error, the Court inclined for the party accused; whereupon the trial was adjourned, and he was afterwards acquitted. The same day Dr. *Joseph Browne* was tried at *Guild-Hall* before the Lord-Chief-Justice *Holt* for handing to the press a paper of verses, called *The Country Parson's advice to the Lord Keeper*; where, in a gross, ironical





1707. Though it was not till after much sollicitation, that the Queen could be prevailed with to make this alteration (1).

The Convocation would have opposed the Union, but prevented.

The Convocation, as usually, sat this winter with the Parliament. Though they had, in their former Session, differed much about the form of an address to the Queen, yet now they agreed pretty unanimously, and both Houses presented a congratulatory address upon the wonderful success of her arms, and acknowledged the Church to be in a safe and flourishing condition under her Majesty's Administration. But, notwithstanding this address, when the debates concerning the Union were before the Parliament, some in the Lower-House spoke very tragically on that subject, and a Committee was named to

consider of the present danger of the Church. 1707.

This was carried, by the private management of some aspiring men amongst them, who hoped, by a piece of skill, to shew what they could do, that it might recommend them to farther preferment; they were much cried out on, as betrayers of their party, for carrying that address, so, to recover their credit, and because their hopes from the Court were not so promising, they resolved now to act another part. It was given out, that they intended to make an application to the House of Commons, against the Union; to prevent that, the Queen wrote to the Archbishop, ordering him to prorogue them for three weeks: By this means that design was defeated, for, before the end of the three weeks, the

ironical way, the Archbishop of Canterbury, the Dukes of Southampton, Richmond, Somerset, Bolton, and Devonshire, the Earls of Montague, Pembroke, Essex, and Orford, the Lords Sommers, Mohun, Haverham, Wharfen, and Hallifax, and the Bishop of Sarum, were scurrilously reflected upon. The charge being plainly proved by the Printer, and by Mr. Lewis, Secretary to Mr. Harley, the Jury brought the Doctor in guilty; and some time after he received sentence to stand in the pillory, which was executed upon him.

On the 6th of May, being the last day of the term, Judge Powl, in the Court of Queen's-Bench, pronounced sentence against Mr. William Stephens, Rector of Sutton in Surry, for writing a seditious pamphlet, called, *A letter to the Author of the Memorial of the Church of England*; which contained most scandalous reflections on the Duke of Marlborough's conduct last campaign, and against Mr. Secretary Harley. The Judge told the prisoner, "That his offence was the greater, in that it was the duty of his calling to teach others the positive precept of the gospel about the reverence we owe to Sovereigns, and those, who are in authority under them; but, that his crime was still the more heinous in abusing the Duke of Marlborough, a Peer, who had done such glorious actions for his Country, and so well deserved of the common cause." Adding with respect to the Secretary, "That the traducing the Queen's Ministers was a down-right abuse upon her Majesty herself." Stephens would have spoken something by way of submission, but the Judge pronounced the judgment of the Court against him; which was "That he should be fined an hundred marks, and stand twice in the pillory with a paper fixed to his hat, denoting his offence; the first time at Charing-Cross, and the next day before the Royal-Exchange; and that he should find sureties for his good behaviour for a twelvemonth." However, it being represented and considered, that the inflicting such an ignominious punishment on a person in holy orders might give offence to the whole Clergy; the execution of this sentence was first suspended, and at last the pillory remitted, though with this mortifying circumstance, that Stephens was brought to a publick house at Charing-Cross, from whence he saw the scaffold, and multitudes of people gathering together to be spectators of his disgrace.

On the 6th of November, Dr. Joseph Browne being convicted of writing and publishing another scandalous and seditious libel, intitled, *A letter to the Right Honourable Mr. Secretary Harley, occasioned by his late commitment to Newgate: Together with his interpretation of that paper, called, "The Country-Parson's advice to my Lord-Keeper," laid to his charge*; reflecting upon the Great-Officers of State, and several of the Nobility of this Kingdom, was, on the 14th of November, fined for the same by the Court of Queen's-Bench forty marks, and ordered to stand in

the pillory two days after at Charing-Cross and also near the Royal-Exchange in Cornhill, and to give security for his good behaviour for one year.

Edward Ward, being convicted of writing, printing, and publishing several scandalous and seditious libels, particularly, *Judithas Radivorus, Or, A Burlesque Poem on the times*, highly reflecting upon the Queen and the Government, was likewise, on the 14th of November, fined forty marks, and ordered to stand twice in the pillory, with a paper on his head, denoting his offence, and to give security for his good behaviour for one year. Some were of opinion, that these, and other prosecutions of the like nature, were chiefly promoted by Mr. Secretary Harley, not only that he might thereby appear to be entirely devoted to the General and Treasurer, but with a deeper design of rendering them obnoxious by those unpopular severities.

(1) The Dutcheffs of Marlborough, in the *Account of her Conduct*, p. 172, observes, That the Whigs. after the services they had done, and the assurances the Queen had given them, thought it reasonable to expect, that one of the Secretaries at least should be such a man, as they could place a confidence in. They believed they might trust the Earl of Sunderland; and, though they did not think him the properest man for the post, yet, being the Duke of Marlborough's son-in-law, they chose to recommend him to her Majesty, because, as they expressed themselves to the Dutcheffs, they imagined it was driving the nail that would go. The Duke indeed was not in his inclination for this promotion of the Earl; but, how hard pressed both he and the Lord-Treasurer Godolphin were by the Whigs to have it brought to effect, appears from the following letter of his to the Dutcheffs, dated at Grametz in October 1706. "When I writ my last, I was very full of the spleen, and, I think, with too much reason: My whole time, to the best of my understanding, has been employed for the public good, as I do assure you I do in the presence of God, neglecting no opportunity of letting 83 [the Queen] see what I take to be her true interest. It is terrible to go through so much uneasiness. I do not say this to flatter any party, for I will never do it, let the consequence be what it will. For, as parties, they are both in the wrong. But it is certain 73* and his adherents are not to be trusted. So that 83 [the Queen] has no choice but that of employing those, who will carry on the war, and support 91 [Lord Godolphin]. And, if any other method is taken, I know we shall go into confusion. Now, this being the case, I leave you to judge, whether I am dealt kindly with? I do not say this for any other end but to have your justice and kindness, for in that will consist my future happiness. I am sure I would venture a thousand lives, if I had them, to procure ease and happiness to the Queen. And yet no number of men could persuade me to act as a Mi-

1707. the Union had passed both Houses. But, when one factious design failed, they found out another; they ordered a representation to be made to the Bishops, which set forth, that, ever since the submission of the Clergy in *Henry* the Eighth's time, which was for a course of a hundred and seventy-three years, no such prorogation had ever been ordered, during the sitting of Parliament: And they besought the Bishops, that, from the conscientious regard, which they doubted not they had, for the welfare of this Church, they would use their utmost endeavours, that they might still enjoy those usages, of which they were possessed, and which they had never misemployed: With this, they brought up a schedule, containing, as they said, all the dates of the prorogations, both of Parliament and Convocation, thereby to make good their assertion: And, to cover this seeming complaint of the Queen's proceedings, they passed a vote,

that they did not intend to enter into any debate, concerning the validity of the late prorogation, to which they had humbly submitted. It was found to be a strange and a bold assertion, that this prorogation was without a precedent: Their charge, in the preserving their usages, on the consciences of the Bishops, insinuated that this was a breach made on them: the Bishops saw this was plainly an attempt on the Queen's Supremacy; so they ordered it to be laid before her Majesty: and they ordered also a search to be made into the records. For though it was an undoubted maxim, that nothing but a positive law could limit the Prerogative, which a non-usage could not do; yet they ordered the schedule, offered by the Lower-House, to be compared with the records: They found that seven or eight prorogations had been ordered, during the sitting of Parliament, and there were about thirty or forty more, by which it appeared,

"nister in what was not my opinion. So that I shall never fail in speaking my mind very freely, and as my opinion is, that the takers, and all the adherents of 73, are not for carrying on the war, which is for the true interest of the Queen and Kingdom; you may depend I shall never join with any but such, as I think will serve her and the true interest of our Country with all their hearts. And, if the war continues but one year longer with success, I hope it will not be in any body's power to make the Queen's business uneasy. And then I should be glad to live as quiet as possible, and not envy the governing men, who would then, I believe, think better of 90 [*Duke of Marlborough*] and 91 [*Lord Godolphin*] than they now do. And I will own frankly to you, that the jealousy some of your friends have, that 90 [*Duke of Marlborough*] and 91 [*Lord Godolphin*] do not act sincerely, makes me so weary, that, were it not for my gratitude for 85 [*the Queen*], and concern for 91 [*Lord Godolphin*], I would now retire, and never serve more. For I have had the good luck to deserve better from all *Englishmen*, than to be suspected for not being in the true interest of my Country, which I am in, and ever will be, without being of a faction. And this principle shall govern me for the little remainder of my life. I must not think of being popular; but I shall have the satisfaction of my going to the grave with the opinion of having acted, as became an honest man. And, if I have your esteem and love, I should think myself intirely happy. Having writ thus far, I have received your two letters of the 20th and 21st, which confirm me in my opinion before. And, since the resolution is taken to vex and ruin 91 [*Lord Godolphin*], because 83 [*the Queen*] has not complied with what was desired for 117 [*Lord Sunderland*], I shall from henceforth despise all mankind, and think there is no such thing as virtue. For I know with what zeal 91 [*Lord Godolphin*] has pressed 83 [*the Queen*] in that matter. I do pity him, and shall always love him as long as I live, and never be a friend to any, that can be his enemy.

"I have writ my mind very freely to 83 [*the Queen*] on this occasion; so that, whatever misfortune may happen, I shall have a quiet mind, having done what I thought my duty. And, as for the resolution of making me uneasy, I believe they will not have much pleasure in that, for, as I have not set my heart on having justice done, as I shall not be disappointed, nor will I be ill used by any man."

The Dutchess of *Marlborough* likewise wrote the following letter to the Queen on this occasion:

"By the letter I had from your Majesty this morning, and the great weight you put upon the difference bewixt the word *Nation* and *Nation* in my letter, I am only made sensible (as by many other things) that you were in a great disposition to complain of me, since to this moment I cannot for my life see any essential difference betwixt these two words as to the sense of my letter, the true meaning of which was only to let your Majesty know with that faithfulness and concern, which I have ever had for your service, that it was not possible for you to carry on your Government much longer with so much partiality to one sort or one men, though they lose no opportunity of diserving you, and of shewing the greatest inveteracy against my Lord *Marlborough* and my Lord-Treasurer, and so much discouragement to others, who, even after great disobligations, have taken several opportunities to shew their firmness to your Majesty's interest, and their zeal to support you, and your Ministers too, only because they had been faithful and useful servants to you and the public.

"This was all the sense and meaning of my letter; and, if you can find fault with this, I am so unhappy, as that you must always find fault with me; for I am incapable of thinking otherwise as long as I live, or of acting now but upon the same principle, that I served you before you came to the Crown for so many years, when your unlimited favour and kindness to me could never tempt me to make use of it in one single instance, that was not for your interest and service. I am afraid I have been too long in explaining my thoughts upon the subject of my own letter, which it seems has been to great an offence; and how justly I leave you to judge; and I must beg your patience, since I am not very like to trouble you again, to let me say something upon the subject of your letter to my Lord-Treasurer, which he has shewn me to-day, with more concern than I know how to express.

"This was indeed the subject of my own letter, and the occasion of it; for I do not only see the uneasiness and the grief he has to leave your service, when you seem so desirous he should continue in it; but I see, as well as he, the impossibility of his being able to support it, or himself, or my Lord *Marlborough*, for it all hangs upon one thread; and, when they are forced to

"leave

1707. ed, that the Convocation sat sometimes before, and sometimes after a Session of Parliament, and sat sometimes, even when the Parliament was dissolved: Upon all this, the Queen wrote another more severe letter to the Archbishop (who had now prorogued the Convocation to the 10th of April) in which she signified her resentment of the Lower-House: Intimating, that she looked upon them as guilty of an *invasion of her Royal Supremacy repaid in her, by the Law and the Constitution of the Church of England*; and declaring, that, *if any thing of the like nature was attempted for the future, it would make it necessary for her to use such means for the punishing offences of this nature, as are warranted by law.* The Lower-House continued sitting after the prorogation. But, on April 10, when the Archbishop sent for the Lower-House, to communicate her Majesty's letter, and some Members appeared without the Prolocutor, he asked for him, and was told he was gone into the country. This appeared to be a contempt or neglect of such a nature, that it was not to be suffered; whereupon he proceeded to pass a sentence of Contumacy against him for his absence, reserving the punishment of his crime to the 30th of the same month, to which day the Convocation was prorogued, by a schedule, backed with a Royal writ. The Archbishop deferred the punishment, on purpose, that the Prolocu-

tor might have opportunity by his submission, 1707. on that day that was fixed on, to have prevented it. But, in this interval, a Protestation against the Archbishop was prepared, by the dissatisfied Members of the Lower-House, which was offered to the House on April 30, with an intimation, that it was the opinion of an eminent Counsellor who had been advised with, that no Process, begun before a prorogation upon the Royal writ, could be continued after such prorogation; and a concern seemed to be discovered, that the Royal Supremacy should be this way broken in upon: And to they who by the Archbishop, and the Queen herself, were charged with invading the Royal Supremacy, were willing it should be believed, that none had a greater concern for the Supremacy than they, and therefore by a protestation, which was carried up April 30, by the Prolocutor, the majority of the Lower-House declared the sentence of Contumacy, and the process continued after the prorogation, to be an invasion of the Royal Supremacy, unlawful, and altogether null: And yet, though the Prolocutor carried up this at the command of the House, and was pressed by his party to stand it out, yet, upon sounder advice given him by some, who understood the law better, he made a full submission, with which the Archbishop was satisfied, and the sentence was taken off. However, a party continued with

"leave your service, you will then indeed find
"yourself in the hands of a violent party, who,
"I am sure, will have very little mercy or even hu-
"manity for you. Whereas you ought to prevent
"all these misfortunes by giving my Lord-Treasur-
"er and my Lord Marlborough (whom you may
"so safely trust) leave to propose those things to
"you, which they know and can judge to be ab-
"solutely necessary for your service, which will put it
"in their power to influence those, who have
"given you proofs, both of their being able to
"serve you, and of their desiring to make you
"great and happy. But, rather than your Majesty
"will employ a party man, as you are pleased to
"call Lord Sunderland, you will put all things in
"confusion; and, at the same time, that you say
"this, you employ Sir Charles Hedges, who is in
"one against you, only that he has voted in re-
"markable things, that he might keep his place;
"and he did the same thing in the late King's
"time, till at last, that every body saw he was
"just dying, and he could lose nothing by differing
"with that Court. But formerly he voted with
"these men, the enemies to this Government,
"called Whigs; and if he had not been a party-
"man, how could he have been Secretary of State,
"when all your Councils were influenced by my Lord
"Rochester, Lord Nottingham, Sir Edward Seymour,
"and about six or seven more just such men, that
"call themselves the *Heroes for the Church*? But
"what Church can any man be of, that would
"disturb to just a Government as yours? Or how
"can any body be in the true interest of England,
"that opposes you and your Ministers, by whose
"advice, in four years time, you are very near
"pulling down the power of France, and making
"that Religion, they only talk of, not only more
"secure than in any of the late Reigns, but putting it
"upon a better foundation than it has been since the
"Reformation?

"You are pleased to say, you think it a great
"hardship to persuade a man to part with a place

"he is in possession of, for one, that is not va-
"cant. In some cases that were certainly right,
"but not in this; for Sir Charles Hedges can
"have the place he desires immediately; and it is
"much better for him, unless he could be Secretary
"of State for life. He will have two places, that
"are considerable, one of which he can compass
"no other way; and this is so far from being a
"hardship, that he and all the world must think
"it a great kindness done him; and he must be a very
"weak man, if he lost the opportunity of having
"such a certainty, when he cannot flatter himself,
"that (whatever happens) he can be supported long in
"a place of that consequence, for which he is so unfit.
"He has no capacity, no quality, no interest, nor
"ever could have been in that post, but that every
"body knows, my Lord Rochester cares for nothing so
"much as a man, that he thinks will depend upon
"him. I beg your Majesty's pardon for not wait-
"ing upon you; and I persuade myself, that, long
"as my letter is, it will be less troublesome to your
"Majesty."

It was a wonder to many, as the Dutches ob-
serves, that this affair of the Earl of Sunderland's
promotion met with such difficulties, considering his
relation to the Duke, whose merit, with his Queen
and Country, was every year augmenting. But it
quickly appeared, that the difficulties, raised by her
Majesty against parting with Sir Charles Hedges,
were wholly owing to the artifice and management
of Mr. Harley the other Secretary of State, whose
interest and secret transactions with the Queen were
then doubtless in their beginning. Harley had been
put into that post by the Lords Marlborough and
Godolphin, when my Lord Nottingham, in disgust,
resigned it. They thought him a very proper person
to manage the House of Commons, upon which so
much always depends. And his artifices had won
upon them so far, that they could not be persuaded,
but they might safely trust him, till experience
too late convinced them of the contrary. But it

1707 with great impudence to assert, that their schedule was true, and that the Queen was misinformed, though the Lord-Chancellor and the Lord Chief-Justice *Holt* had, upon perusal of the

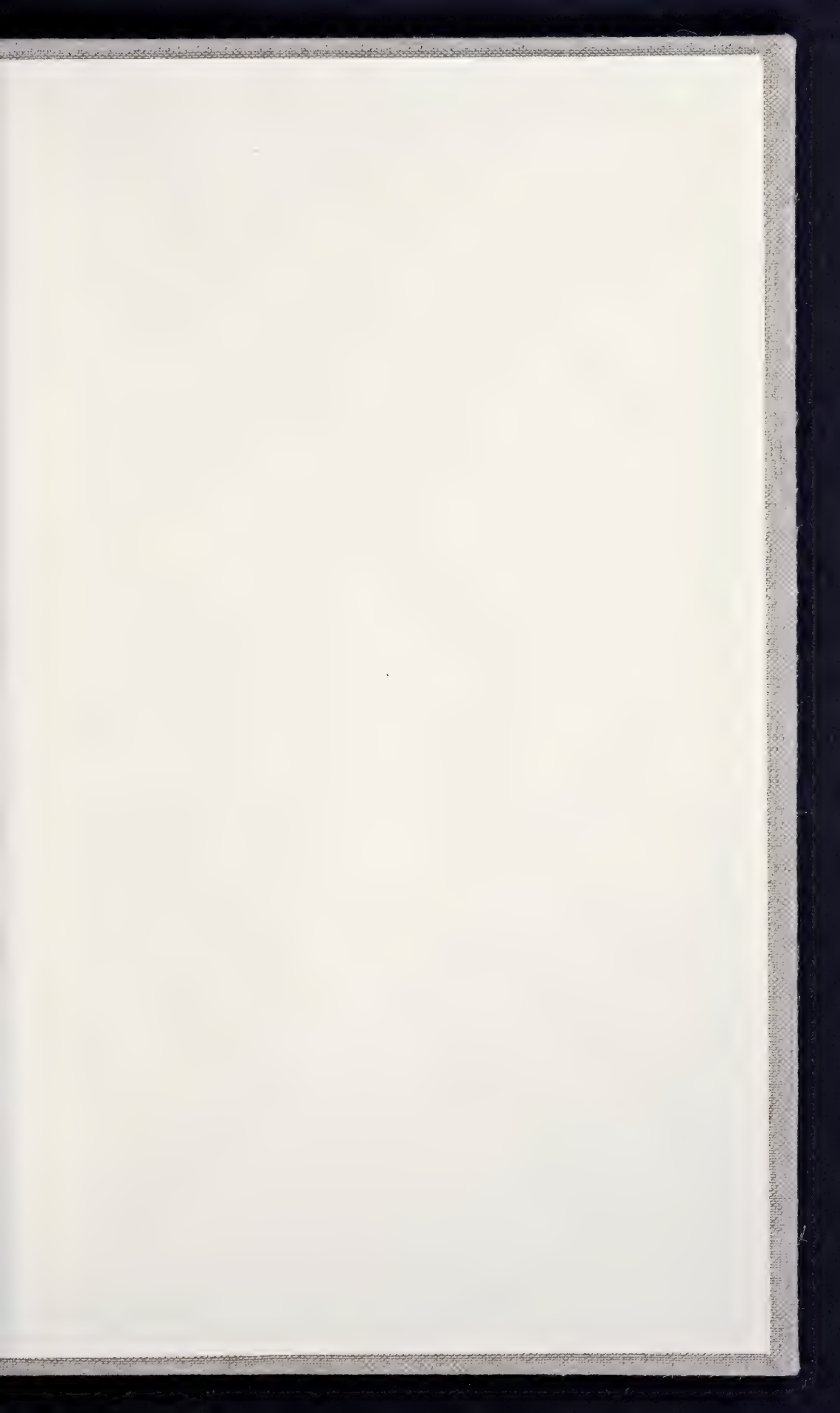
records, affirmed to the Queen, that their assertion was false, and that there were many precedents for such prorogations.

is no wonder, that, with such views, as he then had, he should be unwilling to see a Secretary of State displaced, over whom he thought he had some influence, and through whose hands the greater part of the business of his own office (scandalously neglected by himself) used to pass; and much more

unwilling to have him succeeded by a person, over whom he had no power whatsoever. As for Sir *Charles Hedges*, when he found, how backward the Queen was to dismiss him, he was so prudent, as to make a greater advantage to himself, by quitting his post, than he could have done by holding it.

The End of VOL. III.











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